

NYE COUNTY AGENDA INFORMATION FORM

Action

Presentation

Presentation & Action

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|---|-----------------------------------|---|----------------------------|
| Department: Planning | | Agenda Date: October 15, 2019 | |
| Category: Timed Agenda Item – 10:00 a.m. | | | |
| Contact: Brett Waggoner | | Phone: 775-751-4249 | Continued from meeting of: |
| Return to: Brett Waggoner | Location: Pahrump Planning | Phone: | |
| Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) | | | |
| Continued Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-12: A Bill proposing to repeal and replace in its entirety Nye County Code 17.04.770, the Signage Requirements applicable to the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date. | | | |
| Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) | | | |
| Due to a public workshop being planned at the end of October regarding this bill, staff recommends continuing the Public Hearing to November 19, 2019 at 10:00 AM in Pahrump, NV. | | | |
| <p>Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.</p> | | | |
| <p>Expenditure Impact by FY(s): (Provide detail on Financial Form)</p> <p><input checked="" type="checkbox"/> No financial impact</p> | | | |

Routing & Approval (Sign & Date)

| | | | |
|---------|------|--------------------|---|
| 1. Dept | Date | 6. | Date |
| 2. | Date | 7. HR | Date |
| 3. | Date | 8. Legal | <i>BR</i> Date <i>04-03-19</i> |
| 4. | Date | 9. Finance | Date <i>Nla</i> |
| 5. | Date | 10. County Manager | <input checked="" type="checkbox"/> Place on Agenda <i>ST</i> Date |

ITEM # 9

NYE COUNTY ORDINANCE NO.

SUMMARY: A Bill proposing to repeal and replace in its entirety Nye County Code 17.04.770, the Signage Requirements applicable to the Pahrump Regional Planning District, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO REPEAL AND REPLACE IN ITS ENTIRETY NYE COUNTY CODE 17.04.770, THE SIGNAGE REQUIREMENTS WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT, 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 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, due to a preponderance of the natural and scenic beauty of the Pahrump Valley, the Board of County Commissioners has determined that illegal signs, abandoned and unmaintained signs result in economic harm to the County by creating visible clutter and promoting a negative aesthetic impact on the community; and

WHEREAS, the Board of County Commissioners has determined that the protection of the public health, safety and welfare through the regulation and prohibition of illegal signs, abandoned signs and unmaintained sign is in the best interest of the community.

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE TITLE 17 IS HEAREBY AMENDED AS FOLLOWS, with ~~Deletions~~ shown in strike-through red font, and additions and modifications shown in underscored blue font:

17.04.770: SIGNAGE REQUIREMENTS:

- A. Scope: Outdoor advertising structures and signs may be permitted subject to the limitations and provisions set forth herein. This section is intended to provide specifications and regulations for most sign types. Signs not described or regulated by this chapter should not be used or constructed without specific approval of the planning and zoning commission. The provisions of this code shall apply to all signs erected in the Pahrump Regional Planning District hereafter referred to as (PRPD).
- B. Purpose and Intent: ~~The purposes of these sign regulations are:~~ The sign regulations of this Chapter have the following specific purposes:
 1. ~~To encourage the effective use of signs as a means of communication;~~
 2. ~~To maintain and enhance the aesthetic environment and the valley's ability to attract economic development and growth;~~

- 3. To improve pedestrian and traffic safety;**
- 4. To minimize the possible adverse effect of signs on public and private property; and**
- 5. To provide for consistent and fair application and enforcement of the regulations pertaining to signs.**
 - 1. To ensure that signs are designed, constructed, installed, and maintained in a way that protects life, health, safety, property, and the public's general welfare;**
 - 2. To allow signs as a means of communication, while at the same time avoiding adverse impacts on nearby properties, motorists, and others;**
 - 3. To promote the desired character of the Town and maintain and enhance the Town's high-quality appearance and attractive visual environment;**
 - 4. To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area;**
 - 5. To protect residential neighborhoods from potential adverse impacts associated with signs; and**
- 2.6. To ensure that the constitutionally guaranteed right of free speech is protected.**

C. Applicability:

The sign regulations of this Chapter apply to all signs erected, placed, constructed, painted, installed, or maintained in the PRPD.

- 1. Generally:** A sign may be erected, placed, established, painted, created or maintained in the PRPD only in conformance with the standards, procedures, exemptions and other requirements of this chapter.
- 2. Nonapplicable Situations:** Nothing in this chapter shall apply to displays of the following kinds:
 - a. Official notices of any court, public body or officer;**
 - b. Notices posted by utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice;**
 - c. Directional, warning or informational signs or structures either required by law or established by local authority, institutional or group notices of a public or semipublic nature;**
 - d. Lettering attached to an operational motor vehicle;**
 - e. Those signs located within a building or on private property that will not be visible from any public right of way or adjoining properties; and**
 - f. Grandfathered signs.**

D. Definitions: Definitions: Words and phrases used in this chapter shall have the meaning 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.

CHANGABLE 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 CENTER(EMC): A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

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.

NONCOMMERCIAL SIGN: Any sign that contains, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity.

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 or billboard used for the purpose of appealing, directly or indirectly, for votes or other support during any election campaign, including support for ballot questions.

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 records held by the assessor 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 of 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.

SIGHT TRIANGLE EASEMENT: A triangular shaped easement over a portion of land established at street intersections, in which nothing, with the exception of street hardware, is erected, placed, planted, or allowed

to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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. Those signs located within a building or on private property that will not be visible from any public right-of-way or adjoining properties; and

f. Grandfathered signs;

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

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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".

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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.

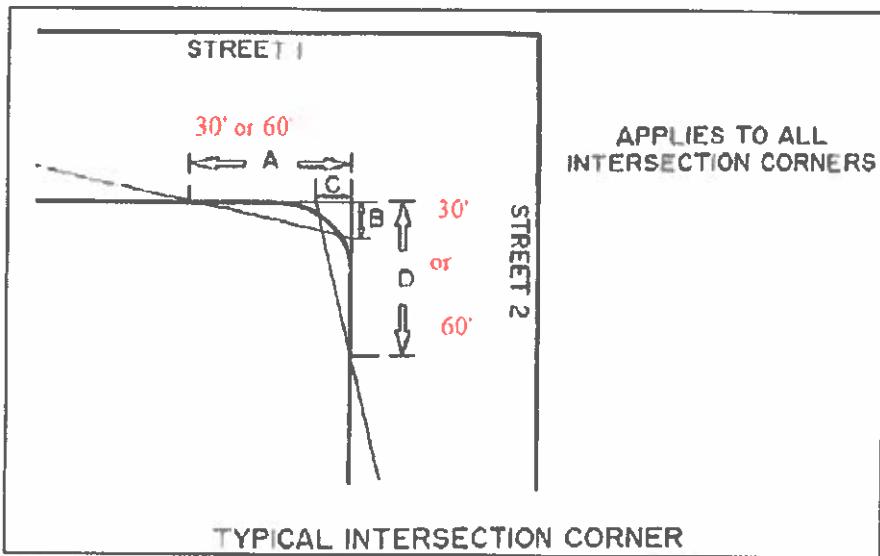
WALL SIGN: A sign that is painted on, fastened to, or erected against the wall of a building **E. General Sign Regulations In All Zones:**

1. Each real property and personal property owner is responsible for proper permitting, installation and maintenance of all signs on their property.
2. Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area, and other requirements of this chapter. Authorized decision-making bodies may not consider the content of speech or the viewpoint of the speaker when taking action to approve or deny sign permits or other application for signs.
3. All signs and sign supports, including decorative covers, must be maintained in a clean, safe like-new condition. Any damage, including weathering, resulting from wind or any other natural or artificial cause, must be repaired immediately.
4. Signs must be maintained in a graffiti-free condition.
5. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, or damaged.

- 4.6. The display area of all painted signs must be kept neatly printed or posted at all times. Any painting, fading, chipping, peeling, flaking paint or plastic, and mechanical or structural defect must be repaired immediately, or the sign must be removed.
7. Paint or debris associated with signs may not litter public property or public rights-of-way.
8. All signs must be located outside of the Sight Visibility Triangle.

4. Signs Permitted In All Zones:

- a. Construction signs post type 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 post type 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. Permitted special event (election) signs as outlined in Nevada Revised Statutes.
- e. Political signs provided they 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.
 - (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)

TYPICAL INTERSECTION CORNER

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. Campaign signs must be removed within 30 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.

(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 3 working days from receipt of notification, the Code Compliance 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 will become the property of Nye County and will be disposed of at the discretion of the County.

f. Temporary directional signs subject to the following:

- (1) Purpose: Temporary directional signs will be allowed to advertise and provide directions toward a residential subdivision during the construction of the subdivision [with the issuance of a Temporary Use Permit](#).
- (2) Area: Signs may not be larger than eighteen inches by twenty four inches (18" x 24") and must be constructed of durable materials.
- (3) Display Period: Temporary directional signs may be used while a subdivision is under construction, and while units within the subdivision are being sold. The temporary directional signs [may be placed after 5:00 pm Friday and must be removed by 7:00 AM on the next business day throughout the duration of the construction of the homes located in the advertised subdivision.](#) shall be removed within seven (7) days of the sale of the last unit within the subdivision which it is advertising.
- (4) 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.
 - (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.) (4) Setback: Temporary directional signs are subject to the same setback requirements as permanent freestanding signs.

(1) 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.

(5) Issuance: Temporary directional signs must be approved by the zoning administrator before the placement of any sign. A location plan must be submitted for approval and a Temporary Use Permit must be obtained.

(6) Permit Conditions: The zoning administrator may issue a permit for temporary directional real estate development signs for a period up to six (6) months. Any such permit is subject to review at any time. In granting a temporary real estate directional sign permit, the zoning administrator will also determine the total number of temporary directional signs which may be displayed and the locations where they may be displayed. The temporary directional signs shall be removed within seven (7) days of the sale of the last unit within the subdivision which it is advertising.

(7) Community Directional Ladder Signs Permitted: Ladder style directional signs to be shared by more than one development are not in violation of this chapter or the limitations of this section. Such directional signs must be approved by the zoning administrator.

(8) g. Master plan sign programs are authorized within the boundaries of approved master planned developments. The zoning administrator is authorized to grant approval to master plan sign programs.

2. Flags:

a. The flag of the United States of America and flags of other nations, states, and governments, where allowed, must be displayed in accordance with the protocol set forth in United States Code, Title 36, Chapter 10, Patriotic Customs, the pertinent portions of which are contained in the book *Our Flag*, published by the Joint Committee on Printing, United States Congress, and available for review in the planning department.

b. Any of the following that prohibits or restricts the display of flags is void and unenforceable, except as expressly provided in this chapter.

(1) A covenant, condition, or restriction contained in a legal instrument affecting an interest in real property, or

(2) Any rule or regulation of an owner's association that otherwise has the authority to regulate the use of real property.

(3) This does not apply to any covenant, condition, restriction, rule, or regulation that, with respect to the display of the American flag, establishes:

- Reasonable placement and safety standards applicable to the display of the flag;
- A maximum number of flags that may be displayed on a parcel;
- A requirement that flags to be displayed be portable and removable; or

iv. In the case of residential property, a requirement that the height of any flag, when displayed, does not exceed the height of the residence.

3.2. Prohibited Signs, Sign Locations, and Sign Characteristics Locations:

A. Prohibited Signs Location(s): No advertising display shall be placed in any of the following locations:

- (1) a. Within the existing and future planned right of way of any highway, road or other public easement, or within an existing and future planned right of way;
- (2) b. Within any stream or drainage channel;
- (3) c. In any location that may obstruct views of approaching traffic within any defined sight triangle easement as defined in the "Standard Details Specifications for Public Improvements Within The Pahrump Regional Planning District".
- (4) d. Signs that obstruct, impair, obscure, interfere with the view of or imitate, resemble or may be confused with any official emergency vehicle, traffic control sign, signal, or device. So as to interfere with, mislead, obstruct the view of or be confused with any directional, warning, danger signal or informational sign or structure, either required by law or established by local authority;
- (5) e. Above a canopy or marquee, or upon a roofline; and
- (6) f. No signs shall be attached to any tree, public utility poles or structures, or traffic control devices, posts or signs.

B.3. Prohibited Displays: Displays of the following nature are prohibited, unless otherwise approved by the zoning administrator:

- a. Imitations or simulations of any directional, warning, danger or informational signs;
- b. Illumination of such brilliance and/or position as to blind or dazzle the vision of travelers;
- c. Mobile signs larger than 48 square feet in size or illuminated, which are pulled or attached to a vehicle;
- d. Misleading, erroneous or false information and advertising; and
- e. Those that emit any sound as part of the advertising message;
- f. Contain messages, implications or pictures of specified anatomical areas or sexually specified activities;
- g. Roof-mounted signs and signs projecting above a parapet;
- h. Back-lit awning signs;
- i. Signs, other than allowed temporary signs, made of plywood, pressed board, or other non-exterior grade wood products;
- j. Painted-on wall signs, except:
 - (1) Temporary promotional signs painted on the surfaces of windows;
 - (2) Signs painted on exterior walls of buildings that are included in a master sign plan approved by Regional Planning Commission.

5. Vehicle Signs and Portable Signs:

a. For the purposes of this section, a car, truck, trailer, or other similar vehicle for the purpose of advertising, will be considered stationary upon remaining parked in the same location for eight hours or more. A vehicle that is moved at intervals of less than eight hours yet remains on the same property or in virtually the same location or proximity, will be considered stationary and in violation of this chapter.

b. The following vehicles are not required to comply with the eight-hour limitation specified above:

- (1) Vehicles owned or operated by agencies of Cities, Towns, Counties, States or National governments;
- (2) Vehicles of companies delivering services to the general public that are regulated by the public service commission;
- (3) Vehicles displaying signs not exceeding six square feet of area affixed to not more than one door on each side of the vehicle;
- (4) Vehicles of building trade contractors while on a construction site for which a valid building or grading permit has been issued that requires that contractor's presence;
- (5) Delivery vehicles parked on the premises of a licensed business when that business is closed;
- (6) Delivery vehicles staged at industrially zoned manufacturing, warehousing, and distribution sites while awaiting loading and dispatching;
- (7) Vehicles displaying signs that cannot be readily viewed from a public right-of-way; and
- (8) Trucks, trailers, and vans available for rent;
- (9) Legal mobile food trucks or mobile businesses that do not have a brick or mortar office;
- (10) Vehicles associated with a contractor or service provider where, during non-business hours, the vehicle is either parked in an industrial zoning district or in designated parking areas of the main store or office;
- (11) Signs on vehicles that are for sale or lease and are parked legally in a parking space;
- (12) Any signage on a vehicle that is required by State or Federal law.

64. Maintenance: All signs, advertising displays and structures as regulated by this chapter shall be maintained by the owner of the sign and/or property owner, and owner and shall be kept free and clear of all obnoxious substances, materials, rubbish or weeds.

75. Sign Setback: Signs not in excess of eight feet (8') in height shall be set back a minimum of two feet (2') from the front property line, signs exceeding eight feet (8') in height shall be set back a minimum of ten (10') from the front property line. No sign shall be erected within twenty feet (20') of a residential property line, or within ten feet (10') of any other side property line unless such sign is to be jointly utilized by the two (2) adjacent properties.

86. Lighting (If Used): Sign illumination shall be in the form of backlighting or down lighting; up lighting shall be prohibited to protect and preserve views and enjoyment of the night sky. No lighting may interfere with roadway visibility. Strobe lighting is prohibited.

97. Curbing And Landscaping: Freestanding signs shall be located within a concrete curb, the support of which shall be located no closer than two feet (2') from the required curb. The area within the curb shall be landscaped a minimum of 75% of the sign area with landscaping that is designed to not obscure the message.

108. Animated Signs: Animated signs are prohibited. No sign shall gyrate, blink, flash, strobe or be audible in any animated fashion, except that gaming establishment, casinos shall be exempt.

119. Nonconforming Signs: All freestanding signs (including off premises signs) shall be treated as nonconforming structures, as subject to section 17.04.905 of this chapter.

120. Abandoned Signs: Abandoned off premises or freestanding signs must be removed or repaired within fifteen (15) days notification by any county or town official or designee.

E. Exempt Signs:

1. These provisions do not relieve sign owners of the responsibility for proper sign placement, permits and on-going sign maintenance or exempt the sign owner from compliance with the Building Code and other applicable provisions of this Code. All illuminated signs that are allowed by this Code require a sign permit. The following signs may be established without a permit in accordance with this section:

- a. Official notices of any court, public body, or officer.
- b. Warning or security signs that are no more than four square feet in area.
- c. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.
- d. In-park advertising panels on playing field walls, backboards, and scoreboards erected by a public agency or other organization authorized to do so by the Planning Department.
- e. Brass, marble, or similar plaques containing names of buildings, dates of erection, monumental citations, commemorative information, and similar features when such plaques or monuments are cut into a masonry surface or inlaid so as to be part of a building or provided they are constructed of bronze or similar non-combustible material and not more than four square feet in area.
- f. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial, public, or semipublic use, including vending machines, automated teller machines, and gasoline pumps.
- g. Holiday lights and displays containing no commercial message, erected no sooner than 45 days before the holiday and removed within 14 days following the holiday.
- h. Non-illuminated wall signs one square foot in area or smaller, displaying the name and profession of the occupant of the premises.
- i. Onsite real estate signs offering a parcel "for sale" or "for lease," not exceeding 32 square feet each, and provided that the maximum number of signs per site may not exceed one sign per 250 linear feet of frontage along a public right-of-way.
- j. Site entrance signs that direct and inform patrons and visitors to the subject site, not exceeding one sign per entrance and not exceeding eight square feet in area or 32 inches in height.
- k. Window displays covering less than 50 percent of each window in a nonresidential zoning district.
- l. Non-commercial messages unless otherwise expressly regulated by this chapter.

- m. Any public safety sign, notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- n. Emblems or insignia of any nation or political subdivision.
- o. Religious symbols.
- p. Works of art or decorative architectural graphics.
- q. A single flag of the United States of America or the State of Nevada, or both, each not exceeding 100 square feet in area or 40 feet in height. (Note: a permit must be obtained, and appropriate inspections performed as required by the building official for the flagpole) Flag poles that exceed zoning district height limits are subject to Zoning approval.
- r. Other signs that are expressly exempted from sign permit requirements in accordance with the regulations of this chapter.

Q. Signs Permitted In Residential Zones:

- 1. Wall Signs: Only one wall sign not exceeding two (2) square feet in area per dwelling unit may be permitted to indicate the name and address of the occupant or home occupation.
- 2. Yard Sale/Garage Sale Signs: Yard sale and/or garage sale signs may be permitted while the yard sale is active and must be removed within twenty-four (24) hours of the termination of the yard sale.
- 3. Entry Signs: In single-family, multi-family, and mobile home park residential districts, up to two (2) wall mounted subdivision identification signs not in combined excess of forty-eight (48) square feet, shall be permitted at each primary entrance to the subdivision, complex or park.
- 4. Building Identification Signs: One downlit sign not exceeding twelve (12) square feet may be permitted for each apartment or condominium building provided that such sign contains no advertising matter except the name and street address of the apartment or condominium building.
- 5. Freestanding Nonresidential Signs: Nonresidential uses, including model homes, shall be permitted one freestanding monument sign per street frontage not to exceed sixty (60) square feet in area or six feet (6') in height, and may also be permitted wall signage in accordance with the requirements for commercial zones. All model home signage must be removed prior to the issuance of a certificate of occupancy for the home.

- a. Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines and may not encroach any Sight Visibility Triangle.
- b. Illumination of freestanding signs in residential zoning districts may be illuminated externally from the ground or with Halo lighting only.
- c. Signs in residential districts are prohibited from using manual or electronic message centers, which include but are not limited to LCDs, LEDs, and manually or mechanically changeable lettering and graphics. Schools and religious assembly outside of the residential zoning district are exempt from this regulation.

d. Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.

e. Freestanding signs may not encroach on any required Sight Visibility Triangle.

f. Each freestanding sign allowed pursuant to this subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

II. Signs Permitted In Commercial Zones:

1. Wall Signs: Wall signs may be permitted in all commercial zoning districts subject to the following:
 - a. Wall signs (except for marquee signs) shall not project more than twenty four inches (24") from the wall face upon which the sign is mounted.
 - b. Wall signs may occupy up to fifteen percent (15%) of the building or wall face upon which the sign is mounted. In multi-tenant structures such as in line commercial shopping centers, individual wall signage shall be calculated based on the lease area of each tenant, not the entire building.
2. Marquee Signs: Marquee signs may be permitted in all commercial zones subject to the following:
 - a. No sign attached to any marquee may project below the marquee and not have more than fifty percent (50%) of the sign projecting above the top of the marquee.
 - b. The sign may not exceed the height of the wall to which the marquee is attached, and no external bracing to the wall or top of the marquee may be allowed.
3. Changeable Copy Signs:
 - a. Changeable copy signs may be allowed as wall mounted or freestanding signs with an area of up to one hundred (100) square feet.
4. Freestanding On Premises Signs: Freestanding on premises signs may be permitted subject to the following:
 - a. Sign Height: Sign height is subject to the following:
 - (1) Signs in NC and MU zones may be allowed up to a height of twenty five feet (25').
 - (2) Signs in GC zones may be allowed up to a height of thirty five feet (35').
 - (3) Signs located directly across the street from planned or existing residential uses may not exceed ten feet (10') in height.
 - b. Number ~~of~~ Signs: Each commercial use may be permitted at least one freestanding sign. Developments with double street frontage, or over one hundred fifty (150) linear feet of street frontage may be permitted two (2) freestanding signs, and one additional sign for each additional one hundred feet (100') of linear street frontage.
 - c. Sign Aesthetics: All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.
 - (1) Signs in NC and MU zones must be monument signs.

(2) Signs in GC zones that are supported by a single (1), or two (2) or three (3) column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least twenty five percent (25%) as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).

d. Sign Area: Sign area is subject to the following:

- (1) Uses with a gross floor area of up to forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred (100) square feet.
- (2) Uses with a gross floor area in excess of forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred fifty (150) square feet.
- (3) Uses with a gross floor area in excess of eighty thousand (80,000) square feet may be permitted signs with a sign area of up to two hundred (200) square feet.

e. Sign Separation: Signs must maintain a minimum separation of fifty feet (50').

5. ~~the shopping~~ Shopping Center Signs: Shopping centers must coordinate the signage of all uses within ~~the shopping~~ the shopping center to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.

6. ~~Menu Board Signs: Menu board signs accessory to drive-through uses are permitted in addition to other allowed signs, as follows:~~

- a. ~~One primary menu board not to exceed thirty-six (36') square feet in area and eight (8') feet in height is allowed per order station (i.e., the point at which the vehicle occupant relays their order or request) up to a maximum of two (2) primary menu boards.~~
- b. ~~One secondary menu board not to exceed fifteen (15) square feet in area and six (6) feet in height is allowed.~~
- c. ~~Adjacent to residential zoning districts menu board signs without a speaker box must be set back at least 75 feet from residential use. Those with a speaker box must be set back one hundred fifty feet (150') from the nearest residential property line.~~

7. ~~A-Frame and Easel Signs:~~

- a. ~~A maximum of one A-frame sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. Such signs must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. A-frame signs may not exceed a maximum vertical or horizontal dimension of three feet; or~~
- b. ~~A maximum of one easel sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. The sign must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. The maximum vertical dimension of the easel support may not exceed six feet, and the maximum sign area may not exceed a vertical or horizontal dimension of three feet.~~
- c. ~~A-frame and Easel signs must be set back at least 5 feet from the back of curb or sidewalk and 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.~~
- d. ~~A-frame and Easel signs may not encroach on any required Sight Visibility Triangle.~~

8. ~~Awning and Canopy Signs:~~

a. Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.

9. Projecting Signs

a. A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second-floor building entrance is accessed via a common exterior (outdoor) walkway.

b. Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.

c. No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.

d. Projecting signs may not extend vertically above the roof line or parapet wall.

e. Sign supports for projecting signs must appear to be an integral part of the sign.

III. Signs Permitted ~~In~~ in Industrial Zones:

1. Wall Signs: Wall signs may be permitted in all industrial zoning districts subject to the following:

a. Wall signs shall not project more than twenty-four inches (24") from the wall face upon which the sign is mounted.

b. Wall signs may occupy up to fifteen percent (15%) of the building or wall face upon which the sign is mounted.

2. Changeable Copy Signs: Changeable copy signs may be allowed as wall mounted or freestanding signs with an area of up to one hundred (100) square feet.

3. Freestanding ~~On~~ Premises Signs: Freestanding on premises signs may be permitted subject to the following:

a. Sign Height: Signs in industrial zoning districts may be allowed at a height of up to thirty-five feet (35').

b. Number of Signs: Each industrial use may be permitted at least one freestanding sign. Developments with double street frontage, or over one hundred fifty (150) linear feet of street frontage may be permitted two (2) freestanding signs, and one additional sign for each additional one hundred feet (100') of linear street frontage.

c. Sign Aesthetics: All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.

(1) Signs that are supported by a single (1) or two (2) or three (3) column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least twenty five percent (25%) as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).

d. Sign Area: Sign area is subject to the following:

(1) Uses with a gross floor area of up to forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred (100) square feet.

(2) Uses with a gross floor area in excess of forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred fifty (150) square feet.

(3) Uses with a gross floor area in excess of eighty thousand (80,000) square feet may be permitted signs with a sign area of up to two hundred (200) square feet.

e. **Sign Separation:** Signs must maintain a minimum separation of fifty feet (50').

4. **f. Office Park/Industrial Park Signs:** Such developments must coordinate the signage of all uses within the development to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.

5. **Menu Board Signs:** Menu board signs accessory to drive-through uses are permitted in addition to other allowed signs, as follows:

a. One primary menu board not to exceed thirty-six (36') square feet in area and eight (8') feet in height is allowed per order station (i.e., the point at which the vehicle occupant relays their order or request) up to a maximum of two (2) primary menu boards.

b. One secondary menu board not to exceed fifteen (15) square feet in area and six (6) feet in height is allowed.

c. Adjacent to residential zoning districts menu board signs without a speaker box must be set back at least 75 feet from residential use. Those with a speaker box must be set back one hundred fifty feet (150') from the nearest residential property line.

d. Menu board signs are intended to convey information to motorists within the boundaries of the development and, therefore, may not be located or oriented to be legible from off site.

6. **Awning and Canopy Signs:**

a. Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.

7. **Projecting Signs**

b. A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second-floor building entrance is accessed via a common exterior (outdoor) walkway.

c. Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.

d. No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.

e. Projecting signs may not extend vertically above the roof line or parapet wall.

f. Sign supports for projecting signs must appear to be an integral part of the sign.

8. **Off Premises Signs:**

1. **Zoning Requirement:** Off premises signs may be allowed in GC, NC, LI, and HI and CM zoning districts with the approval of a conditional use permit.

2. **Sign Location:** The leading edge of an off premises sign must be within one hundred feet (100') of State Highway 160 or State Highway 372. Off premises signs are prohibited south of Caas Road and north of Bell Vista along State Highway 160, and west of Leslie or east of Highway 160 on Highway 372.

3. Setback: Off premises signs shall be set back not less than ten feet (10'), as measured from the leading edge of the sign, from all rights of way, and twenty-five feet (25') from all other property lines.
4. Stacking: An off premises sign may not be stacked upon another off ~~premises~~premise sign.
5. Size:
 - a. No off premises sign shall exceed thirty-five feet (35') in height, or forty-eight feet (48') in width.
 - b. No off premises sign shall have a surface area greater than three hundred (300) square feet. For the purpose of this requirement only one side of a back to back off premises sign shall be counted, however two (2) opposing faces shall not exceed forty-five degrees (45°) from parallel.
6. Name ~~of~~ Manufacturer Displayed: No off premises (billboard) advertising display shall be permitted unless the name of the manufacturer or the manager of the sign is permanently displayed thereon and is visible from the roadway adjacent to the property.
7. Separation: All separation distances shall be measured in a radius fashion from the center of the sign face in accordance with the following:
 - a. Off premises signs shall have a minimum separation of seven hundred fifty feet (750') from all other existing off premises signs on the same side of the street.
 - b. Off premises signs shall have a minimum separation of two hundred feet (200') from any intersection of roadways or any other existing off premises sign on the opposite side of the street.
 - c. Off premises signs shall have a minimum separation of one hundred feet (100') from any on premises sign.
 - d. Off premises signs shall have a minimum separation of five hundred feet (500') from any residential zone boundary.

K. Electronic Message Centers (EMC):

1. Electronic message centers, electronic graphic display signs, and digital video display signs may be permitted in GC, LI and HI zoning district with issuance of a Conditional Use Permit (CUP).
2. No more than one electronic message center sign is allowed per lot or development site.
3. Area and height
 - a. The electronic message center component of a sign may comprise no more than 50 percent of a sign's total sign area.
 - b. Freestanding electronic message center signs must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face.
 - c. The maximum height of the electronic message center component of a freestanding sign is 12 feet.
4. Electronic Message Center (EMC) Criteria: The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - a. EMC Illumination Measurement Criteria: The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area of a Sign versus Measurement Distance table.

- b. EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
- c. Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

SIGN AREA VERSUS MEASUREMENT DISTANCE

| AREA OF SIGN (sq. ft.) | MEASUREMENT (ft) |
|------------------------|------------------|
| 10 | 32 |
| 15 | 39 |
| 20 | 45 |
| 25 | 50 |
| 30 | 55 |
| 35 | 59 |
| 40 | 63 |
| 45 | 67 |
| 50 | 71 |
| 55 | 74 |
| 60 | 77 |
| 65 | 81 |
| 70 | 84 |
| 75 | 87 |
| 80 | 89 |
| 85 | 92 |
| 90 | 95 |
| 95 | 97 |
| 100 | 100 |
| 110 | 105 |
| 120 | 110 |
| 130 | 114 |
| 140 | 118 |
| 150 | 122 |
| 160 | 126 |
| 170 | 130 |
| 180 | 134 |
| 190 | 138 |
| 200 | 141 |
| 220 | 148 |
| 240 | 155 |
| 260 | 161 |
| 280 | 167 |
| 300 | 173 |

4. Spacing

- a. Electronic message centers are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified reduced.
- 5. The sign face must be oriented away from residential uses and districts.

6. Each image must remain static for at least 20 seconds.
9. Signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of one minute or more during such hours and must conform to other applicable standards of this subsection.
10. Digital display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.
11. Digital display signs may not include flashing, scrolling, intermittent, or full-motion video elements. Audio or pyrotechnic elements are prohibited.

N. 8. Billboards

1. Conditional Use Permit Required (CUP)

2. Aesthetics:

a. Face, Frame, and Reverse Side Treatment of Sign

- (1) The face of each permitted billboard must contain a discernable message or graphic at all times. A billboard that stands as a skeletal structure without message panels or that has all blank panels or panels removed or arranged in such a manner as to make the message unreadable will be considered in disrepair and not in compliance with the maintenance requirements of this Development Code.
- (2) The structural members of all billboards and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Community Development and Services Director, for the purposes of this section, tan and light-brown colored paints will be considered compatible.

b. Lighting: Off premises signs shall be illuminated with low-level and indirect downlighting; no strobe lighting or lighting that would impair the vision of a driver shall be permitted. No light may shine or reflect light outside the perimeter of the sign in any direction;

- (1) Billboards may be illuminated internally or externally provided such external illumination be directed and shielded to limit direct illumination of any object other than the sign.
- (2) A billboard's light source shall be boxed and integrated into the structure as to not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

c. Color: Earth tone colors indigenous to the Pahrump Valley shall be used to paint the support(s) of the structure and the frame around the sign;

d. Number of Supports: A maximum of two (2) supports will be permitted;

e. Material: No signs made of canvas shall be permitted; nor may signs have streamers, balloons, pennants, banners, or wind driven devices as part of the sign or attached to the sign;

f. Projections And Emission: No sign may emit a noise via an artificial device; nor may signs emit smoke, fire or odor; nor may signs have extensions or projections from the perimeter of the sign. (Ord. 303, 2005; Ord. 285, 2004)

g. No billboard may be erected over structures or mobile homes and, following construction of the sign, no building or mobile home may be constructed or placed beneath any part of a billboard.

3. Location

a. Billboards are prohibited within 100 feet of a residence. Unless otherwise approved by RPC through a waiver/variance application, no billboard may be constructed on any parcel on which a structure other than a fence is constructed or for which any building permit has been issued. Unless otherwise approved by RPC, no billboard may remain on any parcel following construction of any other structure.

4. Separation

a. No new billboard may be constructed within 750 feet of any existing billboard. For the purposes of this section, a sign for which a billboard permit has been issued will be considered an existing sign. The minimum required distance will be measured between points on the centerline of the adjacent street, and those points must reflect each sign's perpendicular relationship to that street's centerline. In no instance, however, because of a change in street direction or other measurement peculiarity, may the distance between signs be less than 750 feet when measured in a straight line.

5. Height

a. No billboard may exceed 50 feet in height, excluding allowable embellishments (e.g., extraneous decorations, such as two- or three-dimensional objects or text that extend beyond the primary frame or border of a sign or billboard).

b. Each sign must be elevated a minimum of nine feet above the ground and may not have more than three (3) supports.

6. Size

a. No billboard may have a display surface greater than 672 square feet, except for an embellishment, which may not be higher than five feet or exceed 128 square feet of additional surface. For the purposes of this standard, only one side of a back-to-back off-premises sign will be counted; however, two opposing faces may not exceed 45 degrees from parallel.

7. Setbacks

a. No portion of a billboard may be closer than 25 feet to any existing or future public right-of-way.

8. Life of permit; Lapse of approval

a. A billboard Conditional Use Permit will remain in effect for a period two to five years. Renewal of conditional use sign permits, including the payment of fees and completion of inspections, is required and must be completed in two (2) to five (5) year increments. Failure to renew a conditional use sign permit in accordance with the provisions of this Chapter will result in a penalty assessment and accrual of permit fees, the non-payment of which will result in a lien being placed on the real property upon which the sign is located. The billboard conditional use sign permit may be reissued for succeeding periods of five years from the date of reissuance if the following conditions exist:

(1) The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new billboard Conditional Use Permit.

(2) The subject sign must have been in the permitted location and must have been maintained in accordance with the requirements of this Development Code during the entire life of the expiring permit.

9. Permit number and address

a. The sign's owner, permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the County must be indicated on a four-inch by six-inch plate, or other approved substitute, installed so as to be readily accessible and readable.

approximately six feet above the adjacent ground surface, on every billboard erected in accordance with the provisions of this section.

O. Sign Illumination and Design

1. Lighted signs or lighting devices must be directed or beamed in a manner that does not cause glare or illuminate a public street, highway, sidewalk, or adjacent premises to a degree that may constitute a traffic hazard or nuisance.
2. Channel letter signs may be illuminated internally or by halo or silhouette lighting.
3. Cabinet signs must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols.
4. No sign may flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.
5. All light sources must be shielded from view.
6. Signs should be designed to complement the architectural design and building materials used on principal buildings on the site.
7. Raceway mounts for channel letter signs must be painted and designed to blend in with the color of the wall to which it is attached. Raceway mounts must be of a size and design that gives them the appearance of being an integral background design feature of the sign rather than a separate mounting device.

P. Temporary Signs

1. Temporary signs are allowed only in accordance with the regulations of this section. All temporary signs must conform to sight visibility requirements at all entrances, exits, and intersections.
 - a. Temporary signs shall not be attached to public utility poles, landscaping or onsite informational signs.
2. Temporary Banner Signs: Temporary banner type signs may be used for the following circumstances:
 - a. Upon issuance of an initial business license for sales of products or for the provision of a service to the public, a proprietor may install temporary signs and banners for up to 90 days to announce the opening of the new business on the premises. This 90-day initial promotion sign period is a one-time opportunity for product and service businesses and is not intended for use by residential or commercial rental agents or owners to market their available residential units or commercial or industrial lease space.
 - b. Merchants seeking to take advantage of this 90-day "grand opening" sign allowance may do so without obtaining a sign permit provided; however, the type and mounting methods of any proposed temporary signs must be reviewed and approved by the building official, and further provided that no such sign or banner may be constructed or employed on the premises that presents a hazard to traffic or pedestrian safety.
 - c. Temporary banner signs shall be located on the tenant space of the business advertising.
 - d. Maximum square footage of temporary banner sign shall be 36 square feet.
3. Promotional Event Signs:
 - a. Proprietors licensed for sales of products or for the provision of a service to the public who are not eligible for a temporary "grand opening" sign, must obtain approval of a Temporary Use Permit from the zoning administrator before installation, placement or other use of temporary

sales/promotional event signs. Coming-soon signs are permitted without a proprietor's business license being obtained and may be placed up to 60 days prior to the grand opening of the business.

- b. In the application for the Temporary Use Permit, the applicant must specify the type of signs to be used (either banner or a-frame only), their location on the premises, installation date, and date of removal.
- c. The regulations of this subsection are not intended for use in selling or leasing residential units or commercial or industrial space.
- d. Temporary signs are permitted once every 90 days for a maximum of 14 days within any 90-day period.
- e. A maximum of two temporary signs shall be permitted within any 14-day period.

4. Temporary A-Frame Signs:

- a. maximum square footage of an A-frame sign shall be nine square feet. A-frame signs shall not exceed a maximum vertical or horizontal dimension of three feet.
- b. Temporary A-frame signs shall not be located within the required Sight Visibility Triangle.
- c. Temporary A-frame signs shall be located on the tenant space of the business advertising.

R. Temporary Real Estate Signs

- 1. All temporary real estate signs allowed by this section must be on the premises being offered for sale or lease except as otherwise expressly stated.
- 2. Signs for new construction:
 - a. Temporary real estate signs for new construction are allowed in all zoning districts in addition to other allowed permanent signs. Such signs are subject to the regulations of this subsection.
 - b. Small Signs
 - (1) Two small temporary real estate signs for new construction, one which may be 32 square feet in area and the other which may be 16 square feet in area, are allowed without a sign permit.
 - (2) Such signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.
 - c. Large Signs
 - (1) The following temporary real estate signs for new construction are allowed:
 - (a) One or more wall or freestanding sign(s) not to exceed a total aggregate sign area of 400 square feet or 16 square feet per acre, whichever is less;
 - (b) One nongovernmental flag, 15 square feet in area or less, per acre;
 - (c) Two banners 48 square feet or less in area; and
 - (d) One A-frame sign of 32 square feet or less.
 - (2) Additional signage for new construction:
 - (a) In addition to other (new construction) temporary real estate signs allowed by this subsection, a developer or sales agent may increase allowed temporary real estate signage for new construction by up to 50 percent from 5:00 p.m. Friday to 7:00 a.m. Monday or 7:00 a.m. Tuesday if Monday is a state or federal holiday.

(3) Time Limit on Temporary Real Estate Signs for New Construction:

- (a) Temporary real estate signs for new construction are allowed upon the County's acceptance of street and utility public improvement bonds for the project and may be used for a period not to exceed 30 days after issuance of the last certificate of occupancy for permitted structures. Following this period, all signs for residential projects not approved by a master sign plan must be removed. For nonresidential projects, following this period, all signs except those approved by a master sign plan or otherwise expressly authorized by this subsection must be removed.
- (b) Permits for all structures offered for sale or lease must be kept current. Permits for common buildings, fences, pools, or other accessory structures do not extend the time period in which (new construction) temporary real estate signs are allowed.

(4) Height:

- (a) The maximum height of any temporary real estate sign is 20 feet.

S. Signs in the Public Rights-of-Way

1. Temporary off-premises development directional signs are not allowed in the public rights-of-way without obtaining approval through a Temporary Use Permit from the Zoning Administrator and an Encroachment permit from Public Works.
2. Rights-of-way for streets not included on the Master Transportation Plan may not be used for signs unless a revocable encroachment permit has been issued by Nye County Public Works for each specific sign.
3. In instances where a right-of-way is owned by the State of Nevada or the federal government, the permittee must abide by that owner's regulations in addition to the provisions of this chapter.
4. If any sign is placed in any public right-of-way under the terms of this chapter, the permittee assumes full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and must agree to defend and indemnify the Town and County and hold the Town and County harmless from all liability for such damages or injuries.
5. All temporary off-premise development signs allowed by this subsection, may only be placed after 5:00 p.m. Friday and must be removed by 7:00 a.m. the following business day.

T. Temporary Off-Premise Special Event Signs

- a. Temporary off-premises special event signs advertising or pertaining to a special event of general public interest taking place within the PRPD may be administratively authorized by the zoning administrator upon determination that such signs will not conflict with the general purpose of this code. Such signs, when permitted, may not be installed prior to seven days before the event and must be removed within 24 hours after the event. Requests for permits must include a description of the event including place and duration, a depiction of the signs, a depiction of sign placement in relation to pedestrian and vehicle traffic, and a map showing all proposed sign locations. Unless otherwise approved by the zoning administrator, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific site where the temporary off-premises special event sign is to be installed must be submitted to the planning department prior to issuance of a permit for construction of each sign.

U. Administration and Enforcement

1. Except as otherwise expressly provided in this chapter, all persons erecting, hanging, painting, installing, or otherwise placing signs in the PRPD must first obtain any required permits and/or sign review approval in accordance with the procedures of Article.

2. Business License issuance/ renewal

a. Regardless of whether a business is owned by the property owner or by a tenant proprietor, no business license may be issued or renewed for premises on which a prohibited sign exists.

3. Sign alterations

a. Billboards and Temporary Off-Premises Signs

(1) Except for message and graphics changes on billboard signs or temporary off-premises signs, no billboard or temporary off-premises sign may be altered unless its CUP/TUP permit is reissued. Except for message and graphics changes on billboard signs or temporary off-premises signs, no billboard or temporary off-premises sign may be altered unless its sign permit is reissued. The zoning administrator may authorize minor message changes on temporary off-premises development directional signs, such as corrections in the advertised telephone number or subdivision phase number, or other similar minor text or maintenance items. The term "minor message changes," however, does not include changes in project or developer name or redesigning the fundamental message or graphics of the sign.

(2) No sign requiring a building permit by this Code may be altered unless its sign permit is reissued.

4. Abandoned Signs

a. Within 15 days of abandonment, all abandoned signs must be removed. Except for vehicle signs, a sign will be deemed abandoned when it no longer directs, advertises, or identifies a licensed business establishment, legal product, or activity. Upon determination by Code Compliance Officer that a sign has been abandoned for 15 days, the Code Enforcement Officer must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30, calendar days to complete at least one of the following actions:

(1) Remove the abandoned sign and restore/repair building face to previous or like-new condition, which may include repainting of tenant space where signs were located;

(2) Reoccupy the premises with a business requiring the same sign message and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the County at the time of reoccupancy;

(3) Replace the former business message with the message of a public service organization and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the County. For the purposes of this section, naming the sign's leasing agent will not be considered a qualified message; or

(4) Apply to the Planning Department for an extension of time up to an additional 45 days to reoccupy the premises with a licensed business. This request must be accompanied by a signed lease for occupancy of the premises by a user allowed under the terms of the Code, and the applicant must make any changes to the sign needed to bring it into conformance with this chapter and the building, electrical, neon, and other applicable codes adopted by the County. Appeals of the Planning Director's decision or any request for an extension beyond that granted by the Planning Director, requires approval by the Regional Planning Commission. An applicant appealing the Planning Director's decision or seeking an extension beyond that granted by the Planning Director must make any changes to the sign needed to bring it into conformance with this Chapter and the building, electrical, neon, and other applicable codes adopted by the County.

b. If the property owner fails to complete at least one of the preceding four actions within the time specified by the Code Compliance Officer or within any extension of time granted by the Planning Director or Regional Planning Commission, the Code Compliance Officer is authorized to initiate removal proceedings in accordance with this section.

V. Prohibited, Illegal, Unsafe, and Dilapidated Signs

- a. Weekend directional signs will be impounded immediately if they remain outside of the permitted time frame.
- b. Unpermitted off-premises signs will be considered unsafe and will be impounded immediately.
- c. All signs blocking public sidewalks or other required pedestrian walkways or exit corridors will be impounded immediately, unless such sign has received permit approval.
- d. Upon determination by the Code Compliance Officer that a sign was not properly permitted, that a sign does not comply with the approved plans or other requirements of this chapter, or that such sign, through lack of maintenance or other damaging cause, has come into such disrepair that it must be renovated or removed, the Code Compliance Officer must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30 calendar days, to make the repairs directed by the Code Compliance Officer. If the property owner fails to remedy all deficiencies within the time specified by the Code Compliance Officer, the Code Compliance Officer is authorized to initiate removal proceedings.

W. Removal Proceedings

I. Billboards and Signs

- a. All provisions for the removal of billboards set forth by NRS Chapter 278 apply. A public hearing must be scheduled before the Planning Commission to address the removal of a nonconforming billboard or sign prior to final review of any development applications for a parcel upon which a nonconforming billboard or sign exists. Public notice provisions of Nevada Revised Statutes 278B.290.
- b. The Planning Director is authorized to initiate removal proceedings for billboards and signs. When an imminent threat to public safety exists, the Planning Director in consultation with the Code Compliance Officer must immediately take any necessary actions to prevent public exposure to the danger, including demolition, if necessary, until the billboard or sign is removed. All labor and material costs incurred for such preventive measures or removal (as determined by the County Finance Director) must be reimbursed by the property owner. The Code Compliance Officer may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.
- c. Nonconforming billboards or signs that are destroyed or damaged in excess of 50 percent of their material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snow storm must be removed.
- d. Nonconforming billboards or signs must also be removed under the following circumstances:
 - (1) The owner of the real property upon which the billboard or sign is located terminates the lease that governs the placement of the nonconforming billboards on that property pursuant to the terms of that lease.
 - (2) The billboard or sign is destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snow storm.

- (3) The conditions of approval for development or redevelopment require the removal of a billboard or sign. In this circumstance, the County may not require the removal of a nonconforming billboard or sign until such time as a building permit is submitted to the Pahrump Building and Safety for vertical construction.
- (4) For purposes of record keeping, when it is discovered that no permit exists for a nonconforming billboard or sign, the County is authorized to require that a licensed sign contractor acquire a Conditional Use Permit. This requirement to obtain a Conditional Use Permit does not authorize the County to require the removal of a nonconforming billboard or sign, unless otherwise required by the provisions of this section.

2. Other Signs

- a. For temporary off-premises signs and temporary off-premises development directional signs, the Code Enforcement Officer may, at the property owner's expense, remove the subject sign or cause the sign to be removed. Where an imminent threat to public safety exists, the Code Compliance Officer must immediately take any necessary actions to prevent public exposure to the danger including demolition, if necessary, until the sign can be removed. The Code Compliance Officer may also impound the removed sign for a period of 30 days or until the labor and material removal costs (as determined by the County Finance Director) are reimbursed to the County, whichever is sooner. If at the end of the 30-day impound period the property owner has not reimbursed the County for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the County. The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the County Finance Director or the applicable sign permit fee that would apply if such sign was being newly installed, whichever is greater.
- b. For all other signs except vehicle signs, the Code Compliance Officer may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign is removed. Such preventive measures or removal (as determined by the County Finance Director) must be reimbursed by the property owner. The Code Compliance Officer must impound the removed sign for a period of 30 days or until the removal expenses are reimbursed to the County, whichever is sooner. If at the end of the 30-day impound period the property owner or his authorized agent has not reimbursed the County for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the Code Compliance Officer. The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the County Finance Director or the applicable sign permit fee that would apply if such sign was being newly installed, whichever is greater. The Code Compliance Officer may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.
- d. For vehicle signs, the Code Compliance Officer may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including causing its removal and impoundment if on private property, or notification of the Sheriff's Department if on a public right-of-way. If an imminent threat to public safety does not exist, the Code Compliance Officer may issue a misdemeanor citation for each day in which the violation occurs. At such time as the Code Compliance Officer determines that the vehicle or vehicle-mounted sign has been abandoned, the Code Compliance Officer is authorized to cause it to be removed and disposed of it in the same manner as any other abandoned vehicle.

X. Exceptions and Modifications

- a. The Regional Planning Commission is authorized to approve exceptions to and modifications of sign regulations of this chapter.

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 _____ day of _____, 2019.

Proposed on the _____ day of _____, 2019.

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2019.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY:

John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST:

Sandra "Sam" L. Merlino
Clerk and Ex-Officio [Clerk of the
Board](#)

NYE COUNTY ORDINANCE NO.

SUMMARY: A Bill proposing to repeal and replace in its entirety Nye County Code 17.04.770, the Signage Requirements applicable to the Pahrump Regional Planning District, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO REPEAL AND REPLACE IN ITS ENTIRETY NYE COUNTY CODE 17.04.770, THE SIGNAGE REQUIREMENTS WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT, 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 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, due to a preponderance of the natural and scenic beauty of the Pahrump Valley, the Board of County Commissioners has determined that illegal signs, abandoned and unmaintained signs result in economic harm to the County by creating visible clutter and promoting a negative aesthetic impact on the community; and

WHEREAS, the Board of County Commissioners has determined that the protection of the public health, safety and welfare through the regulation and prohibition of illegal signs, abandoned signs and unmaintained sign is in the best interest of the community.

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE TITLE 17 IS HEAREBY AMENDED AS FOLLOWS, with ~~Deletions~~ shown in strike-through red font, and additions and modifications shown in underscored blue font:

17.04.770: SIGNAGE REQUIREMENTS:

A. Scope: Outdoor advertising structures and signs may be permitted subject to the limitations and provisions set forth herein. This section is intended to provide specifications and regulations for most sign types. Signs not described or regulated by this chapter should not be used or constructed without specific approval of the planning and zoning commission. The provisions of this code shall apply to all signs erected in the Pahrump Regional Planning District hereafter referred to as (PRPD).

B. Purpose and Intent: The sign regulations of this Chapter have the following specific purposes:

1. To ensure that signs are designed, constructed, installed, and maintained in a way that protects life, health, safety, property, and the public's general welfare;
2. To allow signs as a means of communication, while at the same time avoiding adverse impacts on nearby properties, motorists, and others;

3. To promote the desired character of the Town and maintain and enhance the Town's high-quality appearance and attractive visual environment;
4. To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area;
5. To protect residential neighborhoods from potential adverse impacts associated with signs; and
6. To ensure that the constitutionally guaranteed right of free speech is protected.

C. Applicability:

The sign regulations of this Chapter apply to all signs erected, placed, constructed, painted, installed, or maintained in the PRPD.

1. **Generally:** A sign may be erected, placed, established, painted, created or maintained in the PRPD only in conformance with the standards, procedures, exemptions and other requirements of this chapter.

2. **Nonapplicable Situations:** Nothing in this chapter shall apply to displays of the following kinds:

- a. Official notices of any court, public body or officer;
- b. Notices posted by utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice;
- c. Directional, warning or informational signs or structures either required by law or established by local authority, institutional or group notices of a public or semipublic nature;
- d. Lettering attached to an operational motor vehicle;
- e. Those signs located within a building or on private property that will not be visible from any public right of way or adjoining properties; and
- f. Grandfathered signs.

D. Definitions: Definitions: Words and phrases used in this chapter shall have the meaning 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 CENTER(EMC): A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

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.

NONCOMMERCIAL SIGN: Any sign that contains, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity.

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 or billboard used for the purpose of appealing, directly or indirectly, for votes or other support during any election campaign, including support for ballot questions.

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 records held by the assessor 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 of 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.

SIGHT TRIANGLE EASEMENT: A triangular shaped easement over a portion of land established at street intersections, in which nothing, with the exception of street hardware, is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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:

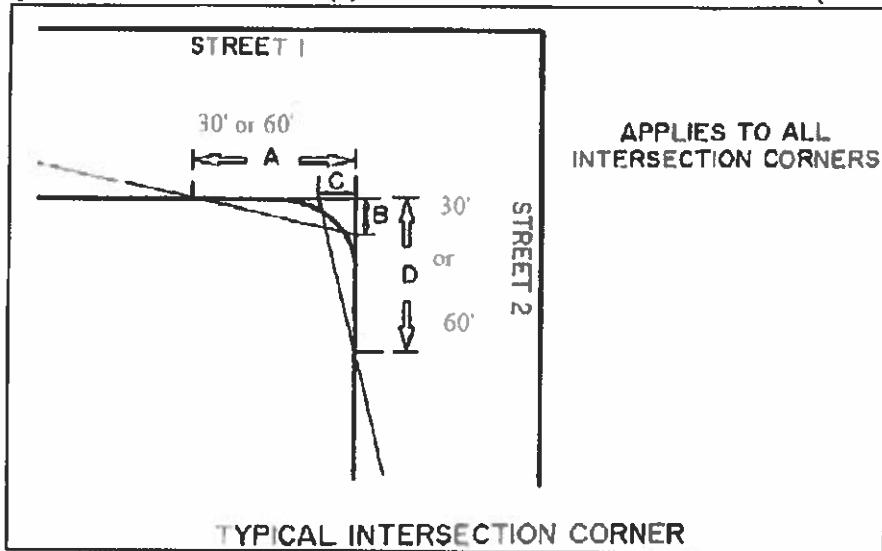
1. Each real property and personal property owner is responsible for proper permitting, installation and maintenance of all signs on their property.
2. Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area, and other requirements of this chapter. Authorized decision-making bodies may not consider the content of speech or the viewpoint of the speaker when taking action to approve or deny sign permits or other application for signs.
3. All signs and sign supports, including decorative covers, must be maintained in a clean, safe like-new condition. Any damage, including weathering, resulting from wind or any other natural or artificial cause, must be repaired immediately.
4. Signs must be maintained in a graffiti-free condition.
5. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, or damaged.
6. The display area of all painted signs must be kept neatly printed or posted at all times. Any painting, fading, chipping, peeling, flaking paint or plastic, and mechanical or structural defect must be repaired immediately, or the sign must be removed.
7. Paint or debris associated with signs may not litter public property or public rights-of-way.
8. All signs must be located outside of the Sight Visibility Triangle.

F. Signs Permitted In All Zones:

- a. Construction signs: post type 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 post type 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. Permitted special event (election) signs as outlined in Nevada Revised Statutes.
- e. Political signs provided they 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.

(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. Campaign signs must be removed within 30 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.

(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 3 working days from receipt of notification, the Code Compliance 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 will become the property of Nye County and will be disposed of at the discretion of the County.

f. Temporary directional signs subject to the following:

- (1) Purpose: Temporary directional signs will be allowed to advertise and provide directions toward a residential subdivision during the construction of the subdivision with the issuance of a Temporary Use Permit.
- (2) Area: Signs may not be larger than eighteen inches by twenty four inches (18" x 24") and must be constructed of durable materials.
- (3) Display Period: Temporary directional signs may be used while a subdivision is under construction, and while units within the subdivision are being sold. The temporary directional signs may be placed after 5:00pm Friday and must be removed by 7:00 AM on the next business day throughout the duration of the construction of the homes located in the advertised subdivision.
- (4) 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.
 - (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).
 - (C) 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.
- (5) Issuance: Temporary directional signs must be approved by the zoning administrator before the placement of any sign. A location plan must be submitted for approval and a Temporary Use Permit must be obtained.
- (6) Permit Conditions: The zoning administrator may issue a permit for temporary directional real estate development signs for a period up to six (6) months. Any such permit is subject to review at any time. In granting a temporary real estate directional sign permit, the zoning administrator will also determine the total number of temporary directional signs which may be displayed and the locations where they may be displayed. The temporary directional signs shall be removed within seven (7) days of the sale of the last unit within the subdivision which it is advertising.
- (7) Community Directional Ladder Signs Permitted: Ladder style directional signs to be shared by more than one development are not in violation of this chapter or the limitations of this section. Such directional signs must be approved by the zoning administrator.
- (8) Master plan sign programs are authorized within the boundaries of approved master planned developments. The zoning administrator is authorized to grant approval to master plan sign programs.

2. Flags:

- a. The flag of the United States of America and flags of other nations, states, and governments, where allowed, must be displayed in accordance with the protocol set forth in United States Code, Title 36,

Chapter 10, Patriotic Customs, the pertinent portions of which are contained in the book *Our Flag*, published by the Joint Committee on Printing, United States Congress, and available for review in the planning department.

b. Any of the following that prohibits or restricts the display of flags is void and unenforceable, except as expressly provided in this chapter.

- (1) A covenant, condition, or restriction contained in a legal instrument affecting an interest in real property; or
- (2) Any rule or regulation of an owner's association that otherwise has the authority to regulate the use of real property.
- (3) This does not apply to any covenant, condition, restriction, rule, or regulation that, with respect to the display of the American flag, establishes:
 - i. Reasonable placement and safety standards applicable to the display of the flag;
 - ii. A maximum number of flags that may be displayed on a parcel;
 - iii. A requirement that flags to be displayed be portable and removable; or
 - iv. In the case of residential property, a requirement that the height of any flag, when displayed, does not exceed the height of the residence.

3. Prohibited Signs, Sign Locations, and Sign Characteristics

A. Prohibited Signs Location(s): No advertising display shall be placed in any of the following locations:

- (1) Within the existing and future planned right of way of any highway, road or other public easement, or within an existing and future planned right of way;
- (2) Within any stream or drainage channel;
- (3) In any location that may obstruct views of approaching traffic within any defined sight triangle easement as defined in the "Standard Details Specifications for Public Improvements Within The Pahrump Regional Planning District".
- (4) Signs that obstruct, impair, obscure, interfere with the view of or imitate, resemble or may be confused with any official emergency vehicle, traffic control sign, signal, or device, either required by law or established by local authority;
- (5) Above a canopy or marquee, or upon a roofline; and
- (6) No signs shall be attached to any tree, public utility poles or structures, or traffic control devices, posts or signs.

B. Prohibited Displays: Displays of the following nature are prohibited, unless otherwise approved by the zoning administrator:

- a. Imitations or simulations of any directional, warning, danger or informational signs;
- b. Illumination of such brilliance and/or position as to blind or dazzle the vision of travelers;
- c. Mobile signs larger than 48 square feet in size or illuminated, which are pulled or attached to a vehicle;
- c. Misleading, erroneous or false information and advertising; and

- d. Those that emit any sound as part of the advertising message;
- e. Contain messages, implications or pictures of specified anatomical areas or sexually specified activities.
- f. Roof-mounted signs and signs projecting above a parapet.
- g. Weekend directional signs.
- h. Back-lit awning signs.
- i. Signs, other than allowed temporary signs, made of plywood, pressed board, or other non-exterior grade wood products.
- j. Painted-on wall signs, except:
 - (1) Temporary promotional signs painted on the surfaces of windows.
 - (2) Signs painted on exterior walls of buildings that are included in a master sign plan approved by Regional Planning Commission.

5. Vehicle Signs and Portable Signs:

- a. For the purposes of this section, a car, truck, trailer, or other similar vehicle for the purpose of advertising, will be considered stationary upon remaining parked in the same location for eight hours or more. A vehicle that is moved at intervals of less than eight hours yet remains on the same property or in virtually the same location or proximity, will be considered stationary and in violation of this chapter.
- b. The following vehicles are not required to comply with the eight-hour limitation specified above:
 - (1) Vehicles owned or operated by agencies of Cities, Towns, Counties, States or National governments;
 - (2) Vehicles of companies delivering services to the general public that are regulated by the public service commission;
 - (3) Vehicles displaying signs not exceeding six square feet of area affixed to not more than one door on each side of the vehicle;
 - (4) Vehicles of building trade contractors while on a construction site for which a valid building or grading permit has been issued that requires that contractor's presence;
 - (5) Delivery vehicles parked on the premises of a licensed business when that business is closed;
 - (6) Delivery vehicles staged at industrially zoned manufacturing, warehousing, and distribution sites while awaiting loading and dispatching;
 - (7) Vehicles displaying signs that cannot be readily viewed from a public right-of-way; and
 - (8) Trucks, trailers, and vans available for rent.
 - (9) Legal, mobile food trucks or mobile businesses that do not have a brick or mortar office.

- (10) Vehicles associated with a contractor or service provider where, during non-business hours, the vehicle is either parked in an industrial zoning district or in designated parking areas of the main store or office.
- (11) Signs on vehicles that are for sale or lease and are parked legally in a parking space.
- (12) Any signage on a vehicle that is required by State or Federal law.

6. Maintenance: All signs, advertising displays and structures as regulated by this chapter shall be maintained by the owner of the sign and/or property owner and shall be kept free and clear of all obnoxious substances, materials, rubbish or weeds.

7. Sign Setback: Signs not in excess of eight feet (8') in height shall be set back a minimum of two feet (2') from the front property line, signs exceeding eight feet (8') in height shall be set back a minimum of ten (10) from the front property line. No sign shall be erected within twenty feet (20') of a residential property line, or within ten feet (10') of any other side property line unless such sign is to be jointly utilized by the two (2) adjacent properties.

8. Lighting (If Used): Sign illumination shall be in the form of backlighting or down lighting; up lighting shall be prohibited to protect and preserve views and enjoyment of the night sky. No lighting may interfere with roadway visibility. Strobe lighting is prohibited.

9. Curbing and Landscaping: Freestanding signs shall be located within a concrete curb, the support of which shall be located no closer than two feet (2') from the required curb. The area within the curb shall be landscaped a minimum of 75% of the sign area with landscaping that is designed to not obscure the message.

10. Animated Signs: Animated signs are prohibited. No sign shall gyrate, blink, flash, strobe or be audible in any animated fashion, except that gaming establishment, casinos shall be exempt.

11. Nonconforming Signs: All freestanding signs (including off premises signs) shall be treated as nonconforming structures, as subject to section 17.04.905 of this chapter.

12. Abandoned Signs: Abandoned off premises or freestanding signs must be removed or repaired within fifteen (15) days notification by any county or town official or designee.

F. Exempt Signs:

- 1. These provisions do not relieve sign owners of the responsibility for proper sign placement, permits and on-going sign maintenance or exempt the sign owner from compliance with the Building Code and other applicable provisions of this Code. All illuminated signs that are allowed by this Code require a sign permit. The following signs may be established without a permit in accordance with this section:
 - a. Official notices of any court, public body, or officer.
 - b. Warning or security signs that are no more than four square feet in area.
 - c. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.
 - d. In-park advertising panels on playing field walls, backboards, and scoreboards erected by a public agency or other organization authorized to do so by the Planning Department.
 - e. Brass, marble, or similar plaques containing names of buildings, dates of erection, monumental citations, commemorative information, and similar features when such plaques or monuments are cut

into a masonry surface or inlaid so as to be part of a building or provided they are constructed of bronze or similar non-combustible material and not more than four square feet in area.

- f. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial, public, or semipublic use, including vending machines, automated teller machines, and gasoline pumps.
- g. Holiday lights and displays containing no commercial message, erected no sooner than 45 days before the holiday and removed within 14 days following the holiday.
- h. Non-illuminated wall signs one square foot in area or smaller, displaying the name and profession of the occupant of the premises.
- i. Onsite real estate signs offering a parcel "for sale" or "for lease," not exceeding 32 square feet each, and provided that the maximum number of signs per site may not exceed one sign per 250 linear feet of frontage along a public right-of-way.
- j. Site entrance signs that direct and inform patrons and visitors to the subject site, not exceeding one sign per entrance and not exceeding eight square feet in area or 32 inches in height.
- k. Window displays covering less than 50 percent of each window in a nonresidential zoning district.
- l. Non-commercial messages unless otherwise expressly regulated by this chapter.
- m. Any public safety sign, notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- n. Emblems or insignia of any nation or political subdivision.
- o. Religious symbols.
- p. Works of art or decorative architectural graphics.
- q. A single flag of the United States of America or the State of Nevada, or both, each not exceeding 100 square feet in area or 40 feet in height. (Note: a permit must be obtained, and appropriate inspections performed as required by the building official for the flagpole). Flag poles that exceed zoning district height limits are subject to Zoning approval.
- r. Other signs that are expressly exempted from sign permit requirements in accordance with the regulations of this chapter.

G. Signs Permitted In Residential Zones:

1. Wall Signs: Only one wall sign not exceeding two (2) square feet in area per dwelling unit may be permitted to indicate the name and address of the occupant or home occupation.
2. Yard Sale/Garage Sale Signs: Yard sale and/or garage sale signs may be permitted while the yard sale is active and must be removed within twenty-four (24) hours of the termination of the yard sale.
3. Entry Signs: In single-family, multi-family, and mobile home park residential districts, up to two (2) wall mounted subdivision identification signs not in combined excess of forty-eight (48) square feet, shall be permitted at each primary entrance to the subdivision, complex or park.

4. **Building Identification Signs:** One downlit sign not exceeding twelve (12) square feet may be permitted for each apartment or condominium building provided that such sign contains no advertising matter except the name and street address of the apartment or condominium building.

5. **Freestanding Nonresidential Signs:** Nonresidential uses, including model homes, shall be permitted one freestanding monument sign per street frontage not to exceed sixty (60) square feet in area or six feet (6') in height, and may also be permitted wall signage in accordance with the requirements for commercial zones. All model home signage must be removed prior to the issuance of a certificate of occupancy for the home:

- a. Freestanding signs -must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines and may not encroach any Sight Visibility Triangle.
- b. Illumination of freestanding signs in residential zoning districts may be illuminated externally from the ground or with Halo lighting only.
- c. Signs in residential districts are prohibited from using manual or electronic message centers, which include but are not limited to LCDs, LEDs, and manually or mechanically changeable lettering and graphics. Schools and religious assembly outside of the residential zoning district are exempt from this regulation.
- d. Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.
- e. Freestanding signs may not encroach on any required Sight Visibility Triangle.
- f. Each freestanding sign allowed pursuant to this subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

H. Signs Permitted In Commercial Zones:

1. **Wall Signs:** Wall signs may be permitted in all commercial zoning districts subject to the following:

- a. Wall signs (except for marquee signs) shall not project more than twenty four inches (24") from the wall face upon which the sign is mounted.
- b. Wall signs may occupy up to fifteen percent (15%) of the building or wall face upon which the sign is mounted. In multi-tenant structures such as in line commercial shopping centers, individual wall signage shall be calculated based on the lease area of each tenant, not the entire building.

2. **Marquee Signs:** Marquee signs may be permitted in all commercial zones subject to the following:

- a. No sign attached to any marquee may project below the marquee and not have more than fifty percent (50%) of the sign projecting above the top of the marquee.
- b. The sign may not exceed the height of the wall to which the marquee is attached, and no external bracing to the wall or top of the marquee may be allowed.

3. **Changeable Copy Signs:**

- a. Changeable copy signs may be allowed as wall mounted or freestanding signs with an area of up to one hundred (100) square feet.
- 4. **Freestanding On Premises Signs:** Freestanding on premises signs may be permitted subject to the following:
 - a. **Sign Height:** Sign height is subject to the following:
 - (1) Signs in NC and MU zones may be allowed up to a height of twenty five feet (25').
 - (2) Signs in GC zones may be allowed up to a height of thirty five feet (35').
 - (3) Signs located directly across the street from planned or existing residential uses may not exceed ten feet (10') in height.
 - b. **Number of Signs:** Each commercial use may be permitted at least one freestanding sign. Developments with double street frontage, or over one hundred fifty (150) linear feet of street frontage may be permitted two (2) freestanding signs, and one additional sign for each additional one hundred feet (100') of linear street frontage.
 - c. **Sign Aesthetics:** All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.
 - (1) Signs in NC and MU zones must be monument signs.
 - (2) Signs in GC zones that are supported by a single (1), two (2) or three (3) column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least twenty five percent (25%) as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).
 - d. **Sign Area:** Sign area is subject to the following:
 - (1) Uses with a gross floor area of up to forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred (100) square feet.
 - (2) Uses with a gross floor area in excess of forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred fifty (150) square feet.
 - (3) Uses with a gross floor area in excess of eighty thousand (80,000) square feet may be permitted signs with a sign area of up to two hundred (200) square feet.
 - e. **Sign Separation:** Signs must maintain a minimum separation of fifty feet (50').
- 5. **Shopping Center Signs:** Shopping centers must coordinate the signage of all uses within the shopping center to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.
- 6. **Menu Board Signs:** Menu board signs accessory to drive-through uses are permitted in addition to other allowed signs, as follows:
 - a. One primary menu board not to exceed thirty-six (36') square feet in area and eight (8') feet in height is allowed per order station (i.e., the point at which the vehicle occupant relays their order or request) up to a maximum of two (2) primary menu boards.
 - b. One secondary menu board not to exceed fifteen (15) square feet in area and six (6) feet in height is allowed.
 - c. Adjacent to residential zoning districts menu board signs without a speaker box must be set back at least 75 feet from residential use. Those with a speaker box must be set back one hundred fifty feet (150') from the nearest residential property line.

7. A-Frame and Easel Signs:

- a. A maximum of one A-frame sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. Such signs must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. A-frame signs may not exceed a maximum vertical or horizontal dimension of three feet; or
- b. A maximum of one easel sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. The sign must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. The maximum vertical dimension of the easel support may not exceed six feet, and the maximum sign area may not exceed a vertical or horizontal dimension of three feet.
- c. A-frame and Easel signs must be set back at least 5 feet from the back of curb or sidewalk and 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.
- d. A-frame and Easel signs may not encroach on any required Sight Visibility Triangle.

8. Awning and Canopy Signs:

- a. Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.

9. Projecting Signs

- a. A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second-floor building entrance is accessed via a common exterior (outdoor) walkway.
- b. Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.
- c. No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.
- d. Projecting signs may not extend vertically above the roof line or parapet wall.
- e. Sign supports for projecting signs must appear to be an integral part of the sign.

I. Signs Permitted in Industrial Zones:

1. **Wall Signs:** Wall signs may be permitted in all industrial zoning districts subject to the following:
 - a. Wall signs shall not project more than twenty-four inches (24") from the wall face upon which the sign is mounted.
 - b. Wall signs may occupy up to fifteen percent (15%) of the building or wall face upon which the sign is mounted.
2. **Changeable Copy Signs:** Changeable copy signs may be allowed as wall mounted or freestanding signs with an area of up to one hundred (100) square feet.
3. **Freestanding on Premises Signs:** Freestanding on premises signs may be permitted subject to the following:

- a. **Sign Height:** Signs in industrial zoning districts may be allowed at a height of up to thirty-five feet (35').
- b. **Number of Signs:** Each industrial use may be permitted at least one freestanding sign. Developments with double street frontage, or over one hundred fifty (150) linear feet of street frontage may be permitted two (2) freestanding signs, and one additional sign for each additional one hundred feet (100') of linear street frontage.
- c. **Sign Aesthetics:** All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.
 - (1) Signs that are supported by a single (1), two (2) or three (3) column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least twenty five percent (25%) as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).
- d. **Sign Area:** Sign area is subject to the following:
 - (1) Uses with a gross floor area of up to forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred (100) square feet.
 - (2) Uses with a gross floor area in excess of forty thousand (40,000) square feet may be permitted signs with a sign area of up to one hundred fifty (150) square feet.
 - (3) Uses with a gross floor area in excess of eighty thousand (80,000) square feet may be permitted signs with a sign area of up to two hundred (200) square feet.
- e. **Sign Separation:** Signs must maintain a minimum separation of fifty feet (50').

4. **Office Park/Industrial Park Signs:** Such developments must coordinate the signage of all uses within the development to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.

5. **Menu Board Signs:** Menu board signs accessory to drive-through uses are permitted in addition to other allowed signs, as follows:

- a. One primary menu board not to exceed thirty-six (36') square feet in area and eight (8') feet in height is allowed per order station (i.e., the point at which the vehicle occupant relays their order or request) up to a maximum of two (2) primary menu boards.
- b. One secondary menu board not to exceed fifteen (15) square feet in area and six (6) feet in height is allowed.
- c. Adjacent to residential zoning districts menu board signs without a speaker box must be set back at least 75 feet from residential use. Those with a speaker box must be set back one hundred fifty feet (150') from the nearest residential property line.
- d. Menu board signs are intended to convey information to motorists within the boundaries of the development and, therefore, may not be located or oriented to be legible from off site.

6. **Awning and Canopy Signs:**

- a. Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.
- b. A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second-floor building entrance is accessed via a common exterior (outdoor) walkway.

- c. Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.
- d. No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.
- e. Projecting signs may not extend vertically above the roof line or parapet wall.
- f. Sign supports for projecting signs must appear to be an integral part of the sign.

J. Off Premises Signs:

- 1. **Zoning Requirement:** Off premises signs may be allowed in GC, NC, LI, HI and CM zoning districts with the approval of a conditional use permit.
- 2. **Sign Location:** The leading edge of an off premises sign must be within one hundred feet (100') of State Highway 160 or State Highway 372. Off premises signs are prohibited south of Caas Road and north of Bell Vista along State Highway 160, and west of Leslie or east of Highway 160 on Highway 372.
- 3. **Setback:** Off premises signs shall be set back not less than ten feet (10'), as measured from the leading edge of the sign, from all rights of way, and twenty-five feet (25') from all other property lines.
- 4. **Stacking:** An off premises sign may not be stacked upon another off premise sign.
- 5. **Size:**
 - a. No off premises sign shall exceed thirty-five feet (35') in height, or forty-eight feet (48') in width.
 - b. No off premises sign shall have a surface area greater than three hundred (300) square feet. For the purpose of this requirement only one side of a back to back off premises sign shall be counted, however two (2) opposing faces shall not exceed forty-five degrees (45°) from parallel.
- 6. **Name of Manufacturer Displayed:** No off premises (billboard) advertising display shall be permitted unless the name of the manufacturer or the manager of the sign is permanently displayed thereon and is visible from the roadway adjacent to the property.
- 7. **Separation:** All separation distances shall be measured in a radius fashion from the center of the sign face in accordance with the following:
 - a. Off premises signs shall have a minimum separation of seven hundred fifty feet (750') from all other existing off premises signs on the same side of the street.
 - b. Off premises signs shall have a minimum separation of two hundred feet (200') from any intersection of roadways or any other existing off premises sign on the opposite side of the street.
 - c. Off premises signs shall have a minimum separation of one hundred feet (100') from any on premises sign.
 - d. Off premises signs shall have a minimum separation of five hundred feet (500') from any residential zone boundary.

K. Electronic Message Centers (EMC):

- 1. Electronic message centers, electronic graphic display signs, and digital video display signs may be permitted in GC, LI and HI zoning district with issuance of a Conditional Use Permit (CUP).
- 2. No more than one electronic message center sign is allowed per lot or development site.
- 3. Area and height

- a. The electronic message center component of a sign may comprise no more than 50 percent of a sign's total sign area.
- b. Freestanding electronic message center signs must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face.
- c. The maximum height of the electronic message center component of a freestanding sign is 12 feet.

4. Electronic Message Center (EMC) Criteria: The night-time illumination of an EMC shall conform with the criteria set forth in this section.

- a. EMC Illumination Measurement Criteria: The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area of a Sign versus Measurement Distance table.
- b. EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
- c. Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

SIGN AREA VERSUS MEASUREMENT DISTANCE

| AREA OF SIGN (sq. ft.) | MEASUREMENT (ft) |
|------------------------|------------------|
| 10 | 32 |
| 15 | 39 |
| 20 | 45 |
| 25 | 50 |
| 30 | 55 |
| 35 | 59 |
| 40 | 63 |
| 45 | 67 |
| 50 | 71 |
| 55 | 74 |
| 60 | 77 |
| 65 | 81 |
| 70 | 84 |
| 75 | 87 |
| 80 | 89 |
| 85 | 92 |
| 90 | 95 |
| 95 | 97 |
| 100 | 100 |
| 110 | 105 |
| 120 | 110 |
| 130 | 114 |
| 140 | 118 |
| 150 | 122 |

| | |
|-----|-----|
| 160 | 126 |
| 170 | 130 |
| 180 | 134 |
| 190 | 138 |
| 200 | 141 |
| 220 | 148 |
| 240 | 155 |
| 260 | 161 |
| 280 | 167 |
| 300 | 173 |

4. Spacing

- a. Electronic message centers are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.
5. The sign face must be oriented away from residential uses and districts.
6. Each image must remain static for at least 20 seconds.
9. Signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of one minute or more during such hours and must conform to other applicable standards of this subsection.
10. Digital display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.
11. Digital display signs may not include flashing, scrolling, intermittent, or full-motion video elements. Audio or pyrotechnic elements are prohibited.

N. Billboards

1. Conditional Use Permit Required (CUP)

2. Aesthetics:

a. Face, Frame, and Reverse Side Treatment of Sign

- (1) The face of each permitted billboard must contain a discernable message or graphic at all times. A billboard that stands as a skeletal structure without message panels or that has all blank panels or panels removed or arranged in such a manner as to make the message unreadable will be considered in disrepair and not in compliance with the maintenance requirements of this Development Code.
- (2) The structural members of all billboards and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Community Development and Services Director, for the purposes of this section, tan and light-brown colored paints will be considered compatible.

b. Lighting:

- (1) Billboards may be illuminated internally or externally provided such external illumination be directed and shielded to limit direct illumination of any object other than the sign.

(2) A billboard's light source shall be boxed and integrated into the structure as to not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

- c. Color: Earth tone colors indigenous to the Pahrump Valley shall be used to paint the support(s) of the structure and the frame around the sign;
- d. Number of Supports: A maximum of two (3) supports will be permitted;
- e. Material: No signs made of canvas shall be permitted; nor may signs have streamers, balloons, pennants, banners, or wind driven devices as part of the sign or attached to the sign;
- f. Projections and Emission: No sign may emit a noise via an artificial device; nor may signs emit smoke, fire or odor; nor may signs have extensions or projections from the perimeter of the sign. (Ord. 303, 2005: Ord. 285, 2004)
- g. No billboard may be erected over structures or mobile homes and, following construction of the sign, no building or mobile home may be constructed or placed beneath any part of a billboard.

3. Location

- a. Billboards are prohibited within 100 feet of a residence. Unless otherwise approved by RPC through a waiver/variance application, no billboard may be constructed on any parcel on which a structure other than a fence is constructed or for which any building permit has been issued. Unless otherwise approved by RPC, no billboard may remain on any parcel following construction of any other structure.

4. Separation

- a. No new billboard may be constructed within 750 feet of any existing billboard. For the purposes of this section, a sign for which a billboard permit has been issued will be considered an existing sign. The minimum required distance will be measured between points on the centerline of the adjacent street, and those points must reflect each sign's perpendicular relationship to that street's centerline. In no instance, however, because of a change in street direction or other measurement peculiarity, may the distance between signs be less than 750 feet when measured in a straight line.

5. Height

- a. No billboard may exceed 50 feet in height, excluding allowable embellishments (e.g., extraneous decorations, such as two- or three-dimensional objects or text that extend beyond the primary frame or border of a sign or billboard).
- b. Each sign must be elevated a minimum of nine feet above the ground and may not have more than three (3) supports.

6. Size

- a. No billboard may have a display surface greater than 672 square feet, except for an embellishment, which may not be higher than five feet or exceed 128 square feet of additional surface. For the purposes of this standard, only one side of a back-to-back off-premises sign will be counted; however, two opposing faces may not exceed 45 degrees from parallel.

7. Setbacks

- a. No portion of a billboard may be closer than 25 feet to any existing or future public right-of-way.

8. Life of permit; Lapse of approval

- a. A billboard Conditional Use Permit will remain in effect for a period two to five years. Renewal of conditional use sign permits, including the payment of fees and completion of inspections, is required

and must be completed in two (2) to five (5) year increments. Failure to renew a conditional use sign permit in accordance with the provisions of this Chapter will result in a penalty assessment and accrual of permit fees, the non-payment of which will result in a lien being placed on the real property upon which the sign is located. The billboard conditional use sign permit may be reissued for succeeding periods of five years from the date of reissuance if the following conditions exist:

- (1) The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new billboard Conditional Use Permit.
- (2) The subject sign must have been in the permitted location and must have been maintained in accordance with the requirements of this Development Code during the entire life of the expiring permit.

9. Permit number and address

- a. The sign's owner, permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the County must be indicated on a four-inch by six-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every billboard erected in accordance with the provisions of this section.

O. Sign Illumination and Design

1. Lighted signs or lighting devices must be directed or beamed in a manner that does not cause glare or illuminate a public street, highway, sidewalk, or adjacent premises to a degree that may constitute a traffic hazard or nuisance.
2. Channel letter signs may be illuminated internally or by halo or silhouette lighting.
3. Cabinet signs must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols.
4. No sign may flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.
5. All light sources must be shielded from view.
6. Signs should be designed to complement the architectural design and building materials used on principal buildings on the site.
7. Raceway mounts for channel letter signs must be painted and designed to blend in with the color of the wall to which it is attached. Raceway mounts must be of a size and design that gives them the appearance of being an integral background design feature of the sign rather than a separate mounting device.

P. Temporary Signs

1. Temporary signs are allowed only in accordance with the regulations of this section. All temporary signs must conform to sight visibility requirements at all entrances, exits, and intersections.
 - a. Temporary signs shall not be attached to public utility poles, landscaping or onsite informational signs.
2. **Temporary Banner Signs:** Temporary banner type signs may be used for the following circumstances:
 - a. Upon issuance of an initial business license for sales of products or for the provision of a service to the public, a proprietor may install temporary signs and banners for up to 90 days to announce the opening of the new business on the premises. This 90-day initial promotion sign period is a one-time opportunity for product and service businesses and is not intended for use by residential

or commercial rental agents or owners to market their available residential units or commercial or industrial lease space.

- b. Merchants seeking to take advantage of this 90-day "grand opening" sign allowance may do so without obtaining a sign permit provided; however, the type and mounting methods of any proposed temporary signs must be reviewed and approved by the building official, and further provided that no such sign or banner may be constructed or employed on the premises that presents a hazard to traffic or pedestrian safety.
- c. Temporary banner signs shall be located on the tenant space of the business advertising.
- d. Maximum square footage of temporary banner sign shall be 36 square feet.

3. Promotional Event Signs:

- a. Proprietors licensed for sales of products or for the provision of a service to the public who are not eligible for a temporary "grand opening" sign, must obtain approval of a Temporary Use Permit from the zoning administrator before installation, placement or other use of temporary sales/promotional event signs. Coming-soon signs are permitted without a proprietor's business license being obtained and may be placed up to 60 days prior to the grand opening of the business.
- b. In the application for the Temporary Use Permit, the applicant must specify the type of signs to be used (either banner or a-frame only), their location on the premises, installation date, and date of removal.
- c. The regulations of this subsection are not intended for use in selling or leasing residential units or commercial or industrial space.
- d. Temporary signs are permitted once every 90 days for a maximum of 14 days within any 90-day period.
- e. A maximum of two temporary signs shall be permitted within any 14-day period.

4. Temporary A-Frame Signs:

- a. maximum square footage of an A-frame sign shall be nine square feet. A-frame signs shall not exceed a maximum vertical or horizontal dimension of three feet.
- b. Temporary A-frame signs shall not be located within the required Sight Visibility Triangle.
- c. Temporary A-frame signs shall be located on the tenant space of the business advertising.

R. Temporary Real Estate Signs

1. All temporary real estate signs allowed by this section must be on the premises being offered for sale or lease except as otherwise expressly stated.
2. Signs for new construction:
 - a. Temporary real estate signs for new construction are allowed in all zoning districts in addition to other allowed permanent signs. Such signs are subject to the regulations of this subsection.
 - b. Small Signs
 - (1) Two small temporary real estate signs for new construction, one which may be 32 square feet in area and the other which may be 16 square feet in area, are allowed without a sign permit.
 - (2) Such signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

c. Large Signs

(1) The following temporary real estate signs for new construction are allowed:

- (a) One or more wall or freestanding sign(s) not to exceed a total aggregate sign area of 400 square feet or 16 square feet per acre, whichever is less;
- (b) One nongovernmental flag, 15 square feet in area or less, per acre;
- (c) Two banners 48 square feet or less in area; and
- (d) One A-frame sign of 32 square feet or less.

(2) Additional signage for new construction:

- (a) In addition to other (new construction) temporary real estate signs allowed by this subsection, a developer or sales agent may increase allowed temporary real estate signage for new construction by up to 50 percent from 5:00 p.m. Friday to 7:00 a.m. Monday or 7:00 a.m. Tuesday if Monday is a state or federal holiday.

(3) Time Limit on Temporary Real Estate Signs for New Construction:

- (a) Temporary real estate signs for new construction are allowed upon the County's acceptance of street and utility public improvement bonds for the project and may be used for a period not to exceed 30 days after issuance of the last certificate of occupancy for permitted structures. Following this period, all signs for residential projects not approved by a master sign plan must be removed. For nonresidential projects, following this period, all signs except those approved by a master sign plan or otherwise expressly authorized by this subsection must be removed.
- (b) Permits for all structures offered for sale or lease must be kept current. Permits for common buildings, fences, pools, or other accessory structures do not extend the time period in which (new construction) temporary real estate signs are allowed.

(4) Height:

- (a) The maximum height of any temporary real estate sign is 20 feet.

S. Signs in the Public Rights-of-Way

1. Temporary off-premises development directional signs are not allowed in the public rights-of-way without obtaining approval through a Temporary Use Permit from the Zoning Administrator and an Encroachment permit from Public Works.
2. Rights-of-way for streets not included on the Master Transportation Plan may not be used for signs unless a revocable encroachment permit has been issued by Nye County Public Works for each specific sign.
3. In instances where a right-of-way is owned by the State of Nevada or the federal government, the permittee must abide by that owner's regulations in addition to the provisions of this chapter.
4. If any sign is placed in any public right-of-way under the terms of this chapter, the permittee assumes full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and must agree to defend and indemnify the Town and County and hold the Town and County harmless from all liability for such damages or injuries.

5. All temporary off-premise development signs allowed by this subsection, may only be placed after 5:00 p.m. Friday and must be removed by 7:00 a.m. the following business day.

T. Temporary Off-Premise Special Event Signs

- a. Temporary off-premises special event signs advertising or pertaining to a special event of general public interest taking place within the PRPD may be administratively authorized by the zoning administrator upon determination that such signs will not conflict with the general purpose of this code. Such signs, when permitted, may not be installed prior to seven days before the event and must be removed within 24 hours after the event. Requests for permits must include a description of the event including place and duration, a depiction of the signs, a depiction of sign placement in relation to pedestrian and vehicle traffic, and a map showing all proposed sign locations. Unless otherwise approved by the zoning administrator, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific site where the temporary off-premises special event sign is to be installed must be submitted to the planning department prior to issuance of a permit for construction of each sign.

U. Administration and Enforcement

1. Except as otherwise expressly provided in this chapter, all persons erecting, hanging, painting, installing, or otherwise placing signs in the PRPD must first obtain any required permits and/or sign review approval in accordance with the procedures of Article.

2. Business License issuance/ renewal

- a. Regardless of whether a business is owned by the property owner or by a tenant proprietor, no business license may be issued or renewed for premises on which a prohibited sign exists.

3. Sign alterations

a. Billboards and Temporary Off-Premises Signs

- (1) Except for message and graphics changes on billboard signs or temporary off-premises signs, no billboard or temporary off-premises sign may be altered unless its CUP/TUP permit is reissued. Except for message and graphics changes on billboard signs or temporary off-premises signs, no billboard or temporary off-premises sign may be altered unless its sign permit is reissued. The zoning administrator may authorize minor message changes on temporary off-premises development directional signs, such as corrections in the advertised telephone number or subdivision phase number, or other similar minor text or maintenance items. The term "minor message changes," however, does not include changes in project or developer name or redesigning the fundamental message or graphics of the sign.

- (2) No sign requiring a building permit by this Code may be altered unless its sign permit is reissued.

4. Abandoned Signs

- a. Within 15 days of abandonment, all abandoned signs must be removed. Except for vehicle signs, a sign will be deemed abandoned when it no longer directs, advertises, or identifies a licensed business establishment, legal product, or activity. Upon determination by Code Compliance Officer that a sign has been abandoned for 15 days, the Code Enforcement Officer must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30, calendar days to complete at least one of the following actions:

- (1) Remove the abandoned sign and restore/repair building face to previous or like-new condition, which may include repainting of tenant space where signs were located;

- (2) Reoccupy the premises with a business requiring the same sign message and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the County at the time of reoccupancy;
- (3) Replace the former business message with the message of a public service organization and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the County. For the purposes of this section, naming the sign's leasing agent will not be considered a qualified message; or
- (4) Apply to the Planning Department for an extension of time up to an additional 45 days to reoccupy the premises with a licensed business. This request must be accompanied by a signed lease for occupancy of the premises by a user allowed under the terms of the Code, and the applicant must make any changes to the sign needed to bring it into conformance with this chapter and the building, electrical, neon, and other applicable codes adopted by the County. Appeals of the Planning Director's decision or any request for an extension beyond that granted by the Planning Director, requires approval by the Regional Planning Commission. An applicant appealing the Planning Director's decision or seeking an extension beyond that granted by the Planning Director must make any changes to the sign needed to bring it into conformance with this Chapter and the building, electrical, neon, and other applicable codes adopted by the County.

b. If the property owner fails to complete at least one of the preceding four actions within the time specified by the Code Compliance Officer or within any extension of time granted by the Planning Director or Regional Planning Commission, the Code Compliance Officer is authorized to initiate removal proceedings in accordance with this section.

V. Prohibited, Illegal, Unsafe, and Dilapidated Signs

- a. Weekend directional signs will be impounded immediately if they remain outside of the permitted time frame.
- b. Unpermitted off-premises signs will be considered unsafe and will be impounded immediately.
- c. All signs blocking public sidewalks or other required pedestrian walkways or exit corridors will be impounded immediately, unless such sign has received permit approval.
- d. Upon determination by the Code Compliance Officer that a sign was not properly permitted, that a sign does not comply with the approved plans or other requirements of this chapter, or that such sign, through lack of maintenance or other damaging cause, has come into such disrepair that it must be renovated or removed, the Code Compliance Officer must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30 calendar days, to make the repairs directed by the Code Compliance Officer. If the property owner fails to remedy all deficiencies within the time specified by the Code Compliance Officer, the Code Compliance Officer is authorized to initiate removal proceedings.

W. Removal Proceedings

1. Billboards and Signs

- a. All provisions for the removal of billboards set forth by NRS Chapter 278 apply. A public hearing must be scheduled before the Planning Commission to address the removal of a nonconforming billboard or sign prior to final review of any development applications for a parcel upon which a nonconforming billboard or sign exists. Public notice provisions of Nevada Revised Statutes 278B.290.
- b. The Planning Director is authorized to initiate removal proceedings for billboards and signs. When an imminent threat to public safety exists, the Planning Director in consultation with the Code Compliance Officer must immediately take any necessary actions to prevent public exposure to

the danger, including demolition, if necessary, until the billboard or sign is removed. All labor and material costs incurred for such preventive measures or removal (as determined by the County Finance Director) must be reimbursed by the property owner. The Code Compliance Officer may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.

- c. Nonconforming billboards or signs that are destroyed or damaged in excess of 50 percent of their material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm must be removed.
- d. Nonconforming billboards or signs must also be removed under the following circumstances:
 - (1) The owner of the real property upon which the billboard or sign is located terminates the lease that governs the placement of the nonconforming billboards on that property pursuant to the terms of that lease.
 - (2) The billboard or sign is destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm.
 - (3) The conditions of approval for development or redevelopment require the removal of a billboard or sign. In this circumstance, the County may not require the removal of a nonconforming billboard or sign until such time as a building permit is submitted to the Pahrump Building and Safety for vertical construction.
 - (4) For purposes of record keeping, when it is discovered that no permit exists for a nonconforming billboard or sign, the County is authorized to require that a licensed sign contractor acquire a Conditional Use Permit. This requirement to obtain a Conditional Use Permit does not authorize the County to require the removal of a nonconforming billboard or sign, unless otherwise required by the provisions of this section.

2. Other Signs

- a. For temporary off-premises signs and temporary off-premises development directional signs, the Code Enforcement Officer may, at the property owner's expense, remove the subject sign or cause the sign to be removed. Where an imminent threat to public safety exists, the Code Compliance Officer must immediately take any necessary actions to prevent public exposure to the danger including demolition, if necessary, until the sign can be removed. The Code Compliance Officer may also impound the removed sign for a period of 30 days or until the labor and material removal costs (as determined by the County Finance Director) are reimbursed to the County, whichever is sooner. If at the end of the 30-day impound period the property owner has not reimbursed the County for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the County. The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the County Finance Director or the applicable sign permit fee that would apply if such sign was being newly installed, whichever is greater.
- b. For all other signs except vehicle signs, the Code Compliance Officer may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign is removed. Such preventive measures or removal (as determined by the County Finance Director) must be reimbursed by the property owner. The Code Compliance Officer must impound the removed sign for a period of 30 days or until the removal expenses are reimbursed to the County, whichever is sooner. If at the end of the 30-day impound period the property owner or his authorized agent has not reimbursed the County for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the Code Compliance Officer. The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the County Finance Director or the applicable sign permit fee that

would apply if such sign was being newly installed, whichever is greater. The Code Compliance Officer may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.

d. For vehicle signs, the Code Compliance Officer may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including causing its removal and impoundment if on private property, or notification of the Sheriff's Department if on a public right-of-way. If an imminent threat to public safety does not exist, the Code Compliance Officer may issue a misdemeanor citation for each day in which the violation occurs. At such time as the Code Compliance Officer determines that the vehicle or vehicle-mounted sign has been abandoned, the Code Compliance Officer is authorized to cause it to be removed and disposed of it in the same manner as any other abandoned vehicle.

X. Exceptions and Modifications

a. The Regional Planning Commission is authorized to approve exceptions to and modifications of sign regulations of this chapter.

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 _____ day of _____, 2019.

Proposed on the _____ day of _____, 2019.

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2019.

Vote: Ayes: _____ Commissioners: _____

Nays: _____ Commissioners: _____

Absent: _____ Commissioners: _____

BY: _____

John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

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