

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 SCENIC NEVADA, INC.,
3 Appellant,

4 vs.

5 CITY OF RENO, a political subdivision
6 of the State of Nevada,
7 Respondent.

Supreme Court Case No. 65364

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8

9 **RESPONDENT'S ANSWERING BRIEF**
10 **(City of Reno)**

11 Second Judicial District Court, County of Washoe
12 The Honorable Patrick Flanagan, District Judge

13

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1 NRAP 26.1 DISCLOSURE

2 The undersigned attorney filing Respondent's Answering Brief is a Deputy
3 City Attorney for the City of Reno, a local government entity. As such, there are
4 no required disclosures of the type and character described in NRAP 26.1.

5 STATEMENT OF FACTS

6 **A. The Initiative Petition**

7 On January 20, 2000, a volunteer organization called "Citizens for a Scenic
8 Reno" ("CFASR") formed to lobby the Reno City Council to adopt stronger
9 billboard controls. (JA Vol. 1, at 187-191, 1853.) On March 29, 2000, CFASR
10 filed a municipal initiative petition which stated:

11 New off-premise advertising displays/billboards in the City of
12 Reno are prohibited, and the City of Reno may not issue
permits for their construction. (JA Vol. 3, at 587.)

13 The initiative only applied to off-premises billboards, not on-premises
14 advertising displays. The initiative appeared on the ballot in the 2000 general
15 election as Question R-1; specifically:

16 The construction of new off-premises advertising
17 displays/billboards is prohibited, and the City of Reno may not
issue permits for their construction. (JA Vol. 3, at 587.)

18 On November 7, 2000, Ballot Question R-1 passed with 57% approval. On
19 November 14, 2000, (JA Vol. 1, at 193.), the initiative became effective and was
20 codified as Reno Municipal Code ("RMC") § 18.16.902(a):

21 The construction of new off-premises advertising

1 displays/billboards is prohibited, and the City of Reno may not
2 issue permits for their construction.

3 On November 14, 2000, the City Council adopted City Ordinance No. 5206
4 establishing a moratorium on the filing and acceptance of applications for
5 billboards pending the amendments to the City's existing billboard ordinance. (JA
6 Vol. 3, at 615-655.)

7 On January 22, 2002, the City Council enacted Ordinance No. 5295 (the
8 "Conforming Ordinance"). (JA Vol. 3, at 542-576.) Under the Conforming
9 Ordinance, the City Council clarified that the "no new billboards" language in the
10 initiative meant that no *additional* billboards could be built in the City of Reno. In
11 other words, billboards could be maintained, repaired, replaced or relocated
12 provided the total aggregate number of billboards did not increase. The
13 Conforming Ordinance effectively placed a cap on the total number of billboards
14 within the City equal to the number of billboards that existed on November 14,
15 2000; specifically, RMC § 18.16.920(b):

16 In no event shall the number of off-premise advertising displays
17 exceed the number of existing off-premise advertising displays
18 located within the City on November 14, 2000. This number
19 shall include all applications for off-premises advertising
displays approved in final action by the City on or before
November 14, 2000 but unbuilt as well as those applications
approved by a court of competent jurisdiction [...] (JA Vol. 3,
at 562-563.)

20 In September 2002, CFASR changed its name to "Citizens For A Scenic
21 Northern Nevada" and adopting its current name, "Scenic Nevada." (JA Vol. 1, at

1 35; 215.) Today, Scenic Nevada is a non-profit Nevada corporation whose mission
2 is to educate the general public on the economic, social, and cultural benefits of
3 scenic preservation by means of encouraging billboard and sign control, among
4 other issues.

5 On June 11, 2003, the City Council enacted Ordinance No. 5461 (the
6 "Banking Ordinance") which allowed billboard owners to remove and bank
7 billboards from an existing location and erect the banked billboards at another
8 location on a future date, provided the relocated billboards complied with all
9 applicable sign code and regulations including RMC § 18.16.908(a). (JA Vol. 7, at
10 1569-1576.)

11 Between 2003 to 2012, neither Scenic Nevada nor the billboard industry
12 challenged the constitutionality of the Conforming Ordinance or the Banking
13 Ordinances.

14 Since the adoption of the Conforming and Banking Ordinances, the billboard
15 industry has banked 93 signs. (JA Vol. 2, at 301.)

16 **B. The Digital Ordinance**

17 Until 2012, RMC § 18.16.905(l) required all billboard lighting to be directed
18 toward the billboard. This requirement effectively prevented the construction of
19 digital billboards in Reno.

20 On February 13, 2008, the City Council directed staff to initiate an
21 amendment of the Reno Municipal Code to authorize the construction and

1 operation of digital billboards. (JA Vol. 1, at 217-218; JA Vol. 5, at 1053.)
2 Thereafter, City staff, legal counsel, Scenic Nevada and billboard industry
3 representatives held numerous public meetings to draft a Digital Ordinance. (JA
4 Vol. 1, at 177, 185,226,235; JA Vol. 5, at 1062; JA Vol. 8, at 1877.) At the
5 conclusion of a four year public process, City Council enacted Ordinance No.
6 6258, entitled “Digital Off-Premises Advertising Displays, including Light-
7 Emitting Diode (LED)” (the “Digital Ordinance”) on October 24, 2012. (JA Vol.
8 3, at 520-541.) The Digital Ordinance allowed existing, static billboards to be
9 converted to digital billboards.

10 On November 16, 2012, Scenic Nevada filed a Complaint for Judicial
11 Review to invalidate the Digital Ordinance. (JA Vol. 1, at 1-19.) The City filed a
12 *Motion to Dismiss* on the basis that the Petition improperly raised substantive, as
13 opposed to procedural, issues. The court granted the motion, but permitted Scenic
14 Nevada to file an amended complaint challenging the Digital Ordinance. (JA Vol.
15 1, at 28.)

16 On April 15, 2013, Scenic Nevada filed its *First Amended Complaint* (the
17 “Complaint”) alleging the Digital Ordinance violated the Nevada Constitution, the
18 Reno Municipal Code and the FHBA. (JA Vol. 1, at 32-51.) The Complaint
19 requested declaratory relief pursuant to NRS 30.040.

20 The City filed a *Motion to Dismiss* on April 24, 2013. The court denied the
21 City’s motion. (JA Vol. 1, at 57.) The case went to trial on February 24, 2014.

1 (JA Vol. ,I at 145.) On March 27, 2014, the court issued a Judgment in favor of
2 Defendant City of Reno confirming the legality of the Digital Ordinance. (JA Vol.
3 3, at 476.)

4 SUMMARY OF ARGUMENT

5 There are four reasons why the City Council's adoption of the Digital
6 Ordinance does not violate Article 19 of the Nevada Constitution. First, the three
7 year prohibition on modifying initiatives set forth in Nev. Const. Art. 19, § 2.3
8 applies only to statutes, not municipal initiatives like the initiative adopted by Reno
9 voters in 2000. Second, the Conforming Ordinance lawfully amended the initiative
10 in accordance with the city charter. Third, assuming, *arguendo*, that the City
11 violated the Nevada Constitution by adopting the Conforming Ordinance, Scenic
12 Nevada is time barred from challenging the constitutionality of the Conforming
13 Ordinance. Finally fourth, Scenic Nevada's constitutional challenge is moot.

14 ARGUMENT

15 **A. The City did not violate Article 19 of the Nevada Constitution** 16 **by adopting the conforming billboard ordinance less than** **three years after the adoption of the initiative**

17 Non-home rule municipalities like the City of Reno only have powers
18 expressly conferred upon them, implied powers necessary to effectuate the granted
19 powers, and essential powers. 1-24 ANTIEAU ON LOCAL GOVERNMENT LAW,
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21

1 SECOND EDITION § 24.01. Sec. 2.080(1) of the city charter¹ authorizes the City
2 Council to “make and pass all ordinances, resolutions and orders not repugnant to
3 the Constitution of the United States or the State of Nevada, or to the provisions of
4 Nevada Revised Statutes or of this Charter, necessary for the municipal
5 government and the management of the affairs of the City, and for the execution of
6 all the powers vested in the City.” In addition, for the purpose of promoting
7 health, safety, morals, or the general welfare of the community, the Nevada
8 Legislature authorized the City Council to regulate and restrict the improvement of
9 land and to control the location and soundness of structures, including billboards,
10 within the corporate limits of the city. NRS 278.020.

11 It is a general rule that the power to enact local legislation implies the power
12 to suspend, amend or repeal it, providing that no property or contract rights have
13 vested by reason of the passage of the enactment. 2-25 ANTIEAU ON LOCAL
14 GOVERNMENT LAW, SECOND EDITION § 25.18. As the duly recognized legislative
15 body for the City of Reno, the City Council has the right to adopt, modify and/or
16 repeal city ordinances. City ordinances may be enacted on one day, and
17 subsequently amended, annulled, repealed, set aside or suspended any time

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21 ¹ The Reno City Charter is state law, enacted and amended by the Nevada
Legislature.

1 thereafter provided the City Council substantially complies with § 2.100 of the city
2 charter.²

3 Nev. Const. Art. 19, § 2.1 states that “the people reserve to themselves the
4 power to propose, by Initiative petition, *statutes* and *amendments to statutes* and
5 *amendments to this Constitution*, and to enact or reject them at the polls.” [Italics
6 added.] Nev. Const. Art. 19, § 2.3 applies specifically to “statutes”, and states that
7

8 ² **Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.**

9 1. All proposed ordinances when first proposed must be referred to a
10 committee for consideration, after which an adequate number of copies of the
11 proposed ordinance must be filed with the City Clerk for public distribution.
12 Except as otherwise provided in subsection 3, notice of the filing must be
published once in a newspaper qualified pursuant to the provisions of chapter 238
of NRS, and published in the City at least 10 days before the adoption of the
ordinance. The City Council shall adopt or reject the ordinance, or an amendment
thereto, within 45 days after the date of publication.

13 2. At the next regular meeting or adjourned meeting of the City Council
held at least 10 days after the date of publication, the committee shall report the
ordinance back to the City Council. Thereafter, it must be read as first proposed or
as amended, and thereupon the proposed ordinance must be finally voted upon or
action thereon postponed.

15 3. In cases of emergency or where the ordinance is of a kind specified in
16 section 7.030, by unanimous consent of the City Council, final action may be taken
17 immediately or at an emergency meeting called for that purpose, and no notice of
the filing of the copies of the proposed ordinance with the City Clerk need be
published.

18 4. All ordinances must be signed by the Mayor, attested by the City Clerk
and published by title, together with the names of the Councilmen voting for or
against passage, in a newspaper qualified pursuant to the provisions of chapter 238
of NRS, and published in the City for at least one publication, before the ordinance
becomes effective. The City Council may, by majority vote, order the publication
of the ordinance in full in lieu of publication by title only.

20 5. The City Clerk shall record all ordinances in a book kept for that purpose,
21 together with the affidavits of publication by the publisher.

1 “[i]f the initiative petition proposes a *statute* or an *amendment to a statute*, [...]
2 [a]n initiative measure so approved by the voters shall not be amended, annulled,
3 repealed, set aside or suspended by the Legislature within 3 years from the date it
4 takes effect.” [Italics added.]

5 Unlike Nev. Const. Art. 19, § 2.3, Nev. Const. Art. 19, § 4 does not
6 expressly limit a city council’s ability to amend, annul, repeal, set aside or suspend
7 initiative ordinances. Moreover, neither the city charter nor NRS chapter 268
8 places any express limits on the City Council’s ability to amend, annul, repeal, set
9 aside or suspend city ordinances or initiative ordinances. Instead, NRS 295.220
10 requires that a municipal initiative be treated in all respects in the same manner as
11 ordinances of the same kind adopted by the council. Thus, like all ordinances, an
12 initiative cannot be legally interpreted to conflict with the city charter, or operate to
13 change or limit the effect of the charter. See, *MUNICORP* § 15:17 (3rd Edition)
14 (“an ordinance must conform to, be subordinate to, not conflict with, and not
15 exceed the city charter, and can no more change or limit the effect of the charter
16 than a legislative act can modify or supersede a provision of the constitution of the
17 state.”).

18 In *Horne v. City of Mesquite*, 120 Nev. 700, 100 P.3d 168 (2004), the
19 Nevada Supreme Court considered a case where two voter approved initiative
20 ordinances conflicted with state law. The first ordinance dealt with public land
21 sales, requiring the City to conduct all public land sales by a public auction or a

1 public sealed bid process. The second ordinance governed candidacy eligibility,
2 requiring an elected official or public employee to file his resignation from
3 office/employment before seeking election as mayor or city council member.
4 Horne, 120 Nev. at 701, 100 P.3d at 168. Ultimately, the court struck down both
5 initiatives, holding that that the citizens of the City of Mesquite did not have the
6 legislative power to pass initiative ordinances that conflicted with NRS
7 266.267(1)(public land sales) or NRS 266.405(1)(candidate eligibility). Horne,
8 120 Nev. at 707, 100 P.3d at 172. The court reasoned that initiative petitions
9 passed by the voters of a city are treated the same in all respects as ordinances
10 passed by the city council of that city, and that the citizens have only those
11 legislative powers that the local governing body possesses. Horne, 120 Nev. at
12 705, 100 P.3d at 171.

13 In the present case, similar to Horne, citizens of a locality have only those
14 legislative powers that the local governing body possesses, so the initiative adopted
15 by Reno voters in 2000 cannot impinge upon the Legislature's express grant of
16 legislative authority to the City Council pursuant to § 2.080 of the city charter.
17 Horne, 120 Nev. at 705, 100 P.3d at 171. Because the city charter preempts
18 conflicting local legislation, the initiative may be amended, annulled, repealed, set
19 aside or suspended by the City Council at any time for any reason provided the
20 Council complies with § 2.100 of the city charter. To hold otherwise would be
21 repugnant to the provisions of NRS 295.220 and § 2.080 of the city charter.

1 In short, the three year prohibition set forth in Article 19, § 2.3 applies only
2 to statutes, not municipal initiatives, and specifically, not to the initiative adopted
3 by Reno voters in 2000. Thus, the City did not violate Article 19 of the Nevada
4 Constitution by modifying the initiative and adopting the Conforming Ordinance
5 less than three years after the adoption of the initiative.

6 **B. The Conforming Ordinance lawfully amended the initiative**
7 **in accordance with the city charter**

8 When a statute uses words which have a definite and plain meaning, the
9 words will retain that meaning unless it clearly appears that such meaning was not
10 so intended. Balboa Ins. Co. v. Southern Distrib. Corp., 101 Nev. 774, 710 P.2d
11 725 (1985); City of Las Vegas v. Macchiaverna, 99 Nev. 256, 661 P.2d 879
12 (1983). If language is plain and unambiguous, it must be given effect. State v.
13 State of Nevada Employees Ass'n, Inc., 102 Nev. 287, 289-290, 720 P.2d 697,
14 699 (1986).

15 It is also a cardinal rule, where it is necessary to interpret or construe parts of
16 a constitution, wherein a conflict of opinion has arisen as to the true intent the
17 clauses in question should be read in the light of the whole constitution. Ex parte
18 SHELOR, 33 Nev. 361, 373, 111 P. 291 (1910). In light of Ex parte Shelor, it is
19 clear from the plain meaning of Art. 19, § 2.1³, that § 2.3 only pertains to “statutes

20 _____
21 ³ Nev. Const. Art. 19, § 2.1: “Notwithstanding the provisions of Section 1 of
Article 4 of this Constitution, but subject to the limitations of Section 6 of this

1 and amendments to statutes and amendments to this Constitution.” “Statutes”,
2 “Legislature” and “constitutional amendments” are words which have definite,
3 plain and unambiguous meanings. Municipal ordinances are not statutes or
4 constitutional amendments, either in terms of scope of authority or duration.

5 The terms “statutes” and “constitutional amendments” are plain and
6 unambiguous in Article 19, and must be given effect. Because Art. 19, § 2.3 only
7 applies to statutes, Nev. Const. Art. 19, § 2.3 is not intended to place a three year
8 limitation on a city council’s ability to amend, annul, repeal, set aside, or suspend
9 initiative ordinances. Instead, Nev. Const. Art. 19 § 4 specifically addresses
10 municipal initiatives:

11 **Powers of Initiative and referendum of registered voters of**
12 **counties and municipalities.** The initiative and referendum powers
13 provided for in this article are further reserved to the registered voters
14 of each county and each municipality as to all local, special and
15 municipal legislation of every kind in or for such county or
16 municipality. In counties and municipalities initiative petitions may be
17 instituted by a number of registered voters equal to 15 percent or more
18 of the voters who voted at the last preceding general county or
19 municipal election. Referendum petitions may be instituted by 10
20 percent or more of such voters.

16 In interpreting legislation, Nevada follows the rule that “*expression unius est*
17 *exclusion alterius*”, which translates as the expression of one thing is the exclusion
18 of the other. See, State v. Javier C., 289 P.3d 1194 (2012). The fact that the
19

20 Article, the people reserve to themselves the power to propose, by Initiative
21 petition, *statutes and amendments to statutes and amendments to this*
Constitution, and to enact or reject them at the polls.” [Italics/emphasis added.]

1 Nevada Constitution distinguishes between initiative petitions relating to statutes
2 and constitutional amendments in Art. 19, § 2, and initiative petitions relating to
3 municipal ordinances in Art. 19, § 4, indicates that the framers intended that
4 municipal initiatives be treated differently than initiative petitions relating to
5 statutes and constitutional amendments; specifically, *nowhere in § 4 does it state*
6 *that municipal initiatives approved by the voters of a city cannot be amended,*
7 *annulled, repealed, set aside or suspended by a city council within three years*
8 *from the date of adoption.*

9 Instead, pursuant to Nev. Const. Art. 19, § 5 (legislative procedures), the
10 Legislature enacted NRS 295.195 to NRS 295.220, inclusive. NRS 295.220
11 specifically requires initiative ordinances to be treated in all respects in the same
12 manner as ordinances of the same kind adopted by the council. As discussed
13 above, Home holds that the citizens of a locality have only those legislative powers
14 that the local governing body possesses, and an initiative ordinance cannot impinge
15 upon state law. Home, 120 Nev. at 705, 100 P.3d at 171. Because the city charter
16 is state law, the initiative cannot limit the City Council's ability to legislate.
17 Accordingly, it follows that the three year prohibition set forth in Article 19 applies
18 only to statutes and constitutional amendments, not municipal ordinances, and
19 specifically, not to the initiative adopted in 2000. Thus, even if the Conforming
20 Ordinance was inconsistent with the initiative, because the three year prohibition
21 does not apply to municipal initiatives, the City did not violate Article 19 of the

1 Nevada Constitution by adopting the Conforming Ordinance less than three years
2 after the passage of the initiative.

3 **C. Even assuming, *arguendo*, that the City violated the Nevada**
4 **Constitution by amending, annulling, repealing, and setting**
5 **aside the initiative less than three years after its passage by**
6 **adopting the Conforming Ordinance, Scenic Nevada is time**
7 **barred from challenging the Conforming Ordinance**

8 A cause of action challenging the constitutionality of the Conforming
9 Ordinance would have accrued on January 22, 2002, the date the City Council
10 adopted the Conforming Ordinance. Depending upon which statute of limitations
11 applies, Scenic Nevada is 6-10 years beyond the applicable period of limitations
12 for challenging the enactment of the Conforming Ordinance. *See, e.g.*, NRS
13 278.0235 (25 days)⁴, NRS 11.190(3)(a) (three years), and NRS 11.220 (four years).
14 Scenic Nevada is time barred.

15 ⁴ The City Council adopted the Conforming and Digital Ordinances pursuant to
16 NRS 278.020 (“For the purpose of promoting health, safety, morals, or the general
17 welfare of the community, the governing bodies of cities and counties are
18 authorized and empowered to regulate and restrict the improvement of land and to
19 control the location and soundness of structures”). The short limitation period of
20 NRS 278.0235 is important in connection with municipal actions because both the
21 City and the general public need to be able to rely upon the ordinance going
forward.

18 This case is a perfect illustration of this point. Since the adoption of the
19 Conforming Ordinance, the City has allowed relocated billboards to be constructed
20 and has banked 93 billboards from the billboard industry. (JA Vol. 2, at 301.) For
21 the last 10 years, billboard companies have removed and “banked” billboards in
reliance on the rights granted under the Conforming Ordinance to subsequently
relocate that billboard. It is unfair, unreasonable and unlawful for Scenic Nevada
to claim 10 years after the fact that the banking provisions in the Conforming

1 **D. Scenic Nevada's constitutional challenge pursuant to Article**
2 **19 became "moot" three years from the date of adoption of**
3 **the initiative**

4 The question of mootness is one of justiciability. A controversy must be
5 present through all stages of the proceeding, see Arizonans for Official English v.
6 Arizona, 520 U.S. 43, 67, 117 S. Ct. 1055, 137 L. Ed. 2d 170 (1997); Lewis v.
7 Continental Bank Corp., 494 U.S. 472, 476-78, 110 S. Ct. 1249, 108 L. Ed. 2d 400
8 (1990), and even though a case may present a live controversy at its beginning,
9 subsequent events may render the case moot. University Sys. v. Nevadans for
10 Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004); Wedekind v. Bell, 26
11 Nev. 395, 413-15, 69 P. 612, 613-14 (1902).

12 In this case, the initiative was adopted on November 14, 2000. (JA Vol. 1,
13 at 193.) The City Council adopted the Conforming Ordinance approximately 14
14 months later. (JA Vol. 3, at 542-576.) The claim that the Conforming Ordinance
15 violates the three year prohibition found in Article 19 became moot when Scenic
16 Nevada failed to seek judicial relief declaring the Conforming Ordinance
17 unconstitutional on or before November 14, 2003, three years from the date of
18 adoption of the initiative. Nearly ten years after the fact, the court cannot grant
19 effective relief with respect to the alleged procedural constitutional violation at

20
21 Ordinance are invalid and therefore, the billboard industry loses the right to
22 construct the banked billboards.

1 issue, and this matter should be dismissed as moot. Personhood Nev. v. Bristol,
2 245 P.3d 572, 574, 126 Nev. Adv. Rep. 56 (2010).

3 Furthermore, even under Scenic Nevada's reasoning, three years after the
4 enactment of the initiative in 2000 the City Council had the full right to pass an
5 ordinance regulating billboards without reference to, or compliance with, the
6 initiative. Here, the City Council adopted the Digital Ordinance in 2012—12 years
7 after the passage of the initiative. The initiative could not legally bind the City
8 Council in any manner when it passed the Digital Ordinance in 2012. Scenic
9 Nevada's position that the Digital Ordinance is invalid because it somehow
10 included provisions that may have been invalid in 2002 is not supported by any
11 logic, reason or authority. In fact, the City Council could have repealed the
12 initiative in 2003 or any time thereafter. Thus the initiative did not bind or limit
13 the City Council's legislative discretion in 2012 when it adopted the digital board
14 ordinance. Any inconsistency between the Digital Ordinance and the initiative is
15 irrelevant.

16 CONCLUSION

17 In conclusion, the three year prohibition set forth in Nev. Const. Art. 19, §
18 2.3 applies only to statutes, not municipal initiatives, and not the initiative adopted
19 by Reno voters in 2000. In addition, the Conforming Ordinance lawfully amended
20 the initiative in accordance with the city charter. Scenic Nevada's challenge is
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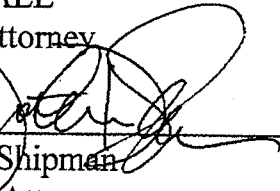
1 both time barred and moot. For these reasons, the Court should uphold the district
2 court's Judgment in favor of Defendant City of Reno dated March 27, 2014.

3 **AFFIRMATION PURSUANT TO NRS 239B.030**

4 The undersigned does hereby affirm that the preceding document filed in
5 this court does not contain the social security number of any person.

6 Dated this 9th day of February, 2015.

7 KARL S. HALL
8 Reno City Attorney

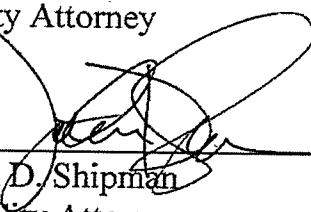
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1 CERTIFICATE OF COMPLIANCE

2 I hereby certify that I have read this appellate brief, and to the best of my
3 knowledge, information, and belief, it is not frivolous or interposed for any
4 improper purpose. I further certify that this brief complies with all applicable
5 Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires
6 every assertion in the brief regarding matters in the record to be supported by a
7 reference to the page of the transcript of appendix where the matter relied on is to
8 be found. I further certify that the brief complies with the typeface and type style
9 requirements of Rule 32(a)(4)-(6) (14-point New Times Roman proportionally
10 spaced typeface), as well as the page limitation under Rule 32(a)(7)(A)(i) (25
11 pages). I understand that I may be subject to sanctions in the event that the
12 accompanying brief is not in conformity with the requirements of the Nevada
13 Rules of Appellate Procedure.

14 Dated this 19TH day of February, 2015.

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CERTIFICATE OF SERVICE

I certify that I electronically filed *Respondent's Answering Brief (City of Reno)* with the Clerk of the Court by using the ECF system which served the following parties electronically:

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Dated this 19th day of February, 2015.



JILL ZARKER