

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

MARCH 22, 2005

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.

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:

Section 1. Chapter 278 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 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 adjoins the controlled access freeway, the governing body of the city or county shall:

(a) Authorize, with the consent of the Department of Transportation pursuant to chapter 410 of NRS 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



1 *the same or comparable visibility as before the construction of the*
2 *improvement project;*

3 *(b) Authorize, with the consent of the Department of*
4 *Transportation pursuant to chapter 410 of NRS and at no cost to*
5 *the State or any local government, the owner of the outdoor*
6 *advertising structure to relocate the structure to another location*
7 *on the same parcel of land or on another parcel of land where the*
8 *owner of the structure has secured the right to construct a*
9 *structure pursuant to the applicable local ordinances in existence*
10 *at that time and the relocation restores the visibility of the*
11 *structure to the same or comparable visibility as before the*
12 *construction of the improvement project;*

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

20 *(d) Authorize, with the consent of the Department of*
21 *Transportation pursuant to chapter 410 of NRS and at no cost to*
22 *the State or any local government, any other relief which is*
23 *consistent with the public health, safety and welfare and which is*
24 *mutually agreed upon by the governing body of the city or county,*
25 *the Department of Transportation and the owner of the outdoor*
26 *advertising structure; or*

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

30 *2. Any action authorized pursuant to subsection 1 must*
31 *comply with applicable federal and state statutes and regulations,*
32 *agreements with the Federal Government or the State and, to the*
33 *extent that their provisions do not conflict with this section, local*
34 *ordinances governing the regulation of outdoor advertising*
35 *structures.*

36 *3. The provisions of subsection 1 do not authorize the owner*
37 *of an outdoor advertising structure to increase the size of the area*
38 *of display of the structure.*

39 *4. A city or county may implement the provisions of this*
40 *section by ordinance or by variance or waiver from applicable*
41 *ordinance, rule or regulation.*

42 *5. The provisions of this section:*

43 *(a) Apply to lawfully erected conforming and nonconforming*
44 *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.

6. 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.

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

278.010 As used in NRS 278.010 to 278.630, inclusive, **and 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 ascribed to them in those sections.

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 adjoins the controlled access freeway, the Department shall:

(a) Authorize, with the consent of the affected city or county pursuant to chapter 278 of NRS 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 pursuant to chapter 278 of NRS 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



1 *land or on another parcel of land where the owner of the structure*
2 *has secured the right to construct a structure pursuant to the*
3 *applicable local ordinances in existence at that time and the*
4 *relocation restores the visibility of the structure to the same or*
5 *comparable visibility as before the construction of the*
6 *improvement project;*

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

14 *(d) Authorize, with the consent of the affected city or county*
15 *pursuant to chapter 278 of NRS and at no cost to the State or any*
16 *local government, any other relief which is consistent with the*
17 *public health, safety and welfare and which is mutually agreed*
18 *upon by the governing body of the affected city or county, the*
19 *Department and the owner of the outdoor advertising structure; or*

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

23 *2. Any action authorized pursuant to subsection 1 must*
24 *comply with applicable federal and state statutes and regulations,*
25 *agreements with the Federal Government or the State and, to the*
26 *extent that their provisions do not conflict with this section, local*
27 *ordinances governing the regulation of outdoor advertising*
28 *structures.*

29 *3. The provisions of subsection 1 do not authorize the owner*
30 *of an outdoor advertising structure to increase the size of the area*
31 *of display of the structure.*

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.*



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, that is designed, intended or used to disseminate commercial and noncommercial messages that do not concern the premises upon which the billboard is located.*

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

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

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



