

ORDINANCE NO. 3757**AN ORDINANCE AMENDING SECTIONS 15.28.100, 15.28.110, AND 15.28.120 OF CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE, RELATING TO THE ENFORCEMENT OF THE SIGN CODE, REMOVAL OF SIGNS, AND DECISIONS OF THE SIGN CODE BOARD OF APPEALS**

BE IT ORDAINED by the City of Rapid City that Section 15.28.100 of Chapter 15.28 be and is hereby amended to read as follows:

15.28.100 Enforcement.

The building official may declare any sign unlawful by reasons of inadequate maintenance, improper placement, dilapidation, abandonment, or if erected without a permit or by an unlicensed contractor, or is in violation of any other provision of this code or any other state or federal law. The owner of any unlawful sign or sign structure shall have committed an offense punishable upon conviction by a fine of up to \$100. Each day any violation of this Chapter continues shall constitute a separate offense.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.110 of Chapter 15.28 be and is hereby amended to read as follows:

15.28.110 Removal of signs.

Upon determining that a sign is unlawful, the building official shall cause to be removed any abandoned or unlawful sign. The building official shall prepare a written notice and order which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within fourteen calendar days, the sign shall be removed in accordance with the provisions of this chapter at cost to the owner of the building, structure, premises or sign.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be mailed, addressed to such person, at the address of the premises involved in the proceedings. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on receipt of mailing.

Any person having an interest in the sign or the premises may appeal the determination of the building official, by filing a written notice of appeal to the building official within seven days of receipt of the notice. Failure by any person to appeal the notice and order within that time period shall constitute a waiver of right to an administrative hearing.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.125 of Chapter 15.28 be and is hereby created to read as follows:

15.28.125. Appeals to City Council.

A. Any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the building official may appeal to the City Council the decision of the Sign Code Board of Appeals. Appeals shall be heard at the next regular Council meeting after the decision of the Sign Code Board of Appeals, unless such meeting is less than seven (7) business days after the decision of the Sign Code Board of Appeals is issued, in which case such appeal shall be heard at the following regular City Council meeting.

B. Such appeals shall be taken by filing with the Finance Office a notice of appeal specifying the grounds thereof, and by paying a filing fee of seventy-five dollars. The appellant shall notify, by certified mail, adjacent premises that an appeal is being made. Such notice shall be in substantially the same form as the notice required by the Building Official prior to appeal to the Sign Code Board of Appeals. Proof of such notification shall be a prerequisite to any hearing before the City Council.

C. The City Council shall have the power to authorize a variance from the strict application of this chapter when (1) There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premises not prevalent in the area; and (2) Where the strict application of this chapter will result in unnecessary hardship. For purposes of this section, "unnecessary hardship" may not be found when the only disadvantage to the applicant is financial, or when the hardship is self-imposed.

D. Appeals shall not be considered for signs that violate some other law or ordinance regulating signs or for signs as regulated by Section 15.28.150 (Prohibited signs).

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: