

BILL NO. 2018-11

NYE COUNTY ORDINANCE NO. 532

SUMMARY: An Ordinance Amending Nye County Code 17.04.770, the Signage Requirements applicable to the Pahrump Regional Planning District, by amending the section related to political signs, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE 17.04.770, THE SIGNAGE REQUIREMENTS APPLICABLE TO THE PAHRUMP REGIONAL PLANNING DISTRICT BY AMENDING THE SECTION RELATED TO POLITICAL SIGNS, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (Board) is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, the Board of County Commissioners has determined that the protection of the public health, safety and welfare through the regulation of political signs is in the best interest of the community and the current regulations do not adequately provide appropriate safeguards for the community.

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

17.04.770: SIGNAGE REQUIREMENTS:

D. Definitions: Words and phrases used in this chapter shall have the meanings set forth in this chapter:

ABANDONED SIGN: A sign which remains on a property which has been vacated or which remains unused and does not display a currently valid advertising message, or although in use exists in a deleterious state or in disrepair.

ALTERATION: Changing or rearranging any structural part, sign face, enclosure, lighting, component, control, or location of a sign.

ANIMATED SIGN: A sign with parts or sections which revolve or move or which have flashing

or intermittent lights, but not including "time and temperature" signs or electronic message signs (see also definition of Electronic Message Sign).

AWNING SIGN: A sign that is mounted to a building or canopy. The framework is usually covered with a light fabric or other materials that may be translucent. The awning cover may contain advertising or identifying copy, graphics or design and may be back lighted. Awnings used strictly as protective structures for windows and doors and having no sign copy or design are not signs and may display the building address only.

BACKLIGHTING: Illumination positioned inside or behind a sign face such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer. This may also be called "internally lighted".

BEACON LIGHT: See definition of Searchlight/Beacon.

BILLBOARD: A sign that directs attention to a business, commodity, service, entertainment or attraction that is sold, offered, or exists at a location other than the premises upon which the sign is located.

CHANGEABLE COPY SIGN: A sign on which the text or copy may be changed manually or electrically, including, but not limited to, electronic message signs, time and temperature displays, price signs for gas stations, or movie theater listings.

CLEARANCE: The height of the lower edge of the face of a freestanding sign from the finished grade.

ELECTRONIC MESSAGE SIGN: A display consisting of an LED or an array of internal light sources, panels, or disks that are computerized or electronically activated.

EXTERNAL ILLUMINATION: Lighting which is mounted so as to illuminate a sign from a position outside of the sign structure. This may also be called "externally lighted".

FREESTANDING SIGN: A sign that is self-supported by poles, pylons, or other structural supports mounted in the ground.

HEIGHT: The vertical measurement from the adjacent street grade or normal grade to the top of the highest attached component of the sign.

ILLEGAL SIGN: Any sign that was constructed, modified or expanded after the adoption of this code not lawfully constructed or erected in compliance with regulations identified in this chapter.

ILLUMINATION: A sign equipped with artificial lighting devices and or neon for the purpose of improving the sign's visibility.

INFLATED SIGN: Any advertising device that is supported by heated or forced air or lighter than air gases.

LAWFUL NONCONFORMING SIGN: A sign including structural supports which lawfully existed at the time the zoning or land use ordinance became effective but which does not presently conform to all the requirements of this chapter.

MARQUEE SIGN: A roofed structure affixed to and supported by the building and projecting beyond the face of the building for purpose of advertising the business or service offered within the building to which such sign is affixed.

MONUMENT SIGN: A freestanding sign the base of which is at least as wide as ninety percent (90%) of the sign width, and mounted permanently in the ground.

MOVABLE SIGN: Any sign prominently displayed to identify, advertise, direct, or promote, any person, product, company, or entity of service, which is movable in nature such as "A-frames", pedestal, signs on vehicles, banners attached to freestanding poles, or similar signs that are not permanently installed in the ground.

OFF PREMISES SIGN: Any billboard or advertising display indicating the business transacted, services rendered, goods sold or produced, name of business, person, firm or corporation, which is not available or not located on the same premises as the display.

ON PREMISES SIGN: Any freestanding sign or wall display strictly incidental to a lawful use of the premises on which it is located indicating the business transacted at, services rendered, goods sold or produced on the premises, name of the business, or name of the person, firm or corporation occupying the premises. A sign located on an access drive which is the primary means of vehicular access to a development from a dedicated street shall be considered on premises, even if it is located on or through an adjacent property to a dedicated street.

POLITICAL SIGNS: Any display used for the purpose of appealing or opposing, directly or indirectly, any candidate or political measure during an electoral campaign.

PORTABLE READER SIGN: A reader sign that is mounted on a portable framework and intended for temporary use.

PROJECTING SIGN: A sign that is attached to and projects from a building, pole or other support.

PROMOTIONAL SIGNAGE: Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs and inflated signs which advertise special prices or events at the business and not only the name of the business.

PUBLIC PROPERTY: Land identified by the Nye County planning department and based on what is defined as public property according to official documents of Nye County. Examples of such lands are lands owned or managed by the bureau of land management, Nye County, U.S. forestry, Native American tribes, and the state of Nevada.

READER SIGN: A changeable copy display that allows for the manual or electrical changing of the copy or text.

REPAIR: The replacement of frame and support material of an existing sign with the same material with no change in the support system of the existing sign.

ROOF SIGN: A sign which is supported wholly or in part by and which projects over a roof.

ROUTINE MAINTENANCE: Normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include an increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact of the use of the land in the area around the structure.

SEARCHLIGHT/BEACON: An apparatus on a swivel or stationary which projects a beam of light greater than five hundred thousand (500,000) candlelight wattage.

SHOPPING CENTER: An integrated shopping complex comprised of five (5) or more retail stores.

SIGN: An outdoor advertisement making a material or service known.

SIGN AREA: The portion of a sign used for display purposes and excluding the frame and supports. Only one side of a double faced sign shall be used for computing the sign area when the signs are parallel (no greater than 2 feet apart) or diverge from a common edge by an angle not greater than thirty degrees (30°). For signs that do not have defined display areas, sign area shall be the area of the smallest rectangle or square that will frame the display.

SIGN SETBACK: Sign setback is the distance from the current or future right of way line, and/or perimeter property line, measured horizontally to the closest point of projection of the display, sign or structure.

TEMPORARY SIGN: Any identification, advertising, directional, or promotional device which is not permanently constructed or attached and which must be removed according to the provisions of this chapter.

WALL SIGN: A sign that is painted on, fastened to, or erected against the wall of a building.

E. General Sign Regulations in all Zones:

1. Signs Allowed In All Zones, No Permit Required:

- a. Construction signs having an area not in excess of thirty-two (32) square feet in residential zones and sixty (60) square feet in all other zones, provided such signs are erected no more than sixty (60) days prior to construction, are confined to the site of

construction, and are removed not more than thirty (30) days after completion of construction and prior to occupancy.

- b. Government signs for traffic control, for direction to public facilities, or for regulatory notice, warning or other public purposes.
- c. Nonilluminated real estate signs provided they are removed within seven (7) days of the sale, rental or lease of the subject property and provided that such signs not exceed more than sixteen (16) square feet of area, shall not be illuminated and shall be set back at least two feet (2') from all property lines.
- d. Political signs provided the signs are located and removed in accordance with Nevada Revised Statutes and Nye County Code and comply with the following minimum requirements:

(1) Location: If located along a County maintained road or street, political signs must:

(A) Be placed a minimum of ten (10) feet off the edge of pavement and appropriately secured to the ground.

(B) Be placed a minimum of three (3) feet from the flow line of the bar ditch. (Flow lines of county bar ditches are typically 8 to 10 feet from the edge of pavement).

(2) Sign Size, Area and Height:

(A) Maximum sign area shall be 32 square feet, with maximum dimensions of 4 feet tall, excluding frame and supports, by 8 feet wide.

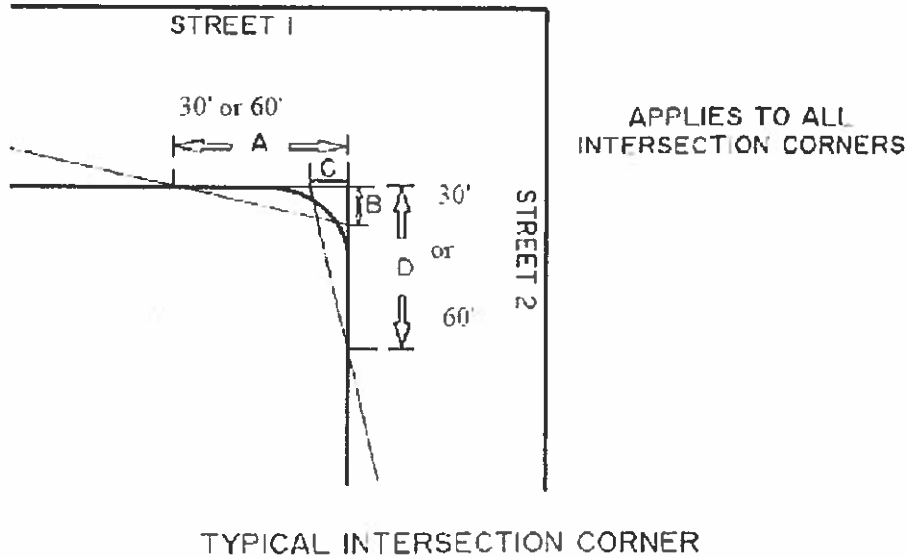
(B) Maximum allowed sign height shall be 6 feet, including sign frames and supports.

(C) Maximum sign width shall be 8 feet.

(D) No sign exceeding 30 inches in height, including frame and supports, shall be placed within the site triangle easement. Site triangle easements must be maintained at all points of ingress and egress to parking areas and driveways and at all 2- and 4-way intersections pursuant to the diagram below.

i. For all roads with a speed limit of less than 45 mph, a 30-foot clear site triangle must be maintained.

ii. For all roads with a speed limit of 45 mph or greater, a 60-foot clear site triangle must be maintained.



- (3) Timeframe: Political signs are only permitted to be placed a minimum of sixty (60) calendar days prior to the primary election so long as the sign concerns a candidate, party or question for that primary or the ensuing general election. Political signs must be removed within fifteen (15) calendar days after the primary election if the candidate, party or question is not to be voted on at the ensuing general election or the general election in any other case. Political signs must be removed fifteen (15) calendar days after any general or special election.
- (4) Compliance: Any such political sign found in violation of the provisions of this section must be brought into conformance immediately upon written notification to the owner of the sign, either by e-mail or mail, return receipt requested. If the violator fails to make appropriate corrections within three (3) business days from receipt of notification, the Code Compliance Office or an authorized designee shall remove any signs in violation and impound those signs. Any signs that have been impounded and not claimed within thirty (30) calendar days of removal will become the property of Nye County and will be disposed of at the discretion of the County.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 21st day of May, 2018.

Proposed on the 11th day of April, 2018.

Proposed by: Commissioner Schinhofen.

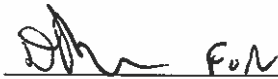
Adopted on the 1st day of May, 2018

Vote: Ayes: Commissioners: Koenig, Schinhofen, Wichman, Borasky, Cox


Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:


John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST:


Sandra L. Merlino, Deputy Clerk
Clerk and Ex-Officio
Clerk of the Board