

SENATE BILL NO. 262—SENATORS RAGGIO  
AND WASHINGTON (BY REQUEST)

MARCH 22, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes raising, relocation or compensation for loss of outdoor advertising structures as result of certain governmental actions. (BDR 22-1250)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 outdoor advertising structures; authorizing the raising, relocation or compensation for loss of such a structure if the visibility of the structure is obstructed as a result of certain governmental actions; 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  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3     **Sec. 2.** *“Just compensation” means the most probable price*  
4 *that an outdoor advertising structure would bring in a competitive*  
5 *and open market under the conditions of a fair sale, without the*  
6 *price being affected by undue stimulus.*

7     **Sec. 3.** *“Outdoor advertising structure” means any sign,*  
8 *display, billboard or other device that is designed, intended or used*  
9 *to advertise or inform readers about services rendered or goods*  
10 *produced or sold on property other than the property upon which*  
11 *the sign, display, billboard or other device is erected.*

12     **Sec. 4.** 1. *Except as otherwise provided in subsection 2, if*  
13 *any type of construction or improvement, including, without*  
14 *limitation, a noise abatement or safety measure, or a change of*  
15 *grade, landscaping or other aesthetic improvement, that is*



1 *approved by or caused to be performed by the governing body of a*  
2 *city or county obstructs the visibility of an outdoor advertising*  
3 *structure that is located along an interstate or primary highway*  
4 *existing as of June 1, 1991, or a highway in the national highway*  
5 *system, the governing body of the city or county shall:*

6 (a) *Authorize the owner of the outdoor advertising structure to*  
7 *adjust the height or angle of the outdoor advertising structure to a*  
8 *height or angle that restores the visibility of the outdoor*  
9 *advertising structure from the main-traveled way of the highway*  
10 *to the same visibility as before the obstruction;*

11 (b) *Authorize the owner of the sign, display or device to*  
12 *relocate the sign, display or device to a site which is within 500*  
13 *feet of its previous location and which restores the visibility of the*  
14 *sign, display or device from the main-traveled way of the highway*  
15 *to the same visibility as before the obstruction; or*

16 (c) *If the provisions of paragraph (a) or (b) are not feasible,*  
17 *pay just compensation for the loss of the outdoor advertising*  
18 *structure to the owner of the outdoor advertising structure and to*  
19 *the owner of the real property upon which the outdoor advertising*  
20 *structure is located.*

21 2. *The provisions of subsection 1 do not authorize:*

22 (a) *The owner of an outdoor advertising structure to increase*  
23 *the size of the outdoor advertising structure; or*

24 (b) *Noncompliance with any applicable ordinance or*  
25 *regulation of the city or county.*

26 **Sec. 5.** NRS 278.010 is hereby amended to read as follows:

27 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
28 *sections 2, 3 and 4 of this act*, unless the context otherwise requires,  
29 the words and terms defined in NRS 278.0105 to 278.0195,  
30 inclusive, *and sections 2 and 3 of this act*, have the meanings  
31 ascribed to them in those sections.

32 **Sec. 6.** NRS 278.0215 is hereby amended to read as follows:

33 278.0215 1. If a city or county, through the adoption,  
34 operation or enforcement of any ordinance or code, requires the  
35 removal of a nonconforming outdoor advertising structure, the city  
36 or county shall:

37 (a) Pay just compensation for the loss of the nonconforming  
38 outdoor advertising structure to the owner of the nonconforming  
39 outdoor advertising structure and to the owner of the real property  
40 upon which the nonconforming outdoor advertising structure is  
41 located; or

42 (b) Authorize the owner of the nonconforming outdoor  
43 advertising structure to relocate that structure to a site which is  
44 determined to be a comparable site by the owner of the



1 nonconforming outdoor advertising structure and which is approved  
2 by the city or county as an appropriate site for the structure.

3 2. If a city or county prohibits the owner of a nonconforming  
4 outdoor advertising structure from engaging in routine maintenance  
5 of the nonconforming outdoor advertising structure, the city or  
6 county shall provide just compensation or authorize a comparable  
7 alternative location for the nonconforming outdoor advertising  
8 structure in the same manner as if the city or county had required the  
9 removal of the nonconforming outdoor advertising structure  
10 pursuant to subsection 1.

11 3. A city or county shall not require the removal of a  
12 nonconforming outdoor advertising structure to occur pursuant to an  
13 amortization schedule, regardless of the length of the period set  
14 forth in the amortization schedule.

15 4. The requirements of subsection 1 do not apply to a  
16 nonconforming outdoor advertising structure that is:

17 (a) Required to be removed as a result of the owner of the real  
18 property upon which the nonconforming outdoor advertising  
19 structure is located terminating the lease that governs the placement  
20 of the nonconforming outdoor advertising structure on that property  
21 pursuant to the terms of that lease; or

22 (b) Destroyed or damaged in excess of 50 percent of its material  
23 structural value as a result of a natural disaster, including, without  
24 limitation, a fire, flood, earthquake, windstorm, rainstorm and  
25 snowstorm.

26 5. A city or county shall not require the removal of a  
27 nonconforming outdoor advertising structure as a condition to the  
28 development or redevelopment of the property upon which the  
29 nonconforming outdoor advertising structure is located without first  
30 holding a public hearing at which the owner of the nonconforming  
31 outdoor advertising structure has an opportunity to be heard. The  
32 requirements of subsection 1 do not apply if, after the public hearing  
33 required by this subsection, a city or county requires the removal of  
34 the nonconforming outdoor advertising structure.

35 6. If the owner of a nonconforming outdoor advertising  
36 structure or the owner of the real property upon which the  
37 nonconforming outdoor advertising structure is located disagrees  
38 with the amount of just compensation the city or county determines  
39 should be paid to him, the owner may appeal the determination to a  
40 court of competent jurisdiction. In determining the amount of just  
41 compensation that should be paid to an owner pursuant to  
42 subsection 1, the court shall consider:

43 (a) The uniqueness of the location of the property upon which  
44 the nonconforming outdoor advertising structure is erected;



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

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

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

7. As used in this section:

(a) "Amortization schedule" means an extended period over which a person is required to remove a nonconforming outdoor advertising structure.

~~(b) ["Just compensation" means the most probable price that a nonconforming outdoor advertising structure would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus.~~

~~(c)~~ "Material structural value" means the cost of labor and materials necessary to erect an outdoor advertising structure. The term does not include any revenue or expenses related to the lease of real property upon which the outdoor advertising structure is located.

~~(d)~~ (c) "Nonconforming outdoor advertising structure" means an outdoor advertising structure which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the outdoor advertising structure and which does not conform subsequently because of a change to the local ordinances or codes. The term does not include an outdoor advertising structure that is authorized by a special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or county to conduct a review of the structure.

~~(e) "Outdoor advertising structure" means any sign, display, billboard or other device that is designed, intended or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected.~~

~~(f)~~ (d) "Routine maintenance" means normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the



1 structure or increases the impact on the use of the land in the area  
2 around the structure.

3 **Sec. 7.** Chapter 410 of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5 *1. Except as otherwise provided in subsection 2, if any type of*  
6 *construction or improvement, including, without limitation, a*  
7 *noise abatement or safety measure, or a change of grade,*  
8 *landscaping or other aesthetic improvement, that is approved by or*  
9 *caused to be performed by the Board obstructs the visibility of an*  
10 *outdoor advertising sign, display or device which conforms with*  
11 *NRS 410.220 to 410.410, inclusive, and which is located along an*  
12 *interstate or primary highway existing as of June 1, 1991, or a*  
13 *highway in the national highway system, the Board shall:*

14 *(a) Authorize the owner of the sign, display or device to adjust*  
15 *the height or angle of the sign, display or device to a height or*  
16 *angle that restores the visibility of the sign, display or device from*  
17 *the main-traveled way of the highway to the same visibility as*  
18 *before the obstruction;*

19 *(b) Except as otherwise provided in NRS 410.320, authorize*  
20 *the owner of the sign, display or device to relocate the sign, display*  
21 *or device to a site which is within 500 feet of its previous location*  
22 *and which restores the visibility of the sign, display or device from*  
23 *the main-traveled way of the highway to the same visibility as*  
24 *before the obstruction; or*

25 *(c) If the provisions of paragraph (a) or (b) are not feasible,*  
26 *pay just compensation for the loss of the outdoor advertising*  
27 *structure to the owner of the outdoor advertising structure and to*  
28 *the owner of the real property upon which the outdoor advertising*  
29 *structure is located.*

30 *2. The provisions of subsection 1 do not authorize:*

31 *(a) The owner of a sign, display or device to increase the size*  
32 *of the sign, display or device; or*

33 *(b) Noncompliance with the applicable regulations of the*  
34 *Board relating to outdoor advertising signs, displays and devices*  
35 *or the zoning ordinances or regulations pertaining to the area.*

36 *3. The provisions of this section apply to a nonconforming*  
37 *sign, display or device until it is required to be removed pursuant*  
38 *to NRS 410.340.*

39 **Sec. 8.** NRS 410.230 is hereby amended to read as follows:

40 410.230 As used in NRS 410.220 to 410.410, inclusive, *and*  
41 *section 7 of this act*, the words and terms defined in NRS 410.250  
42 to 410.310, inclusive, have the meanings ascribed to them in those  
43 sections, unless a different meaning clearly appears in the context.



1      **Sec. 9.** This act becomes effective upon passage and approval.

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