

DESCRIPTION OF LEGAL ADVERTISING

ORD. #691
 3349008

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June

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PROOF OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF WASHOE

ss.

Doris Mertz

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice _____ of _____ County Ordinance

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 16th day of Jun, 1986 and, Jun 23, the full period of 2 days, the last publication thereof being in the issue of June 23 1986.

Signed

Doris Mertz

Subscribed and sworn to before me this

23rd day of June, 1986

Alice L. Buffalo
 Notary Public



ALICE L. BUFFALO
 Notary Public - State of Nevada
 Appointment Recorded In Washoe County
 MY APPOINTMENT EXPIRES JUNE 5, 1989

NOTICE OF COUNTY ORDINANCE
 NOTICE IS HEREBY GIVEN that Bill No. 866, Ordinance No. 691, entitled "An ordinance amending the Washoe County Code by adding provisions relating to the commercial use of off-premise signs," was adopted on June 10, 1986, by Commissioners King, Lillard, and McDowell. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
 Judi Bailey
 County Clerk
 3349008-ORD. #691
 June 16, 23-bja133

SUMMARY: Amends Washoe County Code by revising provisions pertaining to off-premise signs.

BILL NO. 866

ORDINANCE NO. 691

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS RELATING TO THE COMMERCIAL USE OF OFF-PREMISE SIGNS.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 105.400 of the Washoe County Code is hereby amended to read as follows:

105.400 Permit issuance and conditions.

1. Permit issuance. The application, plans and specifications, and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees specified in section 105.390 have been paid, he shall issue a permit therefor to the applicant. Once a permit has been issued, all work shall be done in accordance with the approved plans unless the building official has given authorization for any changes or alterations.

2. Sign limitations.

(a) New signs; construction allowed. An off-premise sign regulated by sections 105.010 through 105.470 may be erected in accordance with the retention standards of this chapter on existing portions of roads listed.

(b) New signs; noncommercial allowed. Noncommercial messages, whether or not involving the commercial use of off-premise signs, are allowed and regulated by sections 105.510 through 105.640.

(c) Existing signs; removal or retention. Existing signs must be removed or made to conform with the retention standards of this section before June 15, 1991, unless a permit to retain the sign is applied for before June 15, 1991.

(d) Permit for retention of sign; mandatory retention standards. An application for a retention permit made before June 15, 1991, entitles the applicant to a retention permit containing the following mandatory conditions:

(1) The retention permit shall expire June 15, 1996. Prior to expiration, the sign must be removed or brought into compliance with the standards of this section;

(2) The sign may not exceed 35' in height above the grade of the road to which it is oriented and may not exceed 50' in height above the foundation grade of the sign;

(3) The sign may not contain more than one face on each side of the structure, and each face must be parallel to the other face;

(4) The sign must be within a permitted location and land use zone as specified in 105.430(2);

(5) The sign may not be closer than 1000 feet to any off-premise sign or from any property encumbered with a recorded restriction or agreement prohibiting, or requiring the removal of, off-premise signs;

(6) The sign may not be closer than 50' to an existing freestanding sign regulated by sections 105.510 through 105.640;

(7) The sign area may not exceed 480 square feet;

(8) The sign may not be closer than 500 feet to an established residence or property zoned agricultural, estates, or residential.

(e) Retention permit.

(1) Procedure; discretionary retention standards. An application for a retention permit must be made and processed in the same manner as a special use permit reviewed by the planning commission under chapter 110 of this code. The retention permit provided for in subsection 2(d) may contain discretionary conditions reasonably related to the purposes of chapter 105, including:

(I) Provisions for clustering off-site signs at less than the retention standard with proportionate increases in spacing from the cluster, and allowing retention of sign area greater than the retention standard but not greater than 750 square feet, with proportionate increase in spacing, provided scenic views are retained, ridge lines (natural or man-made) remain unbroken, and landscaping of sign bases and surrounding area occurs;

(II) Requirements for shielded, low-level indirect lighting of off-site signs;

(III) Requirements for earth-tone painting of sign supporting structure and requirement for earth-tone colored borders around sign faces;

(IV) Requirements for structural design including number of poles and the symmetrical placement of poles beneath the display surface.

(2) Notice; registration required. A retention permit may not be issued unless the applicant or the applicant's predecessor in interest registered the sign within one year following notice to the sign owner that all signs must be registered. The building official shall send such notice by certified mail to each sign owner. A registration form shall be provided by the building official. The registration form must include an acknowledgment by the sign owner that failure to register the sign within the required time results in loss of eligibility to apply for a retention permit. The registration form may require information relevant to the sign,

including consent of property owner, age, size, materials and location.

(f) Special use permit. Within 1 year prior to the expiration of the retention permit provided for in subsection 2(d), a special use permit reviewed by the planning commission for continued retention of the sign may be applied for and shall be granted or denied in accordance with the retention standards of this chapter. A special use permit issued under this subsection expires 10 years from the date of expiration of the prior retention permit.

(g) Subsequent special use permits. Within one year prior to the expiration of a special use permit provided for in subsection 2(f) or in this subsection, a subsequent special use permit for continued retention of the sign may be applied for and shall be evaluated in accordance with the ordinance standards and the circumstances existing on the date of expiration. All special use permits issued under this subsection expire 10 years from the expiration date of the prior special use permit. Subsequent special use permits may be applied for in the same manner as described in this subsection.

(h) Building permit for reconstruction. An existing sign for which a retention permit or special use permit has been obtained may be completely reconstructed using the same or different materials:

(1) Within an M-1 or C-2 land use district established pursuant to chapter 110 of this code; and

(2) In conformity with the retention standards of this chapter.

3. Permit number; address; owner. On granting a permit for an off-premise sign, the building official shall assign a permit number and address which shall be painted on every sign erected pursuant to the permit. The sign shall also identify the owner of the sign.

4. Validity of permit. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other law or ordinance. A permit presuming to give authority to violate or cancel the provisions of this chapter or any other law shall not be valid except to the extent the work or use which it authorizes is lawful.

5. Expirations. All permits issued by the building official in accordance with the provisions of this chapter shall expire at the end of the calendar year in which issued.

6. Renewals. If the permit for any sign is not renewed by application of the person who originally applied for the permit or his assignee by February 1 of each year following, the building official may order the tearing down, removal or effacement of the sign.

7. Suspension or revocation. The building official may, upon service of a written notice, suspend or revoke a permit issued pursuant to the provisions of this chapter wherever the permit is issued:

(a) On the basis of incorrect information supplied by the applicant; or

(b) In violation of any state statute, any provision of this chapter or any other ordinance or regulation.

8. Stop work order. Whenever any advertising display or structure is being erected or maintained contrary to the provisions of this chapter, the building official may order the work stopped by serving the permittee or owner of the property or by posting a notice on the work being done. The owner or person responsible for the performance of such work shall promptly cease performing any work on the advertising display or structure until the building official gives him authority to proceed.

SECTION 2. Section 105.430 of the Washoe County Code is hereby amended to read as follows:

105.430 Prohibited signs and locations.

1. Prohibited signs. The following signs are prohibited:

(a) Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except for advertising special events;

(b) Mobile A-frame and portable signs except for advertising special events;

(c) Signs which emit noise via artificial devices;

(d) Roof signs;

(e) Signs attached to utility poles, fences, trees, street lighting fixtures, barns, sheds, fire-reporting stations or other similar structures unless otherwise provided in this chapter;

(f) Signs located within any stream or drainage channel;

(g) Signs which imitate or simulate official signs, or which utilize red, blinking or intermittent light in the manner of a warning or danger signal;

(h) Strobe lights or lights with such brilliance as to impair vision;

(i) Signs which produce odor, sound, smoke, fire or other such emissions;

(j) Stacked signs;

(k) Temporary signs which are not displayed within a show window or utilized as special event signs;

(l) Wall signs; and

(m) Any sign which the building official may determine constitutes a hazard to traffic.

2. Prohibited locations.

(a) A retention permit provided for in section 105.400(2)(d) and (e) may be issued for an existing sign located anywhere in the county.

(b) A special use permit provided for in section 105.400(2)(f) and (g) may not be issued unless:

(1) The existing sign has first been brought into compliance with the retention standards of this chapter and with the conditions of the prior retention permit;

- (2) The sign is located in an M-1 or C-2 land use district established pursuant to chapter 110 of this code;
- (3) The sign is located adjacent to and is visible from only the following roads and portions of roads:
- (I) Boynton Lane;
 - (II) East Second Street (Glendale Avenue);
 - (III) Gerlach-Nixon Highway (State Route 447);
 - (IV) Longley Lane;
 - (V) McCarran Boulevard, except the southwest quadrant.
 - (VI) Sullivan Lane;
 - (VII) That portion of West Fourth Street (State Rt. 647) east of the intersection with Interstate 80;
 - (VIII) That portion of U.S. 395, I-580, North Virginia Street and South Virginia Street located south of the intersection with Red Rock Road and north of the intersection with the Mount Rose Highway (State Route 431);
 - (IX) That portion of I-80 from mile post IR 080 - WA-1.9E to IR 080 - WA-2.6W;
 - (X) That portion of I-80 from the intersection with Mae Anne Drive to the Lyon County Line;
- (4) The sign is not located within any stream or drainage channel where the sign or advertising display might be deluged and swept under any structure or against any supports of any highway structure;
- (5) The sign is not located at any location which fronts on any street within 200 feet of any property which is used for a public park, public school, church, courthouse, city hall, or public museum which fronts on the same street; and
- (6) The sign is not located within 300 feet of the centerline of the Truckee River or within 300 feet of the outer boundary of any area designated as Truckee River Greenbelt or open space adjacent to the Truckee River.

SECTION 3. Section 105.440 is amended to read as follows:

105.440 Continued use of nonconforming signs.

1. Continuance of a nonconforming use. An advertising display which is subject to a retention permit or a special use permit under section 105.400 or which becomes nonconforming as the result of the adoption of this chapter may be continued and maintained pursuant to section 105.400 and subject to the conditions hereinafter stated:

(a) Except as otherwise provided in paragraph (b), a nonconforming sign damaged by wind or other natural causes to an extent greater than 50 percent of its replacement value, as determined by a member of the American Institute of Real Estate Appraisers selected by the building official, shall not be reestablished. If the building official determines that an appraisal is necessary to satisfy the requirements of this section, he shall notify the owner of the sign who shall give him written authorization to hire an appraiser and ack-

knowledge owner's responsibility to pay all fees incurred as a result thereof. No permit for reconstruction of the damaged sign shall be issued until the building official is presented with satisfactory evidence that the appraisal fees have been paid.

(b) A nonconforming display which is damaged or destroyed as a result of vandalism or other malicious act may be restored or rebuilt. This section does not permit the display or supports to be constructed of a different material.

(c) A nonconforming sign which is determined to be abandoned shall be removed.

(d) A nonconforming sign must be removed if the parcel on which the sign is located is subjected to any of the following changes:

- (1) Approval of a parcel map;
- (2) Approval of a tentative subdivision map;
- (3) Approval of a major project review;
- (4) Approval of a resolution of intent to change land use district; and
- (5) Establishment on the parcel of an occupancy classified as group A, B, H, I or R as defined in chapter 100 of this code.

SECTION 4. Section 105.450 of the Washoe County Code is amended to read as follows:

105.450 Termination of right to use nonconforming sign.

1. Cessation of right to maintain abandoned sign. The right of a person to maintain an abandoned, nonconforming sign shall terminate following his receipt of notification that the building and safety division or succeeding agency has deemed the sign abandoned.

2. Responsibility for removal. Responsibility for removal of an abandoned, nonconforming sign rests with the owner of the sign or the owner of the property upon which the sign is constructed.

3. Appeals. Appeals from the decision of the building and safety division relative to abandoned signs or advertising structures may be made to the board of adjustment as provided in section 105.370.

4. Amortization of nonconforming signs.

(a) Unless extended by a retention permit or special use permit, the right to maintain and continue the use of a nonconforming sign shall cease 5 years from the date on which the sign became nonconforming. The building official shall give notice at least three years before ordering a nonconforming sign removed or brought into conformance under the provisions of this subsection, and may do so during the 5-year amortization period. Notice shall be given by certified mail to the owner of the property on which the sign is located and to the owner of the sign, if not the same as the property owner. The owner of the sign shall be responsible for removing the sign or bringing it into conformance with the requirements of this chapter.

(b) Nonconforming spacing; agreements; notice. Upon completion of the designation required by section 105.460, the building official shall notify the sign owners as required in subsection (a). After the spacing designations are completed and noticed, sign owners may within one year agree in writing to designate particular signs for removal. After the filing of such agreements with the building official, the building official shall thereafter consider such signs removed and shall redesignate signs not conforming to the spacing standard. The redesignation shall occur in the same manner as required in section 105.460. The agreements are final and irrevocable as to the signs agreed to be removed. The signs may continue in existence under the terms of a retention permit or special use permit.

(c) Order to remove. Upon expiration of the 5-year amortization period provided in this section, or upon expiration of the retention permit or special use permit provided in section 105.400, the building official shall order a nonconforming sign to be removed.

(d) Review by State of Nevada. Any order to remove a sign adjacent to a primary or interstate highway is not effective unless the order has been submitted to the Nevada department of transportation for review and the department has determined that the removal will not subject the state to the highway funding penalty provided for in Title 23, United States Code, section 131.

SECTION 5. Section 105.460 of the Washoe County Code is amended to read as follows:

105.460 General standards.

1. Display surface. Where an advertising display consists of individual letters, symbols or other such components, and where such components are without an integrated background definition or are not within a single circumscribed frame area, it shall be deemed circumscribed by a line frame and shall not exceed the square-foot limitation imposed by this chapter or by a retention permit or a special use permit issued pursuant to this chapter.

2. Spacing distance.

(a) When measuring the distance between off-premise signs to determine conformity to the retention standards of this chapter the sign from which the spacing distance is to be measured is the first sign encountered on a reference line perpendicular to the main traveled way:

(1) On I-80, progressing easterly from the California State line to the incorporated area;

(2) On I-80, progressing westerly from the Lyon County line to the incorporated area;

(3) On U.S. 395, I-580 and North Virginia Street, progressing southerly from the California State line to the incorporated area;

(4) On U.S. 395, I-580 and South Virginia Street, progressing northerly from the Carson City line to the incorporated area;

(5) On State Routes 341 and 431, progressing westerly from the Storey County line to the intersection with State Route 28;

(6) On other roads aligned in an easterly-westerly direction, progressing from east to west;

(7) On other roads aligned in a northerly-southerly direction, progressing from north to south;

(8) On any road where substantial question exists as to the direction of the alignment, progressing from the point and in the direction chosen by the building official.

(b) Designation of signs not conforming to spacing standard. The sign first encountered using the procedure in subsection (a) shall be designated as being eligible for conformity to the spacing standard, and shall be brought into conformance with the spacing standard by designating for removal, and ultimately removing, as many subsequently encountered signs as necessary to create the required spacing distance from the sign first encountered. Once the required distance is established (by designating the signs to be removed) the next encountered sign shall be brought into spacing conformance by designating for removal, and ultimately removing, as many subsequently encountered signs as necessary to create the required spacing distance. This process shall be repeated for the full length of any road adjacent to which nonconforming off-premise signs are located.

(c) Sequence of designation for spacing standard. The designation process specified in subsections (a) and (b) shall be done in the following descending order:

(1) U.S. 395 and South Virginia Street;

(2) U.S. 395 and North Virginia Street;

(3) State Routes 341 and 431;

(4) I-80;

(5) other roads, in the sequence established by the building official.

(d) Radius of measurement. The spacing standard applied under subsections (a) (b) and (c) shall be applied by circumscribing the area around the sign by a full circle having the sign at the center of the circle and having a radius equal to the spacing standard.

3. Maintenance, repair and appearance. All advertising displays and advertising structures shall be maintained in a proper state of repair and preservation. Structures shall consist of minimum guy wire and iron or other structural elements necessary to conform to code. Display surfaces shall be neatly painted or posted.

4. Directional signs. Directional signs on either face of such signs shall not exceed 4 square feet in size and shall be limited to a maximum of 2 signs for each institution, community service organization or church.

5. Special event signs. A special event sign may be permitted by the building official upon a determination that such a sign will not conflict with the general intent of this chapter. Such a sign, when permitted, shall not be installed prior to 30 days before, and shall be removed not more than 10 days after, the event advertised.

SECTION 6. Section 105.350 of the Washoe County Code is hereby amended to read as follows:

105.350 Purpose, scope and authority.

1. The board of county commissioners finds and declares that the purpose of this chapter is to establish a comprehensive system for the regulation of the commercial use of off-premise signs. It is intended that these regulations:

(a) Impose reasonable standards on the number, size, height and location of off-premise signs and facilitate the removal or replacement of nonessential signs in order to:

(1) Prevent and relieve needless distraction and clutter resulting from excessive and confusing sign displays;

(2) Safeguard and enhance property values; and

(3) Promote the public safety and general welfare.

(b) Provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the county which is instrumental in attracting those who come to live, visit, vacation and trade.

(c) Eliminate hazards to pedestrians and motorists brought about by distracting signs.

(d) Improve, enhance and preserve the appearance and other aesthetic qualities of the county.

2. The board of county commissioners finds and declares that the types of signs for which a special use permit is required have a potential substantially greater than other types of signs for creating needless distraction and clutter, confusion and hazards, and for impairing and destroying property values and the appearance and aesthetic qualities of the area, and for adversely affecting the environment.

SECTION 7.

The sections of this ordinance supersede conflicting sections of this chapter. These sections apply to existing signs and to proposed signs. Proposed signs for which construction has not lawfully begun but for which an application has been made or for which a permit has been issued, must conform to these sections.

Proposed on the 27th day of May, 1986.
 Proposed by Commissioners McDowell.
 Passed on the 10th day of June, 1986.

Vote:

Ayes: Commissioners: Lillard, McDowell, King

Nays: Commissioners: Williams, Ritter

Absent: Commissioners: None

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after
the 23rd day of June, 1986.