

ORDINANCE NO. 5262

**AN ORDINANCE REVISING DEFINITIONS UNDER THE CITY'S SIGN CODE
BY AMENDING SECTION 15.28.010 OF THE RAPID CITY MUNICIPAL
CODE.**

WHEREAS, the City of Rapid City has adopted a comprehensive Sign Code to regulate the location and appearance of signs within the City; and

WHEREAS, the City of Rapid City has formed a Sign Code Task Force to review issues related to electronic signs; and

WHEREAS, the Sign Code Task Force has recommended to the Common Council of the City of Rapid City that the definition of flashing sign in the City Code be amended to include signs that incorporate changes in light intensity and color that mimic flashing; and

WHEREAS, the Sign Code Task Force has further recommended that scrolling messages and animation be allowed for on-premises electronic message centers; and

WHEREAS, the Common Council of Rapid City has determined that it is in the best interests of the City to adopt the recommendations of the Sign Code Task Force.

NOW THEREFORE, BE IT ORDAINED that Section 15.28.010 of the Rapid City Municipal Code be amended to read as follows:

15.28.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. An on-premises or off-premises sign which meets 1 or more of the following:

1. No longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on or off the premises where such a sign is displayed;
2. The business it advertises has discontinued business in the city of Rapid City;
3. Any sign declared unlawful by the building official;
4. Any sign not properly maintained or which no longer displays a message.

ADVERTISING MESSAGE. That copy on a sign describing products or services being offered.

ANIMATED SIGN. Any sign which includes action, motion, noise, dust, blast, or vibration. For purposes of this code, this item does not refer to flashing, electronic message center signs or indexing, all of which are separately defined.

AWNING. A shelter supported entirely from the exterior wall of a building. (See the current building codes adopted by the City of Rapid City for construction, projection and clearances).

AWNING SIGN. Any sign attached to or constructed on an awning.

BANNER. A sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BUILDING FACE OR WALL. All window and wall area of a building in 1 plane or elevation.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, as adopted by the city.

CANOPY. See awning.

CHANGEABLE COPY SIGN (MANUAL). A sign on which copy is changed manually in the field.

CITY. The city of Rapid City.

COMMON COUNCIL. The Common Council of Rapid City.

COPY. The message on a sign surface either in permanent, temporary or removable form.

COUNTY. Pennington County, South Dakota.

DIRECTIONAL SIGN. Any sign which serves solely to designate the location or direction to a place or area.

DISPLAY SURFACE. The area made available by the sign structure for the purpose of displaying the advertising message.

EARTH TONE. Color such as tan or light brown, specifically Martin Senour Homestead Hearth 304-3 or Iowa Paints 8725A Coach House, or an equivalent approved by the building official.

ELECTRICAL SIGN. A fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey a message.

ELECTRONIC MESSAGE CENTER. A sign such as an electronically or electrically controlled sign which must provide public service time and temperature information, and may display other public service information or advertising messages. An on-premises electronic message center shall be allowed to have scrolling messages and animation but shall not be a flashing sign as defined by this code.

ERECTED. Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

EXEMPT SIGN. ~~means~~ A sign for which a permit is not required.

FLAG. A piece of cloth or other similar material, usually rectangular, of distinctive color and design which is used as a symbol, a standard, a signal, or an emblem.

FLASHING SIGN. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of varying the intensity or color of the light source. ~~or animation, or an~~ These regulations also apply to externally mounted intermittent light sources. See electronic message center and indexing signs.

FRONTAGE. The length of the front property line or lines of any premise, which is/are parallel to and along each street right-of-way it borders.

GROUND SIGN. A sign erected on a foundation, free-standing frame, mast or pole and not attached to any building.

HEIGHT OF SIGN. The vertical distance from the top of the sign or sign structure, whichever is greater, to the ground directly below, measured from a point equal distance from the sides or edges of the sign.

ILLUMINATED SIGN. Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

INDEXING SIGNS. Turning and stopping action of the vertical sections of a multi-face sign capable of showing more than one message in the same area.

LAWFUL NONCONFORMING SIGN. A sign or sign structure existing at the time of enactment of this code which does not comply with all provisions of this code, but which was legally constructed prior to adoption of this code.

LOT. A parcel of land which is or may be occupied by a building, group of buildings, their accessory buildings, signs, or uses customarily incidental thereto, together with such yards or open spaces within the lot lines.

MAINTAIN. To allow a sign to exist or remain, or to repair or refurbish a sign in order to prevent decay or deterioration.

MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over public property. See the current building codes adopted by the City of Rapid City for projection, construction, clearance, length, thickness and prohibited locations.

MARQUEE SIGN. Any sign attached to or constructed in or on a marquee.

MESSAGE. A communication through written words, symbols, signals, or pictures.

ON-PREMISES SIGN. Any sign identifying or advertising a business, person, activity, goods, products or services which are located on the premises where the sign is installed and maintained.

OFF-PREMISES SIGN. Any sign identifying or advertising a business, person, activity, goods, products or services located off the premises from where the business, person/activity, goods, products, or services are located.

ORIGINAL TOWN. Blocks 71-76, 81-86, 91-96, 101-106 and 111-116 of the original town plat of Rapid City.

OUTLINE LIGHTING. An arrangement of incandescent lamps or electric-discharge lighting to outline or call attention to certain features such as the shape of a building or the decoration of a window.

OWNER. Any person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest in the property or premises.

PARAPET or PARAPET WALL. That portion of a building wall that rises above the roof level.

PEDESTRIAN SIGNS. A sign that advertises to pedestrian traffic as regulated by § 15.28.210.

PERSON. A person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A tract of land regarded as the smallest conveyable unit of real estate.

PROJECTING SIGNS. A sign other than a wall sign which is attached to and projects from a building, structure, or building face.

PUBLIC SERVICE INFORMATION SIGN. See changeable copy sign (manual).

REAL ESTATE or PROPERTY FOR SALE, RENT or LEASE SIGN. Any sign pertaining to the sale, lease or rental of land or buildings.

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

ROTATING SIGN. Any sign or portion of a sign which moves in a revolving or similar manner.

SIGN. Any identification, description, illustration or device illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and sign structures; however, for the purpose of removal, signs shall also include all sign structures.

SIGN AREA. The total area or areas of all signs within the outer edges of the sign or advertising message.

SIGN STRUCTURE. Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION or STRUCTURAL CHANGE. Any change, modification or other alteration whatsoever except changing the advertising message on a sign, painting the sign or changing light bulbs on a sign.

TEMPORARY SIGN. A sign which is not permanently affixed.

USE. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

UNLAWFUL SIGN. A sign or sign structure which is unlawfully erected or is unlawful for reasons of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment as declared by the building official.

WALL. Any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater with the horizontal plane.

WALL SIGN. A sign painted directly on the surface of a building, fence, awning or marquee; or a sign attached to or erected against the wall of a building, fence, awning or marquee, with the face in a parallel plane to the plane of the building wall.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: