

Amendment No. 504

Senate Amendment to Senate Bill No. 262

(BDR 22-1250)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, by deleting line 2 and inserting:

“thereto a new section to read as follows:

1. If any improvement project is caused to be constructed for purposes of noise abatement by the governing body of a city or county within the right-of-way of a controlled access freeway, which obstructs the visibility from the main traveled way of the controlled access freeway of an outdoor advertising structure that is located along the controlled access freeway, the governing body of the city or county shall:

(a) Authorize, with the consent of the Department of Transportation and at no cost to the State or any local government, the owner of the outdoor advertising structure to adjust the height or angle of the structure to a height or angle that restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

AM/LJM

Date: 4/25/2005

S.B. No. 262—Authorizes raising, relocation or compensation for loss of outdoor advertising structures as result of certain governmental actions.

(b) Authorize, with the consent of the Department of Transportation and at no cost to the State or any local government, the owner of the outdoor advertising structure to relocate the structure to another location on the same parcel of land or on another parcel of land where the owner of the structure has secured the right to construct a structure and the relocation restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(c) Evaluate the impact of the improvement project on the visibility of the outdoor advertising structure and may, in its discretion, implement design modifications to the project which maintain the integrity of the project and which eliminate the effect of the project on the visibility of the structure so that adjustments to or relocation of the structure are not required to maintain its visibility;

(d) Authorize, with the consent of the Department of Transportation and at no cost to the State or any local government, any other relief which is consistent with the public health, safety and welfare and which is mutually agreed upon by the governing body of the city or county, the Department of Transportation and the owner of the outdoor advertising structure; or

(e) If the actions described in paragraphs (a) to (d), inclusive, would not result in the same or comparable visibility of the structure, let the visibility of the structure remain obstructed.

2. The provisions of subsection 1 do not authorize the owner of an outdoor advertising structure to increase the size of the area of display of the structure.

3. A city or county may implement the provisions of this section by ordinance or by variance or waiver from applicable ordinance, rule or regulation.

4. The provisions of this section:

- (a) Apply to lawfully erected conforming and nonconforming outdoor advertising structures;*
- (b) Are not intended to grant an express or implied right of light, air or view over a controlled access freeway if such a right is not otherwise provided by law;*
- (c) Do not apply to an outdoor advertising structure whose visibility was obstructed on or before the effective date of this act by an improvement project for noise abatement;*
- (d) Do not change the designation of an existing nonconforming outdoor advertising structure from nonconforming to conforming; and*
- (e) Do not authorize an increase in the number of nonconforming outdoor advertising structures.*

5. As used in this section:

- (a) “Controlled access freeway” means every highway to or from which owners or occupants of abutting lands and other persons are prohibited from having direct private access, and where access is allowed only at interchanges; and*
- (b) “Outdoor advertising structure” means a billboard, subject to a permit issued by the Department of Transportation, that is designed, intended or used to disseminate commercial and noncommercial messages that do not concern the premises upon which the billboard is located.”.*

Amend the bill as a whole by deleting sections 2 through 4 and renumbering sec. 5 as sec. 2.

Amend sec. 5, page 2, by deleting lines 28 through 30 and inserting:

“section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings”.

Amend the bill as a whole by deleting sections 6 and 7 and adding a new section designated sec. 3, following sec. 5, to read as follows:

“Sec. 3. Chapter 410 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any improvement project is caused to be constructed for purposes of noise abatement by the Department within the right-of-way of a controlled access freeway, which obstructs the visibility from the main traveled way of the controlled access freeway of an outdoor advertising structure that is located along the controlled access freeway, the Department shall:

(a) Authorize, with the consent of the affected city or county and at no cost to the State or any local government, the owner of the outdoor advertising structure to adjust the height or angle of the structure to a height or angle that restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(b) Authorize, with the consent of the affected city or county and at no cost to the State or any local government, the owner of the outdoor advertising structure to relocate the structure to another location on the same parcel of land or on another parcel of land where the owner of the structure has secured the right to construct a structure and the relocation restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(c) Evaluate the impact of the improvement project on the visibility of the outdoor advertising structure and may, in its discretion, implement design modifications to the project which maintain the integrity of the project and which eliminate the effect of the project on the visibility of the structure so that adjustments to or relocation of the structure are not required to maintain its visibility;

(d) Authorize, with the consent of the affected city or county and at no cost to the State or any local government, any other relief which is consistent with the public health, safety and welfare and which is mutually agreed upon by the governing body of the affected city or county, the Department and the owner of the outdoor advertising structure; or

(e) If the actions described in paragraphs (a) to (d), inclusive, would not result in the same or comparable visibility of the structure, let the visibility of the structure remain obstructed.

2. The provisions of subsection 1 do not authorize the owner of an outdoor advertising structure to increase the size of the area of display of the structure.

3. The provisions of this section:

(a) Apply to lawfully erected conforming and nonconforming outdoor advertising structures;

(b) Are not intended to grant an express or implied right of light, air or view over a controlled access freeway if such a right is not otherwise provided by law;

(c) Do not apply to an outdoor advertising structure whose visibility was obstructed on or before the effective date of this act by an improvement project for noise abatement;

(d) Do not change the designation of an existing nonconforming outdoor advertising structure from nonconforming to conforming; and

(e) Do not authorize an increase in the number of nonconforming outdoor advertising structures.

4. As used in this section:

(a) "Controlled access freeway" means every highway to or from which owners or occupants of abutting lands and other persons are prohibited from having direct private access, and where access is allowed only at interchanges; and

(b) “Outdoor advertising structure” means a billboard, subject to a permit issued by the Department, that is designed, intended or used to disseminate commercial and noncommercial messages that do not concern the premises upon which the billboard is located.”.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 4 and 5.

Amend sec. 8, page 5, line 41, by deleting “7” and inserting “3”.

Amend the title of the bill to read as follows:

“AN ACT relating to outdoor advertising structures; authorizing remedies under certain circumstances if the visibility of an outdoor advertising structure is obstructed as a result of certain highway construction projects; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes remedies under certain circumstances if outdoor advertising structures are obstructed by certain highway construction. (BDR 22-1250)”.