

**ORDINANCE NO. 5067****AN ORDINANCE TO MODIFY THE REGULATION OF SIGNS WITHIN THE CITY OF RAPID CITY BY AMENDING SECTION 15.28.080 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted a sign code to regulate the construction and placement of signs within the City; and

WHEREAS, Section 15.28.080 of the Rapid City Municipal Code lists exceptions to the requirements for obtaining a sign building permit; and

WHEREAS, Section 15.28.080(B)(10) contains an exception for signs that are specifically authorized for a public purpose; and

WHEREAS, the Council's intent in adopting this section was that the specific authorization needed to invoke this exception come from the Council or other public body exercising governmental authority; and

WHEREAS, the Council finds it is in the best interest of the public to amend the language of this section for the purpose of clarifying both the language and the original intent of the Council and for insuring that all future uses of this exception shall be approved by the Council.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Section 15.28.080 of the Rapid City Municipal Code be and hereby is amended to read as follows:

**15.28.080 Sign building permits****A. Sign Building Permits.**

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done without first obtaining a sign building permit for each such sign from the building official as required by this code.
2. Every sign building permit issued by the building official shall expire by limitation and become null and void if the construction does not commence within sixty days from date of permit, and shall expire by limitation in one hundred twenty days from the date of permit. For good cause, the building official may extend the time limitations for another one hundred twenty days. Any extension granted shall be accompanied by a fee equal to one-half of the original permit fee paid to the city.
3. No new off-premise sign shall be permitted unless the applicant has first obtained an off-premise sign license as required by Section 15.28.060 of this code.

B. Exemptions. The following types of signs and activities are exempt from the provisions

15.28.080(A):

1. Changing of the advertising copy or message, the painting, maintenance and or repair of an existing lawful sign so long as structural changes are not made and except when:
  - a. The use of the premises changes from one Standard Industrial Classification (SIC) two-digit code to another, and/or
  - b. Signs placed in a designated National Register Historic District or on a designated National Register building or structure,
2. Construction Signs. One sign shall be allowed per lot. The sign shall not exceed thirty-two square feet in area and shall not be erected until a building permit has been issued. The sign shall be removed within fourteen days after the issuance of a certificate of occupancy;
3. Directional signs located entirely on the premises that do not exceed five square feet in area;
4. Corporate flags or emblems limited to a maximum of one per premises;
5. Flags of any nation or political subdivision with a maximum number of one flag type per premises, per street frontage;
6. Traffic control devices and signs as regulated by Chapter 10.28, Traffic Control Devices, of this code;
7. Signs located within the interior of any building, or within any enclosed lobby or court of any building, or signs located within the inner or outer lobby, court or entrance of any theater, or within any sports field or stadium, provided such signs are not intended or designed to be viewed from any public property or to other adjacent property. Determination of intent and design shall be based upon the size, location, orientation and legibility of such signs and whether they are reasonably suited to convey a message to patrons of the property upon which they are located rather than to persons viewing the sign from any public property or from adjoining property, and the extent to which reasonable measures have been taken to limit the conveying of a message to persons viewing the sign from any public property or from adjoining property. Specifically, design and intent shall be determined by a good faith standard and with an intent that this exemption shall not be used as a subterfuge to allow off-premises advertising under a pretext of conveying a message to patrons of the premises upon which such sign is located. Nothing herein shall be construed as exempting such signs from any other provision of this code or any other ordinance, law, rule or regulation;
8. "No trespassing" or "no dumping" signs;
9. Plaques or name plate signs not more than two square feet in area which are fastened directly to the building and which do not contain an advertising message;
10. Signs **for a public purpose as declared by the City Council** ~~required or specifically authorized for a public purpose~~, which may be of any type, number, area, height above grade, location, illumination, or animation; **provided that any request for such a declaration can only be made by a public body exercising governmental authority.**
11. Real estate signs, subject to the following restrictions:

- a. Residentially Zoned Lots Or Parcels.
  - i. Less Than One Acre. One sign per street frontage not to exceed six square feet per sign.
  - ii. At Least One Acre But Not Greater Than Five Acres. One sign per street frontage not to exceed thirty-two square feet per sign.
  - iii. Greater Than Five Acres But Less Than Ten Acres. Two signs not to exceed thirty-two square feet per sign, or one sign not to exceed sixty-four square feet.
  - iv. Ten Acres Or More. Three signs not to exceed thirty-two square feet per sign, or two signs not to exceed forty-eight square feet, or one sign not to exceed ninety-six square feet.
- b. All Other Zoned Lots Or Parcels.
  - i. Less Than One Acre. One sign per street frontage not to exceed thirty-two square feet per sign.
  - ii. At Least One Acre But Not Greater Than Five Acres. One sign per street frontage not to exceed sixty-four square feet per sign.
  - iii. Greater Than Five Acres But Less Than Ten Acres. Two signs not to exceed sixty-four square feet per sign, or one sign not to exceed one hundred twenty-eight square feet.
  - iv. Ten Acres Or More. Three signs not to exceed sixty-four square feet per sign, or two signs not to exceed one hundred twenty-eight square feet per sign.
- c. Real estate signs are to be removed as required by the provisions of state law which regulate real estate listings.
- d. Directional Real Estate Signs. These signs are intended to be used for the advertising of vacant lots that need traffic to be directed to the lot for sales purposes. One sign not exceeding twenty square feet shall be allowed per vacant lot of one acre or less upon which the sign is erected. One sign not exceeding thirty-two square feet shall be allowed per vacant lot of more than one acre upon which the sign is erected. Signs are to be removed within twenty-four hours of the expiration of the listing. Landowner permission is required for sign erection.
- e. Model Complex Signs. These signs shall be located on the project site and conform to the following requirements:
  - i. One sign per complex not to exceed thirty-two square feet,
  - ii. One sign per model not to exceed six square feet,
  - iii. Two traffic direction signs, not to exceed four square feet each, and
  - iv. Signs are to be removed when complex ceases to be model home complex.
- f. Off-Premises Open House Signs. Off-premises open house signs are permitted subject to the following criteria:
  - i. A maximum of four signs are allowed per open house,
  - ii. Signs may be put up one hour before opening and must be removed one hour after closing the open house,
  - iii. Landowner permission is required before a sign may be placed on their property, and
  - iv. Signs may not be placed in the public rights of way or medians.
- 12. Window signs covering up to twenty-five percent of the area per window;

13. Political signs not located within a required sight triangle or a required parking stall or parking area and limited to thirty-two square feet and eight feet in height.

Temporary political signs shall be removed within five days after the election;

14. Identifying logos on municipally owned water storage reservoirs, when directed by the city council;

15. The following temporary signs:

a. Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural; religious or recreational in nature, may display temporary on-premises or off-premises signs. However, such signs or part thereof shall not contain a commercial advertising message. Locations for temporary signs shall be approved by the building official. Such signs shall comply with the following:

i. The size shall not exceed thirty-two square feet;

ii. The height of the sign shall not exceed eight feet;

iii. Signs shall not be placed within a required sight triangle or a required parking area;

iv. Signs may be placed fifteen days prior to an event and shall be removed within five days of the termination of the event.

BE IT FURTHER ORDAINED by the City of Rapid City that this ordinance amendment shall be retroactive and shall apply to all signs that are currently proposed or under construction but that have yet to be completed as of June 1, 2005.

BE IT FURTHER ORDAINED by the City of Rapid City that should any section(s), or provision of this ordinance be declared invalid for any reason whatsoever by any competent court, such invalidity shall not affect any other section(s) or provision of this ordinance if they can be given effect without the invalid section(s) or provisions.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective:

