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

MARCH 22, 2005

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Referred to Committee on Government Affairs

**SUMMARY**—Authorizes remedies under certain circumstances if outdoor advertising structures are obstructed by certain highway construction. (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.

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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.

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 a new section to read as follows:

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

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



\* S B 2 6 2 R 1 \*

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

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

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

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

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

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

32       4. The provisions of this section:

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

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

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

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

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



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1       **5. As used in this section:**

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

6       (b) "Outdoor advertising structure" means a billboard, subject  
7       to a permit issued by the Department of Transportation, that is  
8       designed, intended or used to disseminate commercial and  
9       noncommercial messages that do not concern the premises upon  
10      which the billboard is located.

11      **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

12      278.010 As used in NRS 278.010 to 278.630, inclusive, **and**  
13      **section 1 of this act**, unless the context otherwise requires, the  
14      words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
15      have the meanings ascribed to them in those sections.

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

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

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

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

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



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

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

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

13      3. The provisions of this section:

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

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

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

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

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

27      4. As used in this section:

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

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

37      Sec. 4. NRS 410.230 is hereby amended to read as follows:

38      410.230 As used in NRS 410.220 to 410.410, inclusive, **and**  
39 **section 3 of this act**, the words and terms defined in NRS 410.250  
40 to 410.310, inclusive, have the meanings ascribed to them in those  
41 sections, unless a different meaning clearly appears in the context.

42      Sec. 5. This act becomes effective upon passage and approval.

