

STAFF REPORT

Date: August 23, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **F.2. Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Case No. TXT17-00007 (Off-Premise Advertising Displays) Ordinance amending the Reno Municipal Code Title 18, “Annexation and Land Development,” by adding certain wording to and deleting certain wording from Chapter 18.16, “Signs,” Article II: “Off-Premise Advertising Displays” to: (1) prohibit the construction of digital off-premise advertising displays, including light-emitting diode (LED), (2) remove the ability to issue banked receipts for demolished off-premise advertising displays, (3) temporarily prohibit the use of some banked receipts issued prior to October 24, 2012, (4) re-enact, re-affirm, and validate Ordinance Nos. 5295 (Conforming) and 5461 (Billboard Banking), as subsequently amended, and (5) ratification and re-issuance of all permits obtained from banked billboard receipts previously issued by the City between November 14, 2000 to October 24, 2012; together with other matters properly relating thereto.**

From: Claudia Hanson, Planning Manager

Summary: This is a request to amend Reno Municipal Code Title 18, “Annexation and Land Development,” by adding certain wording to and deleting certain wording from Chapter 18.16, “Signs,” Article II: “Off-Premise Advertising Displays” to: (1) prohibit the construction of digital off-premise advertising displays, including light-emitting diode (LED), (2) remove the ability to issue banked receipts for demolished off-premise advertising displays, (3) temporarily prohibit the use of some banked receipts issued prior to October 24, 2012, (4) re-enact, re-affirm, and validate Ordinance Nos. 5295 (Conforming) and 5461 (Billboard Banking), as subsequently amended, and (5) ratification and re-issuance of all permits obtained from banked billboard receipts previously issued by the City between November 14, 2000 to October 24, 2012; together with other matters properly relating thereto.

The Planning Commission recommends Council approve the requested text amendment by ordinance.

Background: At the August 2, 2017, Planning Commission public hearing, the applicant indicated that he agreed with staff's recommendation. Four people submitted comments cards or spoke in favor of the proposed ordinance and 13 people submitted comment cards or spoke in opposition of the proposed ordinance.

In June of 2017, City Council directed staff to prepare an ordinance which prohibits the construction of digital billboards; eliminates the ability to bank billboards which have been demolished; and continue to allow the use of existing banked receipts. Banked receipts with pending validity through litigation would not be available through this proposed ordinance. Once court actions have been finalized, staff anticipates a revision to this ordinance to reflect the decision of the court. Banked receipts created through the ReTRAC program would be available for use.

The staff reports from the June 14, 2017 and October 12, 2016 meetings are attached for reference.

Discussion:

Off-Premises Advertising Displays: Chapter 18.16, Article II, provides the standards and requirements for locating off-premises advertising displays in the City of Reno. It also describes restrictions, permitted and prohibited locations, prohibited types, relocation process and permit requirement, reporting process, conversion requirement for static to digital billboards, temporary billboards, and a moratorium on conversion of static to digital billboards.

Banking

In order to relocate an existing billboard, an owner must demolish an existing sign and receive a receipt from the City which credits them the size of the removed sign. This is referred to as placing the sign in the "bank." The banked receipt is then required to be attached to any application to relocate the credited sign. This allows an applicant to relocate, shift, move or reconstruct a billboard that for whatever reason was demolished. Banked receipts are issued with definitive expiration dates. There are approximately 82 active banked receipts. Billboards removed prior to July 19, 2012, have 15 years to apply for and obtain a sign permit to relocate. Billboards removed after July 18, 2012, have three years. *See* RMC Section 18.16.908(e)(3).

Banked billboards may be relocated to any parcel with the correct zoning, assuming the proposed location is not located within a prohibited area, the billboard meets the general standards, and the appropriate permitting is obtained.

With approximately 82 active banked receipts there is adequate availability of receipts in order to allow for new construction. Banked receipts are transferable, which has occurred in the past. Banked receipts create a cumbersome and detailed process to allow relocation and erection of

billboards. With any amendment to the billboard ordinance the ongoing banking system continues the liability and commitment the City has to allow the construction of billboards. To curtail the liability to validate any future construction of billboards, staff recommends that the proposed ordinance include wording to no longer allow demolished billboards to be placed into the banking system. This would allow the 82 active banked receipts to be exchanged prior to their expirations.

Digital Billboards

Static billboards are allowed in the Industrial (I), Industrial Business (IB), Industrial Commercial (IC), Arterial Commercial (AC) and Community Commercial (CC) zoning districts. They are also allowed in the Mixed Use (MU) zoning district where the zoning was one of the above zoning districts prior to the adoption of MU zoning. Restricted and prohibited areas and spacing criteria are identified within the ordinance.

The introduction of digital billboards into the City of Reno could be considered an intensification of off-premises advertising displays. Direction from City Council at the June 14, 2017 meeting was to follow a more literal interpretation of the Voters' Initiative of 2000 and prohibit the construction of digital billboards.

The regulation and/or prohibition of digital billboards would promote the governmental interest to enhance aesthetics, limit driver distraction, and preserve neighborhood character. Staff recommends that Council direction be reflected in the proposed ordinance to prohibit the construction of digital billboards.

Re-enactment of Ordinance Nos. 5295 (Conforming) and 5461 (Billboard Banking)

On January 22, 2002, the City Council enacted Ordinance No. 5295, entitled "An ordinance amending Chapter 18.06 of Title 18 of the Municipal Code entitled 'Zoning' by adding language to and deleting language from Sections 18.06.910-18.06.985 which govern how Off-Premises Advertising Displays will be regulated; together with other matters properly related thereto" (the "Conforming Ordinance").

On June 11, 2003, the City Council enacted Ordinance No. 5461 authorizing the banking and relocation of previously existing, legally-established, permanent off-premises advertising displays (the "Banking Ordinance"). The Banking Ordinance allows a billboard owner to remove a billboard, while retaining the legal right to erect that billboard at another location on a future date provided the reconstruction is in compliance with applicable laws.

On October 24, 2012, the City Council enacted Ordinance No. 6258, entitled “Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED)” (the “2012 Digital Ordinance”).

On November 16, 2012, Scenic Nevada filed a Complaint for Judicial Review to invalidate the 2012 Digital Ordinance arguing that it violated the Nevada Constitution.

In *Scenic Nevada, Inc. v. City of Reno*, 132 Nev. Adv. Op. 48, 373 P.3d 873 (2016), the Nevada Supreme Court held that when the City Council enacted the 2012 Digital Ordinance, it reenacted and validated both the Conforming and Banking Ordinances. The Court reasoned that the City Council had the statutory authority to treat the Voters’ Initiative Ordinance “in the same manner as ordinances of the same kind adopted by the council,” NRS 295.220, and the Nevada Constitution did not prohibit further amendment as the three-year legislative moratorium had expired. The 2012 Digital Ordinance was enacted with full constitutional and statutory authority. Thus, upon reenactment, the constitutional defects in the Conforming and Banking Ordinances were cured.

On February 8, 2017, City Council passed Resolution No. 8293, imposing a moratorium until January 31, 2018, on the acceptance of any digital billboard application requests, the banking of billboards, and the creation of banked receipts.

Notwithstanding the holding in *Scenic Nevada*, and relying on the passage of Resolution No. 8293, on February 21, 2017, Scenic Nevada, Inc. filed a Petition for Writ of Mandate to enjoin the use of permits obtained from banked billboard receipts issued by the City between November 14, 2000 to October 24, 2012 to construct new billboards within the City of Reno.

On March 6, 2017, Lamar Central Outdoor, LLC filed a Complaint and Request for Declaratory and Injunctive Relief alleging a Takings claim for the City’s failing to toll or issue banked receipts during a moratorium that existed prior to the adoption of this Ordinance.

On July 10, 2017, the district court granted Lamar’s Motion for Preliminary Injunction, tolling banked receipts expiring during the moratorium and requiring the City to issue banked receipts for billboards removed during the moratorium period.

On August 2, 2017, the district court issued a Writ of Mandate enjoining the City from honoring permits obtained from banked billboard receipts issued by the City between November 14, 2000 to October 24, 2012 to construct new billboards within the City of Reno.

In light of the legal uncertainty surrounding the validity of permits obtained from banked billboard receipts, the Ordinance expressly re-enacts, re-affirms, and validates the Conforming and Banking Ordinances, and those permits obtained from banked billboard receipts issued by

the City between November 14, 2000 to October 24, 2012 as of the date of their original issuance until applicable expiration.

In light of the holding in *Scenic Nevada, Inc. v. City of Reno*, this express reenactment cures any lingering alleged constitutional defects in the Conforming and Banking Ordinances, and the permits obtained from banked billboard receipts issued in reliance on the Conforming and Banking Ordinances between November 14, 2000 to October 24, 2012.

Upon adoption of this Ordinance, the moratorium Resolution No. 8293 will be rescinded and no longer in effect.

Advisory Commission Vote: five in favor; zero opposed; two absent.

Financial Implications: None at this time.

Legal Implications: None at this time.

Findings:

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

- (1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth in Section 18.02.103.
- (2) Text amendments shall be in substantial conformance with the master plan.

Section 18.02.103. Purpose and Intent.

It is the intent of the city council that Title 18 serves to:

- (a) Promote the public health, safety, morals, convenience, and general welfare;
- (b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;
- (c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed use and urban character of the Downtown Reno Regional Center Overlay District, and promote its role as regional government, civic, entertainment, and tourist center;

- (d) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
- (e) Encourage innovative and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
- (f) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;
- (g) Facilitate adequate provision of transportation, water, sewage, electricity, gas, communications, schools, parks and other public requirements; and
- (h) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

Recommendation: The Planning Commission recommends Council adopt the requested text amendment by ordinance.

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

Text Amendment

First Reading: I move to refer Bill No. _____ for a second reading and adoption.

Attachments:

- October 12, 2016 City Council Staff Report (PDF)
- June 14, 2017 City Council Staff Report (PDF)
- August 2, 2017 Planning Commission Staff Report (PDF)
- August 2, 2017 Draft Planning Commission Meeting Minutes (PDF)

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO.

ORDINANCE NO.

ORDINANCE AMENDING THE RENO MUNICIPAL CODE TITLE 18, "ANNEXATION AND LAND DEVELOPMENT," BY ADDING CERTAIN WORDING TO AND DELETING CERTAIN WORDING FROM CHAPTER 18.16, "SIGNS," ARTICLE II: "OFF-PREMISE ADVERTISING DISPLAYS" TO: (1) PROHIBIT THE CONSTRUCTION OF DIGITAL OFF-PREMISE ADVERTISING DISPLAYS, INCLUDING LIGHT-EMITTING DIODE (LED), (2) REMOVE THE ABILITY TO ISSUE BANKED RECEIPTS FOR DEMOLISHED OFF-PREMISE ADVERTISING DISPLAYS, (3) TEMPORARILY PROHIBIT THE USE OF SOME BANKED RECEIPTS ISSUED PRIOR TO OCTOBER 24, 2012, (4) RE-ENACT, RE-AFFIRM, AND VALIDATE ORDINANCE NOS. 5295 (CONFORMING) AND 5461 (BILLBOARD BANKING), AS SUBSEQUENTLY AMENDED, AND (5) RATIFICATION AND RE-ISSUANCE OF ALL PERMITS OBTAINED FROM BANKED BILLBOARD RECEIPTS PREVIOUSLY ISSUED BY THE CITY BETWEEN NOVEMBER 14, 2000 TO OCTOBER 24, 2012; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

SPONSORED BY: RENO CITY PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

RECITALS

A. On January 22, 2002, the City Council enacted Ordinance No. 5295, entitled "An ordinance amending Chapter 18.06 of Title 18 of the Municipal Code entitled 'Zoning' by adding language to and deleting language from Sections 18.06.910-18.06.985 which govern how Off-Premises Advertising Displays will be regulated; together with other matters properly related thereto" (the "Conforming Ordinance").

B. On June 11, 2003, the City Council enacted Ordinance No. 5461 authorizing the banking and relocation of previously existing, legally-established, permanent off-premises advertising displays (the "Banking Ordinance"). The Banking Ordinance allows a billboard owner to remove a billboard, while retaining the legal right to erect that billboard at another location on a future date provided the reconstruction is in compliance with applicable laws.

C. On October 24, 2012, the City Council enacted Ordinance No. 6258, entitled “Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED)” (the “2012 Digital Ordinance”).

D. On November 16, 2012, Scenic Nevada filed a Complaint for Judicial Review to invalidate the 2012 Digital Ordinance arguing that it violated the Nevada Constitution.

E. In *Scenic Nevada, Inc. v. City of Reno*, 132 Nev. Adv. Op. 48, 373 P.3d 873 (2016), the Nevada Supreme Court held that when the City Council enacted the 2012 Digital Ordinance, it reenacted and validated both the Conforming and Banking Ordinances. The Court reasoned that the City Council had the statutory authority to treat the Voters’ Initiative Ordinance “in the same manner as ordinances of the same kind adopted by the council,” NRS 295.220, and the Nevada Constitution did not prohibit further amendment as the three-year legislative moratorium had expired. The 2012 Digital Ordinance was enacted with full constitutional and statutory authority. Thus, upon reenactment, the constitutional defects in the Conforming and Banking Ordinances were cured.

F. On February 8, 2017, City Council passed Resolution No. 8293, imposing a moratorium until January 31, 2018, on the acceptance of any digital billboard application requests, the banking of billboards, and the creation of banked receipts.

G. On February 21, 2017, Scenic Nevada, Inc. filed a Petition for Writ of Mandate to enjoin the use of any permits obtained from banked billboard receipts issued by the City between November 14, 2000 to October 24, 2012 to construct new billboards within the City of Reno.

H. On March 6, 2017, Lamar Central Outdoor, LLC filed a Complaint and Request for Declaratory and Injunctive Relief alleging a Takings claim for the City’s failure to toll or issue banked billboard receipts during moratorium Resolution No. 8293, which existed prior to the adoption of this Ordinance.

I. On July 10, 2017, the district court granted Lamar’s Motion for Preliminary Injunction, tolling banked receipts held by Lamar set to expire during the moratorium and requiring the City to issue Lamar banked billboard receipts for billboards removed during the moratorium period (Resolution No. 8293).

J. On August 2, 2017, the district court issued a Writ of Mandate enjoining the City from honoring any permits obtained from banked billboard receipts issued by the City between November 14, 2000 to October 24, 2012 to construct new billboards within the City of Reno.

SECTION 1. In light of the Recitals (above) and the legal uncertainty surrounding the validity of permits obtained from banked billboard receipts issued by the City between November 14, 2000 to October 24, 2012, the City Council hereby expressly re-enacts, re-affirms, and validates the Conforming and Banking Ordinances, as subsequently amended.

In addition, this Ordinance hereby ratifies and re-issues all permits obtained from banked billboard receipts previously issued by the City between November 14, 2000 to October 24, 2012 as of the date of their original issuance.

SECTION 2. Chapter 18.16 of the Reno Municipal Code is hereby amended by adding certain wording to and deleting certain wording from Article II, the same to read as follows:

ARTICLE II: OFF-PREMISE ADVERTISING DISPLAYS

Section 18.16.901. Purpose and Intent.

- (a) Recognizing that the City of Reno is a unique city in which public safety, maintenance, and enhancement of the city's esthetic qualities are important and effective in promoting quality of life for its inhabitants and the City of Reno's 24-hour gaming/entertainment/recreation/tourism economy; recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of this article is to establish a comprehensive system for the regulation of the commercial use of off-premises advertising displays. It is intended that these regulations impose reasonable standards on the number, size, height, and location of off-premises advertising displays to prevent and alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the city's inhabitants and to promote the maintenance and enhancement of the city's esthetic qualities and improve the character of our city. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the city which is instrumental in attracting those who come to visit, vacation, live, and trade and to permit noncommercial speech on any otherwise permissible sign.

(Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 1, 10-10-00; Ord. No. 5208, § 1, 11-14-00; Ord. No. 5215, § 1, 1-23-01; Ord. No. 5295, § 1, 1-22-02; Ord. No. 6201, § 1, 9-14-11)

Section 18.16.902. Restrictions on Permanent Off-Premises Advertising Displays.

- ~~[(a) — The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General Election, Question R_1 — The results were certified by the city council on November 14, 2000). —]~~
- ~~[(b) — In no event shall the number of off-premises advertising displays exceed the number of existing off-premises advertising displays located within the city on November 14, 2000, unless further provided herein. This number shall include all applications for off-premises advertising displays approved in final action by the city on or before November 14, 2000, but unbuilt as well as those applications approved by a court of competent jurisdiction. In the event the city annexes property in another governing body's jurisdiction on or after November 14, 2000, the number of off-premises advertising displays located on such annexed property shall be included in the calculation of the number of existing off-premises advertising displays provided they were legal and existing in the governing body's jurisdiction when annexed to the city. For purposes of annexation, an application for a permanent off-premises advertising display approved in final action by the governing body, although unbuilt, shall be included in the calculation of the number of existing off-premises advertising displays as of November 14, 2000.]~~

Except as specifically provided in this chapter, state or federal law, the city shall not issue any permits authorizing the construction of any new, permanent off-premises advertising displays.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 6258, § 1, 10-24-12)

Section 18.16.903. ~~Continued Use of~~ Nonconforming Permanent Off-Premises Advertising Displays.

- (a) All ~~[existing,]~~ legally established, permanent off-premises advertising displays ~~[, whether identified as conforming or nonconforming, are deemed conforming and may be continued and maintained at their current location.]~~ existing within the city on (Effective Date of Ordinance) or subsequently annexed into the city thereafter, are deemed nonconforming. Nothing in this chapter shall be construed to require the removal of any nonconforming permanent off-premises advertising display.
- (b) ~~[An existing, legally established, off-premises display may be replaced in its original position with a new structure provided the area of the display surface is not increased and all requirements of Section 18.16.905(a)–(d) and (f)–(h) are met.]~~ No later than 30 days after (Effective Date of Ordinance) and by July 15th of each year thereafter:
- (1) All owners of nonconforming permanent off-premises advertising displays must submit a report to the administrator detailing the size, height, location, and City of Reno inventory number of their current inventory of nonconforming permanent off-premises advertising displays.
 - (2) All holders of banked receipts must submit a report to the administrator detailing the size, height, location, demolition permit number, and City of Reno inventory number of the permanent off-premises advertising displays associated with holder's unexpired banked receipts.
- (c) ~~[For purposes of the chapter, an application for a permanent off-premises advertising display approved in final action by the city council, although unbuilt, is an existing permanent off-premises advertising display.]~~ All nonconforming permanent off-premises advertising displays may be continued and maintained at their current location until:
- (1) Required to be removed as a result of termination of the lease that governs the placement of the nonconforming permanent off-premises advertising display on the real property pursuant to the terms of that lease; or
 - (2) 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/or snowstorm.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 6258, § 1, 10-24-12)

Section 18.16.904. Permanent Off-Premises Advertising Displays—Permitted and Prohibited Locations.

(a) Permitted Locations.

- (1) Permanent off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business), IC (Industrial Commercial), AC (Arterial Commercial), and CC (Community Commercial) District when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited within Article IX (Off-Premise Advertising Displays).
- (2) Off-premises advertising displays shall be permitted in the MU (Mixed Use) zoning district where off-premises advertising displays were permitted in the zoning district immediately preceding the Mixed Use zoning district and when within 100 feet of the

edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited by this section.

(b) **Prohibited Locations.**

- (1) No permanent off-premises advertising display shall be erected closer to a street than the right-of-way line. No portion of any permanent off-premises advertising display may be placed on or extend over the right-of-way line of any street.
- (2) No permanent off-premises advertising display, or part thereof, shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (3) No permanent off-premises advertising display shall be located within 300 feet of the centerline of the Truckee River or within 300 feet of the outer boundary of any areas designated in this title as the Truckee River Corridor or its successor, or as open space adjacent to the Truckee River.
- (4) No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. ~~No permanent off-premises digital display shall be erected within 1,000 lineal feet of a primary or secondary school classroom building or a residentially zoned parcel on the same side of the street.~~
- (5) The number of permanent off-premises advertising displays located within 300 feet of the centerline or within the boundaries of the following areas shall not exceed the number of legally existing permanent off-premises advertising displays in that location on July 1, 2012, as set forth in Section 18.16.902(b):
 - a. Interstate 80 right-of-way from Robb Drive to the most western city limit.
 - b. U.S. 395 right-of-way from Panther Drive to the most northern city limit.
 - c. The Downtown Reno Regional Center Plan, the East 4th Street TOD Corridor, Mill Street TOD Corridor, the Medical Regional Center, the Wells Avenue Neighborhood Plan, the northern section of the South Virginia Street TOD, and the Midtown District.
 - d. If any off-premises advertising displays are removed from the areas identified in a.—c. above the maximum number of permanent off-premises advertising displays allowed in the identified area shall be reduced accordingly. The removed signs shall not be replaced or banked.
 - e. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (6) No permanent off-premises advertising displays shall be located within 200 feet of the right-of-way of McCarran Boulevard except within the following locations:
 - a. Talbot Lane east to Mill Street.
 - b. Northtowne Lane west to Sutro Street.
 - c. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises

advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.

- (7) The number of permanent off-premises advertising displays within 300 feet of the centerline of U.S. 395 from Patriot Boulevard to Neil Road shall not exceed seven permanent off-premises advertising displays. ~~[This subsection neither prohibits relocation of existing permanent off-premises displays within the above location nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.]~~
- (8) The number of permanent off-premises advertising displays located within the following cooperative planning areas of the City of Reno that are regulated by Washoe County specific plans shall not exceed the number of legally existing off-premises permanent advertising displays as of their respective effective dates of annexation, as set forth in Section 18.16.920(b):
- a. If permanent off-premises advertising displays are not specifically listed as an allowed use in the pertinent specific plan, permanent off-premises advertising displays shall be prohibited.
 - b. Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (9) No permanent off-premises advertising display, or part thereof, shall be located within a Historic or Conservation District.
- (10) No permanent off-premises digital advertising display, or part thereof, shall be located within City of Reno or the City of Reno Sphere of Influence ~~[300 feet of the right-of-way of:~~
- a. ~~State Route 431 (Mount Rose Highway);~~
 - b. ~~Interstate 80 west of Garson Drive, to the most western city limit;~~
 - c. ~~Interstate 80 between the east Verdi on/off ramps (exit 5) and the Robb Drive interchange.~~
 - d. ~~U.S. 395 north of North McCarran Boulevard.]~~
- ~~[(11) Any off-premises advertising display that is relocated and/or converted to a digital off-premises advertising display shall meet all required spacing, design, and location requirements, unless otherwise allowed through Section 18.16.905(n)(15) (Digital Off-Premises Advertising Display Special Exceptions) below.]~~

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5595, §1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 6155, § 1, 7-7-10; Ord. No. 6258, § 1, 10-24-12)

Section 18.16.905. General Standards for Permanent Off-Premises Advertising Displays.

- (a) The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.

- (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than 672 square feet.
- (c) A cut-out shall not exceed ten percent of the primary surface area of the off-premises display.
- (d) No off-premises advertising display shall exceed 35 feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display. If the off-premises advertising display is oriented to more than one road grade, the lowest road grade shall be the reference point.
- (e) No off-premises advertising display shall be located closer than 750 feet to the next off-premises advertising display on either side of the same street. No mechanically changeable [~~computer-controlled (digital)~~] off-premises advertising display shall be located closer than 1,000 feet to the next mechanically changeable [~~computer-controlled (digital)~~] off-premises advertising display on either side of the same street.
- (f) All off-premises advertising displays shall be maintained in a clean and workmanlike condition. Surface shall be neatly painted. Property immediately surrounding off-premises advertising displays shall be maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in RMC Section 8.22.100 shall be enforced as provided for in RMC Chapter 1.05.
- (g) The permit/inventory number, as assigned by the administrator [~~for the identity of the owners and his address~~] shall be displayed on every permanent off-premises advertising display.
- (h) The reverse side of a cut-out shall be dull and non-reflective.
- (i) The reverse side of a single-face off-premises advertising display shall be dull and non-reflective.
- (j) No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements of Sections 18.16.904 and 18.16.905, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may be removed. If the variance to spacing requirements is approved, the tree may not be removed.
- (k) Off-premises advertising displays shall be of monopole design.
- (l) [~~Excluding off-premises digital advertising displays, a~~]All lighting shall be directed toward the off-premises advertising display.
- (m) An off-premises advertising display may not contain more than two faces and one face may not be angled from the other face by more than 20 degrees as measured from the back of the structure supporting the face.
- ~~[(n) In addition to the other standards identified in Chapter 18.16 for off-premises advertising displays, off-premises digital advertising displays shall comply with the following standards:~~
 - ~~(1) — Each message or copy shall remain fixed for a minimum of eight seconds.~~
 - ~~(2) — Maximum time allowed for transition between message displays shall be one second.~~
 - ~~(3) — Displays shall not be presented in motion, appear to be in motion or video.~~
 - ~~(4) — Illumination shall not change during a display period.~~
 - ~~(5) — Displays shall not flash or move during a display period.~~

- (6) ~~Displays shall not imitate or resemble any official traffic signal, traffic sign or other official warning signs.~~
- (7) ~~Displays shall contain a default design that will freeze the device in one position or display solid black if a malfunction occurs.~~
- (8) ~~No cutouts shall be permitted.~~
- (9) ~~No display shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or obstructs or interferes with a driver's view of surrounding traffic situations.~~
- (10) ~~No display shall emit sounds, pyrotechnics, or odors.~~
- (11) ~~The face of each digital off-premises advertising display shall contain a discernable message or graphic at all times, excluding periods during which any of the following occur: repairs, replacement of parts, cleaning, regular maintenance, associated utility outage, natural disaster, or severe weather.~~
- (12) ~~Displays shall conform to the requirements for other Off-Premises Advertising Displays as established in Chapter 18.16. If there is a conflict between standards contained in other portions of Section 18.16 and this section, the more restrictive shall prevail.~~
- (13) ~~**Illuminance.**~~

~~Displays shall have a light sensing device that will adjust the brightness of the display as ambient light conditions change. Each application for a digital off-premises advertising display shall include a photometric plan. The photometric plan shall demonstrate the digital display's maximum light intensity, in foot candles above ambient light. Displays shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign as follows:~~

TABLE 18.16-2 DISTANCE TO MEASURE LIGHT INTENSITY	
Face Size	Distance From Which to be Measured
12 feet × 25 feet (300 square feet)	150 feet
10.5 feet × 36 feet (378 square feet)	200 feet
14 feet × 48 feet (672 square feet)	250 feet

(14) ~~**Removal Requirements:**~~

~~Prior to the approval of any digital off-premises advertising display, documentation shall be provided demonstrating:~~

- a. ~~For any digital off-premises advertising display proposed in the restricted areas identified in Section 18.16.904(b)(5) above, the removal of existing off-premises advertising displays, located within any restricted area, totaling four times the square footage of the proposed digital display; or~~
- b. ~~For any digital off-premises advertising display proposed in the restricted areas identified in Section 18.16.904(b)(5) above, the exchange of banked receipts totaling eight times the square footage of the proposed digital display; or~~

- ~~c. For any digital off-premises advertising display proposed in the restricted areas identified in Section 18.16.904(b)(5) above, a combination of a and b above accomplishing an equal ratio; or~~
- ~~d. Approval of a Digital Off-Premises Advertising Display Special Exceptions request for digital off-premises advertising display criteria; or~~
- ~~e. For any digital off-premises advertising display proposed outside of the restricted areas identified in Section 18.16.904(b)(5) above, the removal of existing off-premises advertising displays or banked receipts totaling two times the square footage of the proposed digital display.~~
- ~~f. With respect to (14)a.—e. above, any off-premises advertising displays removed or banked receipts exchanged to facilitate the installation of a digital off-premises advertising display, whether to meet spacing requirements or to satisfy the removal requirements stated above shall not be replaced or banked and the maximum number of allowed off-premises, legally established permanent advertising displays under Section 18.16.902(b) shall be reduced accordingly.~~

~~(15) **Special Exceptions for Digital Off-Premises Advertising Displays:**~~

~~Should an applicant of an application to relocate/convert an off-premises advertising display to a digital off-premises advertising display not be able to demonstrate compliance with Section 18.16.904(b)(4)–(7) or Section 18.16.905(n)(14)(a)–(c) above they may apply for a Digital Off-Premises Advertising Display Special Exception, in lieu of a variance. Digital Off-Premises Advertising Display Special Exceptions outlined within this section shall be processed under the following procedures:~~

~~a. **Applicability.**~~

~~Digital Off-Premises Advertising Display Special Exceptions are exceptions to compliance with standards outlined with RMC 18.16.904(b)(4)–(7) or 18.16.905(n)(14)(a)–(c). These Digital Off-Premises Advertising Display Special Exceptions are intended to alleviate exceptional practical difficulties or undue hardship arising from the strict application of the provisions of this section. These Digital Off-Premises Advertising Display Special Exceptions address unique situations that were not caused by the applicant's act or omission.~~

~~b. **Initiation.**~~

~~Digital Off-Premises Advertising Display Special Exceptions shall be initiated by application of the off-premises display owner.~~

~~c. **Application Requirements.**~~

~~Applications shall include a minimum of:~~

- ~~1. Provisions of this section that are being requested to be excepted and an explanation of why the standards cannot be met.~~
- ~~2. Site plans showing the location of all existing and proposed off-premises displays and residentially zoned properties within 1,000 feet.~~
- ~~3. Elevations of proposed sign(s).~~
- ~~4. Proposed exchange rate to install the digital off-premises advertising display(s).~~

d. ~~Review Process.~~

1. ~~Decision Making Authority.~~ The Reno City Council shall review and decide all Digital Off-Premises Advertising Display Special Exceptions.

2. ~~Decision Making Process.~~

a. ~~Administrator.~~

The administrator shall review Digital Off-Premises Advertising Display Special Exceptions and provide a recommendation to City Council.

b. ~~City Council.~~

The City Council shall hold a public hearing at the next regularly scheduled City Council meeting which occurs a minimum of 20 days following the date the application is deemed complete. The City Council shall make its decision within 15 days from the date of the opening of the hearing. The City Council may approve, approve with conditions, or deny the Digital Off-Premises Advertising Display Special Exceptions request.

c. ~~Public Notice.~~

The public hearing shall be noticed as is required for a variance application as described in Section 18.06.203 of this title.

3. ~~Findings.~~

In order to approve a Digital Off-Premises Advertising Display Special Exceptions, the City Council shall make the following findings:

a. ~~The location of the proposed digital off-premises advertising display does not vary more than two of the standards contained within Section 18.16.904(b)(4)-(7) and Section 18.16.905(n)(14);~~

b. ~~The proposed digital off-premises advertising display is smaller than the square footage of existing or banked off-premises advertising displays being exchanged by a minimum of 672 square feet.~~

c. ~~The proposed digital off-premises advertising display does not either fully or partially block views from any arterial roadway, freeway, or residentially zoned and used property of the Downtown Reno Skyline, Mount Rose/Sierra Nevada Range, Pea Vine Mountain, the Truckee River.~~

4. ~~Conditions.~~

In approving a Digital Off-Premises Advertising Display Special Exceptions request, the City Council may require conditions under which the digital off-premises advertising display may be used or constructed. These conditions, if imposed, shall be imposed to mitigate material harm to properties within 1,000 feet and address:

a. ~~Hours of operation~~

- b. ~~Structure Height and size.~~
- c. ~~Duration of Message.~~
- d. ~~Spacing.~~

~~5. **Construction Prior to Approval.**~~

~~If a digital off-premises advertising display exists or is under construction in violation of the provisions of this title, the City Council, in granting a Digital Off-Premises Advertising Display Special Exception for the project, may deny the application or condition such approval upon the payment of a fine of ten percent of the value of such structure, as determined by the administrator in accordance with current practices for assessing building permit fees.~~

~~6. **Time Limitation.**~~

~~The owner or developer shall obtain a permit for the project within one year of the date of final approval of the Off-Premises Digital Advertising Display Special Exception and shall maintain the validity of that permit, or the Off-Premises Digital Advertising Display Special Exception shall be null and void unless a different time limitation is established at the time of approval based on the characteristics and complexity of the project.~~

~~7. **Compliance with Plans.**~~

~~In constructing and operating a digital off-premises display under a Digital Off-Premises Advertising Display Special Exception, the developer and/or owner shall comply with all plans, reports, renderings, and materials which were submitted or presented as part of the application and any conditions of approval. In the event of a conflict between the plans and city codes, city codes shall prevail. The administrator may approve minor alterations or changes in the structure or site plan or minor changes in the conditions of approval at the request of the applicant and/or owner, as applicable, as long as the administrator first determines that:~~

- a. ~~The proposed changes are consistent with applicable provisions of Title 18;~~
- b. ~~The proposed changes are within the scope of the original approval;~~
- c. ~~The proposed changes will not adversely affect neighboring properties within 1,000 feet;~~
- d. ~~The proposed changes respond to issues that were not contested at the public hearing; and~~
- e. ~~The proposed changes are improvements or upgrades to the original approval.]~~

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 6258, § 1, 10-24-12)

Section 18.16.906. Reserved.

Section 18.16.907. Prohibited Types of Off-Premises Advertising Displays.

The following off-premises advertising displays are prohibited:

- (a) Signs which emit noise via artificial devices.
- (b) Roof signs.
- (c) Signs which produce odor, sound, smoke, fire or other such emissions.
- (d) Stacked signs.
- (e) Temporary signs except as otherwise provided in Sections 18.16.910 and 18.16.911.
- (f) Wall signs.
- (g) Signs with more than two faces.
- (h) Building wraps.
- (i) Computer controlled variable message electronic signs.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.908. ~~[Relocation of Existing, Legally Established Permanent] Off-Premises Advertising Displays~~ Expiration and Redemption of Banked Receipts; Litigation Stay.

- (a) ~~[Except as otherwise provided in this section, state or federal law, the city shall not issue any permits authorizing the construction of any new or relocated chapter, an existing, legally established, permanent off-premises advertising display may be relocated to a permitted location as described in Section 18.16.904 provided that such existing, legally established] Nothing in this section shall be construed to require the removal of any existing, permanent off-premises advertising displays, or extinguish or impair the rights of any existing holders of banked receipt(s)[display complies with all requirements of this chapter and Chapter 18.08, as amended.]~~
- (b) Expiration of banked receipts:
 - (1) Banked receipts issued by the city prior to July 19, 2012 expire 15 years after the date of issuance.
 - (2) Banked receipts issued by the city after July 18, 2012 expire three years after the date of issuance.
 - (3) Banked receipts issued by the city in connection with any litigation expire in accordance with the terms and conditions of any applicable:
 - (i) Court order; or
 - (ii) Settlement agreement.

~~[Two permits shall be required prior to relocation or banking of an existing, legally established, permanent off-premises advertising display, one to remove the existing off-premises advertising display from its current physical location and one to relocate the existing off-premises advertising display to a different physical location or to a bank of currently not erected but previously~~

~~existing, legally established, permanent off-premises advertising displays which are eligible to be erected on a physical location at a later date provided they comply with all requirements of this chapter, as amended.]~~

- (c) Application. The holder of an unexpired and valid banked receipt may submit a sign permit application to the city to construct a permanent off-premises advertising display. At a minimum, the sign permit application shall include the following: ~~[A person who is granted a permit to remove an off-premises advertising display proposed to be relocated under this section shall remove the existing, legally established, permanent off-premises advertising display in all visual respects from the original location and return the site to a condition consistent with immediately surrounding area, unless otherwise required by the permit, within the time set by the permit and prior to the issuance of the permit to relocate the existing, legally established, permanent off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising displays, including any parts located below ground, on property in which any governmental entity has a property interest.~~
- (1) The banked receipt which is being exchanged for the proposed off-premises advertising display. Such receipt shall include the inventory number assigned by the City of Reno and proof that a minimum ratio of one square foot of the display represented by the banked receipt is exchanged for one square foot of new display construction. Should the proposed construction exceed the size of the banked receipt display an additional banked receipt must be redeemed.
 - (2) A description of the proposed site prepared by a land surveyor, licensed by the State of Nevada, demonstrating compliance with the applicable zoning and spacing criteria contained in this chapter;
 - (3) Dimensions of the proposed new permanent off-premises advertising display;
 - (4) Structural calculations and related engineering specifications;
 - (5) Signature of the holder of the banked receipt;
 - (6) Signature of the applicant; and
 - (7) Any other information requested by the city reasonably required to promote the health, safety, morals or general welfare of the community, and control the location and soundness of the proposed permanent off-premises advertising display.
- ~~[(d) Existing, legally established, permanent off-premises advertising displays which have a display area less than the maximum allowed under Section 18.16.905 and are proposed to be increased in display area, shall require a two for one removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises existing, legally established, permanent advertising displays under Section 18.16.902(b) will be reduced accordingly.]~~
- ~~[(e) A person who requests a permit to relocate an existing, legally established, permanent off-premises advertising display shall:~~
- ~~(1) If the existing, legally established, permanent advertising display to be relocated, by number assigned by the City of Reno~~
 - ~~(2) Present to the community development department a notarized statement from the owner(s) of the existing, legally established, permanent advertising display to be relocated that he/she/they has/have removed, or caused to be removed, the existing, legally established, permanent off-premises advertising display in accordance with subsection (c) above.]~~

- (3) ~~The owner of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b), prior to July 19, 2012, has 15 years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. Any permanent advertising display that has been removed and banked pursuant to subsection (b), after July 18, 2012, has three years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. The 15 or three years shall run from the date the city approves all work performed under subsection (c), in writing, and/or releases the letter of credit. The permit to relocate an existing, legally established, permanent off-premises advertising display may be sold or otherwise conveyed at the discretion of the owner. If the banked advertising displays are not used within the 15 or three years they will become unrelocatable.~~
- (4) ~~Nothing in this section shall be construed to mandate relocation of any existing, legally established, permanent off-premises advertising display.~~
- ~~[(f) From and after the effective date of this ordinance and for a period of 120 days, the city shall not file nor accept any applications nor issue permits to relocate any off-premises advertising display onto or off of property annexed subject to the stipulation in the "Verdi" litigation or the settlement agreement in the "Verdi" litigation or any interim stipulations in the Reno Stead Corridor Plan or newly annexed properties subject to the settlement agreement in the regional planning litigation. Copies of these stipulations and/or settlement agreements shall be maintained by the city clerk.]~~
- (d) Redemption of banked receipt.
- Upon review and in accordance with the applicable zoning, spacing and general standards contained in this chapter, the administrator shall issue a permit authorizing the holder of a banked receipt to construct a new permanent off-premises advertising display on the proposed site. Upon completion of construction, the legally established, permanent off-premises advertising display shall be deemed nonconforming for the purposes of this chapter.
- (e) Litigation stay.
- Notwithstanding section (a)-(d), until the validity of banked receipts issued prior to October 24, 2012 is resolved in Scenic Nevada v. City of Reno, et al., Case No CV17-00361, the city shall not accept any permit applications authorizing the construction of new, permanent off-premises advertising display based on banked receipts issued prior to October 24, 2012, not in connection with any prior litigation. Banked receipts created as a result of ReTRAC shall be accepted.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5461, § 1, 6-11-03; Ord. No. 5534, § 1, 1-14-04; Ord. No. 6201, § 1, 9-14-11; Ord. No. 6258, § 1, 10-24-12)

~~[Section 18.16.909. Permanent Off-Premises Advertising Displays Reporting.~~

~~Each sign company licensed to do business in the city must report to the administrator the size, height, location and location and building permit number of each off-premises advertising display owned by a company and located within the city on July first by July fifteenth of each year.]~~

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.910. Temporary Off-Premises Advertising Displays.

- (a) Off-premises temporary advertising displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising displays:
- (1) Are located in any zoning district within one-half radial mile of the site on which the activity will take place;
 - (2) Shall be a maximum of six square feet;
 - (3) Shall be designed to be stable under all weather conditions, including high winds;
 - (4) Shall not obstruct the vision triangle as defined set forth in Section 18.12.902 nor traffic control device or impair access to a sidewalk, street, driveway, bus stop, or fire hydrant; and
 - (5) Displayed for less than 12 hours each day, no earlier than 6:00 a.m. nor later than 9:00 p.m.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 6201, § 1, 9-14-11)

Section 18.16.911. Temporary Off-Premises Advertising Displays—Special Events.

A holder of a special event's permit may apply for a building permit pursuant to RMC Chapter 14 to erect a temporary off-premises advertising display promoting the special event provided the temporary off-premises advertising display:

- (a) Complies with Article IX (Off-Premise Advertising Displays) of this chapter, as applicable;
- (b) The applicant has obtained a permit to hold a special event;
- (c) The proposal complies with city policies if the applicant seeks to use city owned improvements such as poles designed for temporary signs or buildings;
- (d) Such off-premises advertising displays, when permitted shall not be installed prior to 30 days before and shall be removed within ten after the special event advertised;
- (e) The temporary off-premises advertising display shall not exceed 100 square feet;
- (f) The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
- (g) The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in Section 18.12.902 nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.912. Reserved.

Section 18.16.913. Abandoned Off-Premises Advertising Displays.

- (a) Abandonment is the cessation of the right to continue the existence of a permanent off-premise advertising display:
 - (1) Under existing law;

- (2) When a state of disrepair exists because of substantial tearing, chipping, or missing material 30 days after receipt of notice sent pursuant to RMC Chapter 1.05;
 - (3) When there is no current business license in existence for the owner(s) of the off-premises advertising display; or
 - (4) When there has been no display for a period of one year with respect to a permanent off-premises advertising display.
- (b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under section 18.16.902(b).

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.914. Time Limitations on Review of Applications for Off-Premises Advertising Displays.

The following are time limitations on the pertinent decision-maker to review applications for off-premises advertising displays as applicable:

- (a) The administrator shall review and make a decision regarding an application for an off-premises display within five working days of the date the application is filed-stamped by the community development department, on the appropriate form and with payment of the appropriate fee, if any.
- (b) The administrator shall review and make a decision regarding an application for a temporary or special events off-premises advertising display within two working days of the date the application is filed-stamped by the community development department, on the appropriate form and with the appropriate fee, if any.
- (c) If the hearing examiner or the planning commission review the application, hearing examiner or the planning commission shall hold a public hearing within 65 days of the date the application is filed-stamped with the community development department.
- (d) The hearing examiner or planning commission shall make its decision within 30 days from the date of the opening of the public hearing.
- (e) The city council shall make its decision within 30 days of the date of the opening of the public hearing.
- (f) If the applicant requests a continuance or a specified time or date for the matter to be heard, the time lines provided herein are deemed waived.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5729, § 8, 9-16-05; Ord. No. 6258, § 1, 10-24-12)

~~Section 18.16.915. Judicial Review.~~

- ~~(a) — Judicial review may be sought in accordance with Chapter 34 of the NRS.~~
- ~~(b) — If the city denies a "First Amendment" application, the city will institute legal proceedings within ten working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restraint grounds, unless otherwise waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words "First Amendment" in the caption of the application.]~~

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.960. Appeal of Administrator's Decision.

- (a) Aggrieved persons may appeal the administrator's decision to the city council by filing a written appeal setting forth how they are aggrieved and the reasons for the appeal within five days of the administrator's written decision.
- (b) The city clerk shall set the hearing before the city council at the next available city council meeting at least 15 days in the future.

(Ord. No. 6201, § 1, 9-14-11)

~~**Section 18.16.965. Judicial Review.**~~

- ~~(a) — Judicial review may be sought in accordance with Chapter 34 of the NRS.~~
- ~~(b) — If the city denies a "First Amendment" application, the city will institute legal proceedings within ten working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restraint grounds, unless otherwise waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words "First Amendment" in the caption of the application.]~~

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 6201, § 1, 9-14-11)

Section 18.16.970. Decisions regarding Off-Premises Advertising Display.

- (a) Decisions shall be in writing.
- (b) Decisions shall include an explanation setting forth the reasons for the decisions.

(Ord. No. 6201, § 1, 9-14-11)

Section 18.16.995. Noncommercial Speech is Allowed Whenever Commercial Speech is Allowed.

- (a) Speech which proposes a commercial transaction and no more or expression related solely to the economic interests of the speaker and its audience is commercial speech.
- (b) Any noncommercial speech is allowed wherever commercial speech is permitted.

(Ord. No. 6201, § 1, 9-14-11)

Section 18.16.1000. Regulated Off-Premises Advertising Display.

All off-premises signs erected or located in the city, which are not exempted by federal or state law, are subject to the provisions of this Article of Chapter 18 and Chapter 14.

(Ord. No. 6201, § 1, 9-14-11)

Section 18.16.1010. Permit Required.

Except as otherwise provided, no person may erect, enlarge, alter, (except for normal maintenance) or relocate within the city, any sign without first having obtained a sign permit.

(Ord. No. 6201, § 1, 9-14-11)

~~**Section 18.16.1500. Moratorium on Conversion of Static Billboards to Digital Billboards.**~~

- ~~(a) — The purpose of this moratorium is to temporarily halt the City of Reno accepting applications to convert static billboards, whether existing or "banked" until two lawsuits challenging, among other things, the constitutionality of Ordinance No. 6258, the Digital Billboard Ordinance, have been fully resolved and all appeals are exhausted. —~~
- ~~(b) — From and after the effective date of this ordinance and for a period of one year, unless extended after hearing, the city shall not file nor accept any applications nor issue permits to allow static billboards to be converted to digital billboards. —~~
- ~~(c) — Extensions of the moratorium are to be by resolution.]~~

(Ord. No. 6276, § 1, 2-13-13)

SECTION 3: Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 4. From and after the effective date of this Ordinance, the moratorium Resolution No. 8293 adopted February 8, 2017, shall be rescinded and no longer in effect.

SECTION 5. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 6. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ___ day of _____, ___, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, ___.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY
COUNCIL OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

TXT17-00007 (Off-Premise Advertising Displays) - ord - CCH.doc