

SENATE BILL NO. 265—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 1, 2001

Referred to Committee on Government Affairs

SUMMARY—Requires city or county to pay just compensation or authorize alternative location for certain structures under certain circumstances. (BDR 22-156)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to zoning; requiring a city or county to pay just compensation or authorize an alternative location for certain structures under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:  
3     ***1. If a city or county, through the adoption, operation or***  
4     ***enforcement of any ordinance or code, requires the removal of a***  
5     ***nonconforming outdoor advertising structure, the city or county shall:***  
6     ***(a) Pay just compensation for the loss of the nonconforming outdoor***  
7     ***advertising structure to the owner of the nonconforming outdoor***  
8     ***advertising structure and to the owner of the real property upon which***  
9     ***the nonconforming outdoor advertising structure is located; or***  
10    ***(b) Authorize the owner of the nonconforming outdoor advertising***  
11    ***structure to relocate that structure to a site which is determined to be a***  
12    ***comparable site by the city or county and the owner of the***  
13    ***nonconforming outdoor advertising structure.***  
14    ***2. If a city or county prohibits the owner of a nonconforming***  
15    ***outdoor advertising structure from routinely maintaining the***  
16    ***nonconforming outdoor advertising structure, the city or county shall***  
17    ***provide just compensation or authorize a comparable alternative location***  
18    ***for the nonconforming outdoor advertising structure in the same manner***  
19    ***as if the city or county had required the removal of the nonconforming***  
20    ***outdoor advertising structure pursuant to subsection 1.***  
21    ***3. A city or county shall not allow or require the removal of a***  
22    ***nonconforming outdoor advertising structure to occur pursuant to an***



\* S B 2 6 5 R 1 \*

1 *amortization schedule, regardless of the length of the period set forth in*  
2 *the amortization schedule.*

3 4. *The requirements of subsection 1 do not apply if a nonconforming*  
4 *outdoor advertising structure is required to be removed as a result of the*  
5 *owner of the real property upon which the nonconforming outdoor*  
6 *advertising structure is located terminating the lease that governs the*  
7 *placement of the nonconforming outdoor advertising structure on that*  
8 *property pursuant to the terms of that lease.*

9 5. *A city or county shall not require the removal of a nonconforming*  
10 *outdoor advertising structure as a condition to the development of the*  
11 *property upon which the nonconforming outdoor advertising structure is*  
12 *located without first holding a public hearing at which the owner of the*  
13 *nonconforming outdoor advertising structure has an opportunity to be*  
14 *heard.*

15 6. *If the owner of a nonconforming outdoor advertising structure or*  
16 *the owner of the real property upon which the nonconforming outdoor*  
17 *advertising structure is located disagrees with the amount of just*  
18 *compensation the city or county determines should be paid to him, the*  
19 *owner may appeal the determination to a court of competent jurisdiction.*  
20 *In determining the amount of just compensation that should be paid to*  
21 *an owner pursuant to subsection 1, the court shall consider:*

22 (a) *The uniqueness of the location of the property upon which the*  
23 *nonconforming outdoor advertising structure is erected;*

24 (b) *Whether the nonconforming outdoor advertising structure can be*  
25 *relocated to a comparable site;*

26 (c) *The amount of income generated by the nonconforming outdoor*  
27 *advertising structure; and*

28 (d) *The length of time remaining on any applicable term of a lease*  
29 *governing the nonconforming outdoor advertising structure.*

30 7. *As used in this section:*

31 (a) *“Amortization schedule” means an extended period over which a*  
32 *person is allowed or required to remove a nonconforming outdoor*  
33 *advertising structure.*

34 (b) *“Just compensation” means the most probable price that a*  
35 *nonconforming outdoor advertising structure would bring in a*  
36 *competitive and open market under the conditions of a fair sale, without*  
37 *the price being affected by undue stimulus.*

38 (c) *“Nonconforming outdoor advertising structure” means an outdoor*  
39 *advertising structure which is constructed or erected in conformance*  
40 *with all applicable local ordinances and codes in effect on the date a*  
41 *building permit is issued for the outdoor advertising structure and which*  
42 *does not conform subsequently because of a change to the local*  
43 *ordinances or codes. The term does not include an outdoor advertising*  
44 *structure that is authorized by a special use permit, conditional use*  
45 *permit, variance or waiver if, when the special use permit, conditional*  
46 *use permit, variance or waiver was first approved, the special use permit,*  
47 *conditional use permit, variance or waiver was limited by a specific date*  
48 *after which it would be reviewed by the governing body of the city or*  
49 *county.*



\* S B 2 6 5 R 1 \*

- 1       (d) *“Outdoor advertising structure” means any sign, display, billboard*  
2       *or other device that is designed, intended or used to advertise or inform*  
3       *readers about services rendered or goods produced or sold on property*  
4       *other than the property upon which the sign, display, billboard or other*  
5       *device is erected.*  
6       **Sec. 2.** This act becomes effective upon passage and approval.

