

**ORDINANCE NO. 4074****AN ORDINANCE AMENDING CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE BY ADDING SECTION 15.28.280 TO ALLOW THE COUNCIL TO AUTHORIZE THE RELOCATION OF CERTAIN OFF PREMISE SIGNS TO FACILITATE PUBLIC IMPROVEMENT PROJECTS.**

WHEREAS, the City of Rapid City has adopted by ordinance, restrictions on the placement of signs and the manner of construction of signs within the City of Rapid City; and

WHEREAS, the City of Rapid City's previously adopted ordinance requires full compliance when constructing new signs within the City limits; and

WHEREAS, from time to time, currently existing off-premise signs must be removed when public construction projects are under taken; and

WHEREAS, the current regulations do not allow new off-premise signs to be constructed that do not meet all of the requirements of the ordinance; and

WHEREAS, from time to time, it is impossible to replace off-premise signs that are removed for public construction projects; and

WHEREAS, the State of South Dakota, by and through the South Dakota Department of Transportation has approached the City and requested an amendment to the City's regulations to allow the replacement of off-premise signs when existing off-premise signs are taken for public purposes; and

WHEREAS, the City of Rapid City has determined that it is in the best interest of the City to amend the previously adopted regulations to allow for the replacement of off-premise signs when a sign must be removed for a public construction project.

NOW, THEREFORE BE IT ORDAINED by the City of Rapid City that Chapter 15.28 of the Rapid City Municipal Code is hereby amended by adding a new section thereto which shall read as follows:

**15.28.280 Replacement of Condemned Signs**

A. Notwithstanding any other provision of this Chapter, any off-premise sign which is removed under the eminent domain authority of any governmental unit as a part of a publicly funded construction project may be replaced in accordance with subsection B.

B.

1. Prior to removal, the governmental unit proposing to relocate the off-premise sign shall make an application to the Building Official for permission to relocate an off-premise sign. The governmental unit applying for permission to relocate an off-premise sign shall provide on

its application its certification that the sign is being removed pursuant to its eminent domain authority for the purpose of undertaking the construction of a publicly funded construction project, the location, size, and a description of the existing off-premise sign, and all information required for applications for new off-premise signs for the proposed location of the new sign. The governmental unit is not required to supply off-premise sign credits to make the application under this section.

2. Upon receipt of the application from a governmental unit, the Building Official shall review the application for completeness. The Building Official shall have the request placed upon the next available Public Works agenda.

3. Prior to the next available Public Works agenda, the Building Official shall make an on-site inspection of the off-premise sign. If the Building Official determines that the off-premise sign that is the subject of the application for relocation is an illegal sign, he shall proceed in accordance with the provisions of this chapter regarding the removal of illegal signs. No illegal sign may be relocated. If the Building Official determines that the sign is not an illegal sign, he shall report that fact to the Public Works Committee.

4. Upon receipt of the application for relocation of the off-premise sign and the report of the Building Official, the Public Works Committee shall recommend to the Council whether to authorize the relocation of the off-premise sign.

5. Upon receipt of the recommendation of the Public Works Committee, the Council may authorize the removal and relocation of the off-premise sign. The decision of the Council is final.

6. Any off-premise sign relocated under the authority of this section shall be constructed in such a manner as to comply with the requirements of this Chapter pertaining to the size, height, and all structural requirements of this Chapter and all other provisions of the Rapid City Municipal Code regulating the construction of structures.

7. Upon the approval of the application for relocation, the governmental unit or the owner of the relocated sign may apply for a conditional use permit as required by Title 17 of the

Rapid City Municipal Code. No sign authorized to be relocated by under the provisions of this section shall be constructed until all the requirements of Title 17 are met.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: