

ORDINANCE NO. 5623

AN ORDINANCE REQUIRING OFF-PREMISES SIGN CREDITS BE SURRENDERED PRIOR TO THE CONSTRUCTION OF A NEW OFF-PREMISES DIGITAL BILLBOARD OR THE CONVERSION OF ANY CURRENT OFF-PREMISES NON DIGITAL BILLBOARD TO A DIGITAL BILLBOARD BY AMENDING CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted Chapter 15.28 of the Rapid City Municipal Code (RCMC) which regulates the construction and alteration of all signage within the City; and

WHEREAS, the City has received numerous complaints regarding the proliferation of digital billboards within the City; and

WHEREAS, digital billboards are designed to draw the attention of passing motorists more frequently and for greater periods of time; and

WHEREAS, digital billboards allow for more advertising per sign and increased revenue compared to traditional static billboard; and

WHEREAS, digital billboards impact both aesthetics and traffic safety; and

WHEREAS, on March 15, 2010, the Common Council of the City of Rapid City appointed an Ad Hoc Billboard Task Force composed of community members and representatives of the sign industry to make recommendations related to the installation of digital billboards and the conversion of traditional static billboards to digital billboards; and

WHEREAS, the Common Council of the City of Rapid City simultaneously approved a 90 day moratorium on the construction of new billboards or the conversion of existing billboards in order to maintain the status quo until the task force had completed its work; and

WHEREAS, the task force met on April 23, 2010 and May 14, 2010; and

WHEREAS, at the meeting on May 14, 2010, the task force voted on, and approved, making a recommendation to the Common Council of Rapid City that prior to the construction of any new digital billboard or conversion of an existing billboard to a digital billboard that the owner of such sign be required to surrender to the City of Rapid City four off-premise sign credits per sign face; and

WHEREAS, the Common Council of Rapid City consider the recommendation of the task force at its June 7, 2010, regular meeting; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the best interests of the City of Rapid City to adopt the recommendations of the Ad Hoc Billboard Task Force by amending Chapter 15.28 of the Rapid City Municipal Code (RCMC).

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 15.28 of the RCMC be and hereby is amended to read as follows:

Section

- 15.28.010 Definitions.
- 15.28.020 Administration.
- 15.28.030 Enforcement.
- 15.28.040 Removal of signs.
- 15.28.050 Prohibited signs.
- 15.28.060 Off-premises sign licenses.
- 15.28.070 License required.
- 15.28.080 Sign building permits.
- 15.28.090 Application.
- 15.28.100 Fees.
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- 15.28.120 Construction specifications.
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- 15.28.140 Maintenance.
- 15.28.150 Advertising message required.
- 15.28.160 Off-premises signs.
- 15.28.170 Off-premises wall signs.
- 15.28.180 Sign benches.
- 15.28.190 Size, height and spacing limitations for on-premises wall signs.
- 15.28.200 Size, height and spacing limitations for on-premises ground signs.
- 15.28.210 Historic sign requirements.

- 15.28.215 Shopping center entrance signs.
- 15.28.220 Miscellaneous signs.
- 15.28.225 Joint identification signs.
- 15.28.230 Nonconforming signs.
- 15.28.240 Alteration of existing signs.
- 15.28.250 Off-premise sign credit system.
- 15.28.260 Severability.
- 15.28.270 Appeals.
- 15.28.280 Replacement of condemned signs.

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.

BILLBOARD WITH DYNAMIC DISPLAY. A billboard on which the sign message moves or changes, or appears to do so, through any method other than physically removing and replacing the sign or its components, whether such move or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display which incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

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. These regulations also apply to externally mounted intermittent light source. 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.

15.28.020 Administration.

A. The Building Official is authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

B. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. The interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

C. The Building Official may deputize inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

D. When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official has reasonable cause to believe that there exists a sign or a condition which is contrary to, or in violation of this code, the Building Official may enter the premises at reasonable times to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Building Official shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

E. Whenever the work is being done in contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Work must then be stopped until otherwise authorized by the Building Official.

F. This code shall not be construed to relieve from or lessen the responsibility to any person owning, operating or controlling any sign or sign structure for any damages to persons or property caused by defects, nor shall the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits issued under this code.

G. All provisions of the laws and ordinances of the city and the state shall be complied with, whether specified herein or not. In the event that portions of this chapter conflict with other portions, or portions of this chapter conflict with state or federal law, the more restrictive requirement shall apply. In addition, compliance with this code does not presume to give authority to violate, cancel or set aside any of the provisions of the building code, municipal code or other local law, or ordinance regulating construction or the performance of construction in the city.

15.28.030 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 up to \$100. Each day any violation of this chapter continues shall constitute a separate offense.

15.28.040 Removal of signs.

A. Upon determining that a sign is unlawful, 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 correct within 14 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.

B. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of the 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 assessments 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 the person, at the address of the premises involved in the proceedings. The failure of any such person to receive the 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.

C. 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 7 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.

15.28.050 Prohibited signs.

The following types of signs are expressly prohibited, except as otherwise provided by this code:

A. Animated, flashing, blinking, traveling lights or any other such lighting not providing constant illumination, except changing signs changeable copy signs, provided that electronic message centers as defined in this code are permitted subject to the regulations herein;

B. Any sign or portion of a sign which moves or assumes any motion constituting a non-stationary position, except barber poles and signs attached to or placed upon a motor vehicle;

C. Abandoned signs or unlawful signs;

D. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which conveys an advertising message. However, this prohibition shall not include trailer-mounted signs when the gross weight of the sign and the trailer is less than 1,000 pounds;

E. Signs displaying an advertising message and signs prohibited by § 12.20.030 of this code and located in the public right-of-way;

F. Banners, pennants, search lights, streamer, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, air and gas-filled figures shall not be used except when permitted for the opening of a new business, not to exceed 15 days;

G. Flags displaying an advertising message, except flags of any nation, state, political subdivision or corporate flag;

H. Projecting signs, except pedestrian-oriented signs that do not exceed 8 square feet;

I. Off-premises roof signs;

J. On-premises roof signs;

K. Indexing signs, as defined herein;

L. Signs advertising words or pictures of obscene or pornographic material, signs that emit sound, odor, visible matter or which are similar to traffic control signs or signals and which advertise words such as "Stop," "Go," "Danger," "Warning"; or signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;

M. Off-premises sign constructed with more than 1 display surface per side;

N. Off-premises sign in a position or shape other than horizontal whose width is greater than its height;

O. Off-premises ground signs with faces constructed at any angle greater than 20 degrees as measured by any angle between the 2 faces;

P. Off-premises signs with a face width greater than 30 feet or a face height greater than 15 feet;

Q. No on-premises signs shall be converted to an off-premises sign, unless all of the requirements of this code are satisfied. Notwithstanding this subsection, on-premises signs may be converted to off-premise signs if all of the following criteria are satisfied:

1. The sign that is being converted must be a legal, pre-existing, on-premises sign.

2. The conversion of the sign from an on-premises sign to an off-premises must be the result of the subdivision of an existing platted parcel of land.

3. The Rapid City Common Council determines, based on the totality of the circumstances taking into consideration the size, location, height and design of the current sign, and the location and topography of the parcel being served by the sign, that allowing the existing sign to remain will not be contrary to the public interest and will be in the best interests of justice.

4. The process for getting approval to convert a legal on-premises sign to an off-premises sign under this exception is as follows:

a. Application to convert the sign from an on-premises sign to an off-premises sign must be submitted to the Sign Code Board of Appeals who shall review the application for compliance with the mandatory criteria and after having reviewed the application shall forward a recommendation for approval or denial to the Rapid City Common Council;

b. The Rapid City Common Council shall review the application, along with the recommendation of the Sign Code Board of Appeals, and must determine that all the mandatory criteria are met prior to granting its approval for the conversion of the sign from on-premises to off-premises;

c. The decision to allow the conversion of an on-premises sign to an off-premises sign is within the sole discretion of the Common Council and its decision on the issue is final.

5. Additional regulations that apply to converted signs:

a. At the time the application for conversion of the existing sign is submitted, the applicant must designate up to two specific parcels which the sign will serve. The converted sign will be treated as an on-premises sign for the businesses located on the designated parcels; and

b. The converted off-premises sign may not be expanded or structurally altered in any way except that advertising copy may be altered; and

c. The converted off-premises sign shall not ever be eligible for off-premises sign credits; and

d. At such time as the use of the property being served by the converted off-premises sign changes, the face of the converted off-premises sign may be changed to advertise that new use.

15.28.060 Off-premises sign license.

A. Every off premises sign shall have an off-premise sign license issued by the Building Official. The Common Council shall establish the fee for each off-premises sign license by

resolution. The fee for off-premises sign licenses shall be \$75 until modified by the Common Council's resolution. No more than 1 license shall be required per structure.

B. Off-premises sign licenses expire on December 31 of the year in which the license is purchased.

C. Any off-premises sign that does not have an off-premises sign license by January 10 of any year is a prohibited sign as defined under this code and is subject to removal under the provisions of § 15.28.040.

D. No off-premises sign license shall be issued for a new off-premises sign unless the owner or lessee of the land, where the off-premises sign is proposed to be located, shall surrender to the Building Official ~~2~~ off-premise sign credits, issued under §§ 15.28.240 or 15.28.250 of this code, for each new sign structure. For a billboard with a dynamic display, 4 off-premise sign credits will be required per display surface incorporating a dynamic display. All other off-premise sign structures will require that 2 off-premise credits be surrendered. If the ~~2~~ off-premise sign credits presented to the Building Official allow for signs with faces of different square footages, the license shall allow construction of a new sign with faces not larger than the square footage allowed by the larger of the ~~2~~ off-premise sign credits.

E. All funds paid to the city pursuant to this section shall be deposited in a separate fund designated the Sign Code Enforcement Fund. The Building Official shall use the funds in this account to enforce the provisions of Chapter 15.28 of the Rapid City Municipal Code. Any funds remaining in the sign code enforcement fund at the end of the fiscal year shall be appropriated for use by the Rapid City beautification committee, which shall recommend to the common Council uses of the funds for the purpose of improving the scenic beauty of the city.

F. No sign shall be deemed unlawful for being unlicensed under this section until 90 days after the enactment of this chapter. Any off-premise sign that is not licensed within 90 days of enactment of this chapter is a prohibited sign subject to removal under the provisions of § 15.28.040 of this code.

15.28.070 License required.

No person shall engage in the business of constructing signs without obtaining a contractor license pursuant to the city municipal code.

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 60 days from date of permit, and shall expire by limitation in 120 days from the date of permit. For good cause, the Building Official may extend the time limitations for another 120 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 § 15.28.060 of this code.

B. *Exemptions.* The following types of signs and activities are exempt from the provisions of § 15.28.080A.:

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 32 square feet in area, and shall not be erected until a building permit has been issued. The sign shall be removed within 14 days after the issuance of a certificate of occupancy;

3. Directional signs located entirely on the premises that do not exceed 5 square feet in area;

4. Corporate flags or emblems limited to a maximum of 1 per premises;

5. Flags of any nation or political subdivision with a maximum number of 1 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 the 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 2 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, 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 1 acre.* One sign per street frontage not to exceed 6 square feet per sign.
 - ii. *At least 1 acre but not greater than 5 acres.* One sign per street frontage not to exceed 32 square feet per sign.
 - iii. *Greater than 5 acres but less than 10 acres.* Two signs not to exceed 32 square feet per sign, or 1 sign not to exceed 64 square feet.
 - iv. *Ten acres or more.* Three signs not to exceed 32 square feet per sign, or 2 signs not to exceed 48 square feet, or 1 sign not to exceed 96 square feet.
 - b. *All other zoned lots or parcels.*
 - i. *Less than 1 acre.* One sign per street frontage not to exceed 32 square feet per sign.
 - ii. *At least 1 acre but not greater than 5 acres.* One sign per street frontage not to exceed 64 square feet per sign.
 - iii. *Greater than 5 acres but less than 10 acres.* Two signs not to exceed 64 square feet per sign, or 1 sign not to exceed 128 square feet.
 - iv. *Ten acres or more.* Three signs not to exceed 64 square feet per sign, or 2 signs not to exceed 128 square feet per sign.

c. *Real estate signs, removal.* 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 20 square feet shall be allowed per vacant lot of 1 acre or less upon which the sign is erected. One sign not exceeding 32 square feet shall be allowed per vacant lot of more than 1 acre upon which the sign is erected. Signs are to be removed within 24 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 32 square feet;
- ii. One sign per model not to exceed 6 square feet;
- iii. Two traffic direction signs, not to exceed 4 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 4 signs are allowed per open house;
- ii. Signs may be put up 1 hour before opening and must be removed 1 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 25% 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 32 square feet and 8 feet in height. Temporary political signs shall be removed within 5 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 32 square feet;
- ii. The height of the sign shall not exceed 8 feet;
- iii. Signs shall not be placed within a required sight triangle or a required parking area; and
- iv. Signs may be placed 15 days prior to an event and shall be removed within 5 days of the termination of the event.

15.28.090 Application.

Application for a sign permit shall be made in writing upon forms furnished by the Building Official. The following information shall be provided:

- A. Name and address of owner of the sign and licensed sign contractor;
- B. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- C. Clear and legible drawings drawn to scale with description definitely showing the location of the sign which is the subject of the permit and all other existing signs whose construction requires permits;
- D. Site plan of premises; and
- E. Other such data and information as may be required by the Building Official.

15.28.100 Fees.

Sign building permit fees for signs regulated by this code shall be regulated by the current building code fee tables as adopted by the city. The permit fee for electrical signs or outline lighting shall be identical to the fees established by the State Wiring Bulletin, as adopted by the city.

15.28.110 Inspections.

All signs and sign structures shall be subject to inspection by the building official as required by the current building codes adopted by the city.

15.28.120 Construction specifications.

- A. Supports for signs and sign structures shall be built in conformance with the requirements of the current building codes as adopted by the city municipal code for wind loads, seismic loads, and other combined loads.
- B. Signs shall be constructed to a minimum standard of quality as specified by the city municipal code for noncombustibility, steel, smoke density, ignition properties, and classification of plastics.
- C. If design drawings and specifications are not provided, the minimum construction standard shall be set by the following tables.
- D. An engineered design shall be provided for all signs in accordance with adopted building codes.

TABLE 1

[Click here to view a PDF document of Table 1.](#)

TABLE 2

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15.28.130 Electrical signs.

- A. Electrical signs shall be constructed following the provisions of the Administrative Rules of South Dakota (ARSD) 20:44:22, the National Electrical Code and city's Municipal Code. Signs constructed in a UL shop must be energized by a licensed electrician. If a sign is constructed in a shop that is not UL, then wiring of the sign and energizing of the sign must be done by a licensed electrician.
- B. Electrical permits are required for electrical installations serving outdoor signs. Electrical wiring requiring a permit shall be installed by a licensed electrical contractor. The minimum permit fee shall be identical to the fees established by the State Wiring Bulletin, as adopted by the city. Electrical signs and outline lighting shall be listed and labeled in accordance with ARSD 10:44:22:02, 20:44:22:03 and 20:44:22:04 and the National Electrical Code 600-3.
- C. Electrical signs and outline lighting shall be marked with the manufacturers name, voltage input, and current rating. This marking and the label of a recognized testing lab shall be located where visible and readable from grade and near the disconnect.
- D. All metal parts of electrical signs and outline lighting shall be grounded in accordance with the National Electrical Code.

E. Each electrical sign or outline lighting system shall have an externally operable disconnect means located within sight of the sign or outline lighting transformer.

F. Electrical signs may be illuminated internally or externally so long as all lighting is directed away from the public right-of-way and adjacent residential areas. In addition, off premise signs must comply with the requirements of § 15.28.160M.

15.28.140 Maintenance.

All signs and sign structures shall be maintained structurally, and shall be maintained to protect from deterioration, damage, decay and/or abandonment.

15.28.150 Advertising message required.

All signs shall display an advertising message. If any sign fails to display a full face advertising message for 30 consecutive days, the Building Official shall notify the owner of the sign that the sign is in violation of this section, and that if the violation is not corrected within 60 days (the cure period), the sign will be subject to immediate removal. This section supercedes all of the requirements of § 15.28.040 of this code. 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 7 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. The cure period shall continue to run during the appeal process. However, the Building Official shall not cause the sign to be removed until all administrative appeals have been heard and decided.

15.28.160 Off-premises signs.

A. Off-premises ground signs shall have no more than 1 structural support or pole.

B. Off-premises sign structure shall be of earth tone.

C. Off-premises signs shall be limited to 250 square feet in size and shall not be in conflict with a contrary provision of South Dakota law.

D. Off-premise signs shall be located not nearer than 500 feet from any other off-premise sign. The distance between off-premise signs shall be measured from the base of the sign in all directions. In addition, no off-premises sign shall be located nearer than 1,000 feet from the nearest off premises signs as measured by the distance over a public road between a line that extends from the base of each sign to the nearest mid-point of any public road from which the sign is intended to be viewed.

E. Off premise signs shall have no more than 2 faces.

F. Off-premises signs shall be mounted parallel and up to 20 degrees to one another.

G. Off-premises signs shall be limited to 30 feet in height and shall be 10 feet clear from bottom of sign to grade or shall be set back no less than 10 feet.

H. Off-premises signs shall not be located within any clear sight triangle as set forth by the city's Municipal Code.

I. Off-premise signs shall be at least 50 feet from any on-premises sign. This subsection shall not prevent the construction of an on-premise sign within 50 feet of a previously existing off-premise sign.

J. Off-premise signs shall not be placed in any railroad right of way

K. Off-premises sign shall be identified by a label, nameplate, or trademark identifying the owner of the sign, except those signs which are exempt under § 15.28.080(B) of this code.

L. Off-premises signs shall not be placed on any property without written consent of the property owner or the owner's authorized agent.

M. The light from any light source intended to illuminate an off-premises sign, or emanating from an internally illuminated off-premises sign, shall be so shaded, shielded or directed or of such an intensity that the brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral. In no case shall overhead wires be attached in any manner to an off-premise sign.

N. The lowest point of an off-premise sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of a sign which extends over an area intended for vehicular use shall not be less than 14 feet about the finished grade below it.

O. No on premise sign may be converted to an off-premise sign.

15.28.170 Off-premises wall signs.

Off-premises wall signs are prohibited. Existing off-premises signs, shall be subject to the provisions of § 15.28 230.

15.28.180 Sign benches.

Sign benches displaying off-premises advertising may be located only on commercial premises. The display area on any sign bench shall not exceed 12 square feet. No more than 3 sign benches shall be located on any premises. Sign benches must be located within a 50-foot radius of each other. Sign benches must meet the spacing requirements of § 15.28.160.

15.28.190 Size, height and spacing limitations for on-premises wall signs.

A. The total area of wall signs for all business entities on the premises may be 2 square feet in size for every lineal foot of lot frontage on a public street, except for business entities located in the original town, which shall be limited to 1.5 square feet for the first 25 feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street.

B. For premises having 16 feet or less of lot frontage on a public street, business entities may display 1 sign 32 square feet in maximum area, except in the original town where business entities may display 1 sign 24 square feet in maximum area.

C. Signs may be displayed on any side of the building or structure and shall not project above or beyond the plane of the building wall to which the sign is associated.

D. In addition to wall signs, each separate business entity may display ground signs.

E. The light from any light source intended to illuminate an on-premises wall sign, or emanating from an internally illuminated on-premises wall sign, shall be so shaded, shielded, directed or of such an intensity that the brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

15.28.200 Size, height and spacing limitations for on-premises ground signs.

A. The total area of on-premises ground signs for all business entities on the premise may be 2 square feet in size for every lineal foot of lot frontage on a public street, except for business entities located in the original town which shall be limited to 1.5 square feet for the first 25 feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street.

B. The separation between on-premises ground signs located on the same premises shall be a minimum of 100 feet. The maximum height of on-premises ground signs shall be 45 feet.

C. On-premises ground signs may have a setback of 0 feet from the public right-of-way so long as the bottom of the sign is 10 feet clear from grade. Signs not 10 feet clear from grade shall be set back a minimum distance of 10 feet from the property line.

D. Notwithstanding subsection A. of this section, on-premise roof signs located on the roof of buildings 6 or more stories in height and located in the Original Town of the City of Rapid City and lawfully existing on the date of the adoption of this chapter shall be permitted to be structurally altered subject to the following limitations:

1. Only the name or logo of the primary occupant of the building may be displayed on a roof sign; and

2. The size of the structurally altered roof sign may not be greater than the total square footage allowable for wall signs on the premises; and

3. The total square footage of the roof sign and all other signs must not exceed the maximum allowable total square footage for wall signs and ground signs; and

4. The square footage of the structurally altered roof sign may not be greater than the existing roof sign.

E. On-premises ground signs shall not be located within any clear sight triangle as set forth by city municipal code.

F. The light from any light source intended to illuminate an on-premises ground sign, or emanating from an internally illuminated on-premises ground sign, shall be so shaded, shielded, directed or of such an intensity that the brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

15.28.210 Historic sign requirements.

A. *Purpose.* The purpose of this section is to create historic sign districts. The boundaries of the historic sign districts shall correspond to the same boundaries as any historic district or property listed and regulated by the National Register of Historic Places.

B. *Approval.* Approval for any sign located within a historic sign district shall be granted by the Historic Sign Review Committee. This Committee shall consist of the following 5 persons:

1. Historic property owner or business owner;
2. Architect;
3. Sign contractor;
4. Member of Historic Preservation Commission; and
5. Member of Sign Code Board of Appeals.

C. *Length of term.* Members shall be appointed by the Mayor and approved by the Common Council for terms of 3 years. The Committee shall elect a Chairperson from its membership to serve for a term of 1 year.

D. In considering sign permits within historic districts, the Historic Sign Review Committee shall consider the following: size and position, projection, color, message, texture, materials, illumination and lettering style for the historic era for which the building or structure was constructed. In order to adequately review these factors, the applicant for a sign permit

must, in addition to the requirements of § 15.28.050, submit the following: a photograph of the property and structure, a photograph or scaled drawing of the property or structure with the proposed sign sketched on it, color chips or color samples of the same colors that are to be used for the sign, and a scaled drawing of the proposed sign depicting the sign fonts and other attributes as they will actually appear on the sign.

E. The Historic Sign Review Committee may adopt rules in accordance with this chapter. Meetings of the Committee shall be held at the call of the Chairperson and/or the Building Official. All meetings of the Committee shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions. A majority of the voting members of the Review Committee shall constitute a quorum.

F. If the Historic Sign Review Committee approved an application for a sign which meets the criteria established by this section, then a sign permit may be issued. In order to ensure compliance with the provisions of this section, the Committee may approve applications with stipulations that must be met before a sign permit may be issued by the city. If the Historic Sign Review Committee denies an application for a sign which does not meet the criteria established by this section, the applicant shall be notified in writing as to the reasons for denial. Decisions of the Historic Sign Review Committee may be appealed to the Sign Code Board of Appeals.

15.28.215 Shopping center entrance signs.

A. The provisions of this section apply to shopping center entrance signs. A shopping center entrance sign is a sign placed at the entrance of a community shopping center that is part of a planned development of at least 25 acres. For the purposes of this chapter, a community shopping center must consist of a grouping of retail shops and stores planned and designed as an integrated unit which provide goods and services for people within a 30 minute drive.

B. Shopping center entrance signage may be on-premises or off-premises so long as it is located within 2,500 feet of the exterior boundaries of the planned development it is part of.

C. Shopping center entrance signage can only identify the shopping center and/or the businesses and shopping center tenants that are located within the planned development.

D. Shopping center entrance signs shall be ground mounted, monument style signs. Signs that are raised off of the ground or are mounted on poles or pylons are not allowed.

E. Shopping center entrance signs shall not exceed 15 feet in height and 200 total square feet in area per sign.

F. The location and design of any shopping center entrance sign must be reviewed and approved as part of a planned development. Specific attention should be paid to the location of the proposed shopping center entrance sign in relation to other off-premises and on-premises signs in the vicinity. Any alteration of the sign other than the changing of the names located on the sign shall be a major amendment to the planned development.

G. Shopping center entrance signs shall not be located within any clear sight triangle as set forth in the Rapid City Municipal Code.

H. Shopping center entrance signs are exempt from the following provisions of the Rapid City Municipal Code:

1. Section 15.28.060(D);
2. Section 15.28.160; and
3. Section 15.28.200.

15.28.220 Miscellaneous signs.

The following sign requirements are intended to provide exceptions or qualify and supplement the other requirements of this code:

A. Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature, may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message. The signs shall comply with the following:

1. For on-premises ground signs and on-premises wall signs, the size shall not exceed 32 square feet;
2. The height of the sign shall not exceed 8 feet;
3. Signs shall not be placed within a required sight triangle or a required parking area;
and
4. Electric signs shall comply with § 15.28.130.

B. Each separate business entity may display 1 pedestrian-oriented sign for each wall of the building that faces a public street in the original town limited to 5-foot projection, 8 square feet, 9-inch letters and 8-foot clearance.

C. The total area of wall signs or ground signs for all residential entities on the premises may be 1 square foot for each dwelling unit. Wall signs or ground signs for all residential entities on the premises must also meet the following:

1. A maximum of 1 such sign per street frontage is allowed;
2. The maximum height of the sign shall be 8 feet; and
3. The maximum width of the sign area shall be 8 feet.

D. Wall signs or ground signs for a commercial use in a residential district or a home occupation may be 1 square foot in size per commercial use or home occupation.

E. Miscellaneous signs shall not be located within any clear sight triangle as set forth by city's Municipal Code.

F. The light from any light source intended to illuminate a miscellaneous sign, or emanating from an internally illuminated miscellaneous sign, shall be so shaded, shielded, directed or of such an intensity that the brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

15.28.225 Joint identification signs.

A. A joint identification sign is defined as a sign designed to identify multiple business located in a specific area that has been designated as a development complex by the Director of Growth Management or their designee regardless of whether said establishments occupy separate structures or are under separate ownership.

B. A development complex is defined as a shopping center or 3 or more businesses in close proximity to each other that are part of a common development where joint identification signs will be allowed. The factors to consider in determining if a shopping center or 3 or more businesses in close proximity to each other are part of a common development are the layout of the site, the ownership of the land and whether or not the businesses share access, customer parking areas or other common areas. It is not required that the lots within a development complex be under common ownership if other factors which support the finding that a shopping center or grouping of 3 or more businesses are part of a common development are present. If the area being designated as a development complex for purposes of allowing a joint identification sign contains lots that are under separate ownership, all the lot owners must consent to the designation.

C. In addition to a sign permit, an applicant requesting to designate an area as a development complex must submit information relating to the factors described in subsection B. The Director of Growth Management or their designee will review the information submitted and in addition to determining whether or not the proposed joint identification sign is in compliance with the requirements of the code pertaining to joint identification signs, will determine whether or not to designate the requested area as a development complex. Any person or group aggrieved by the decision of the Director of Growth Management or their designee to designate an area as a development complex may appeal such decision to the Sign Code Board of Appeals. The time for appealing this determination shall be limited to 7 days but shall otherwise be governed by Section 15.28.270 of this code. The Building Official cannot issue a sign permit until the time for appeal has expired.

D. Joint identification signs will be treated as on-premises signs for all businesses located within the development complex whether or not they are located on the same legally described

parcel as the sign. Joint identification signs can only identify those businesses or activities that are located within the development complex.

E. Each development complex shall be permitted 1 monument sign per public street frontage. For purposes of this section, a monument sign is defined as a freestanding sign not erected on one or more poles or other similar supports but erected to rest on the ground or on a base designed as an architectural unit with the sign. Individual on-premises ground signs will not be allowed for business located within the development complex. There shall be a minimum distance of 100 feet between joint identification signs. Each business will be allowed to have on-premises wall signs as allowed under this code.

F. Joint identification signs will be allowed to have a maximum area of 100 square feet or 1 square foot of sign for each 2 linear feet of street frontage of the development complex, whichever is greater. Provided that the total area of all signs on each frontage shall not exceed 200 square feet.

G. The maximum height of a joint identification sign shall be 15 feet.

H. Joint identification signs must be located on property that has been designated as part of the development complex. No joint identification sign can be located closer than 10 feet from any external boundary of the development complex.

15.28.230 Nonconforming signs.

Any sign existing upon the date of adoption of this code which does not conform to the provisions of this code may remain except for the following:

- A. Any abandoned sign;
- B. Any sign declared unlawful by the Building Official;
- C. Any sign which has been moved, removed, relocated or damaged by more than 50% of the value of the sign at the time of the damage; and
- D. Any sign located on a premises when the use of that premises changes from 1 Standard Industrial Classification (SIC) 2-digit code to another.

15.28.240 Alteration of existing signs.

A. Whenever any existing sign is structurally altered, it must be brought into ~~conformance~~ compliance with all requirements of this code. Any existing sign that is structurally altered and which does not comply with all requirements of this code shall be deemed unlawful by the Building Official and removed in accordance with § 15.28.040 of the Rapid City Municipal Code.

B. Notwithstanding subsection A. of this section, any legal non-conforming off-premise sign ~~or~~ may be reconstructed by the current permit holder in the same location as it currently exists so long as the alterations ~~or~~ reconstruction of the sign bring it into compliance with all of the provisions of this chapter with the exception of any spacing requirements between signs. A sign building permit is required to make the alterations allowed by this subsection.

C. Whenever any off-premise sign is structurally altered pursuant to subsection B, the current permit holder of the sign shall be eligible for off-premise sign credits as follows:

1. The current permit holder of the sign completes an application for an off-premise sign credit;

2. The current permit holder of the sign provides proof to the Building Official that the sign for which a credit is sought was lawfully erected and in existence prior to the adoption of this chapter;

3. The Building Official determines the sign is currently not a prohibited sign as defined in this code;

4. The Building Official issues a certificate of eligibility for off premise sign credit. Certificates of eligibility for off-premise sign credit shall expire 21 days after it is issued and become null and void;

5. The Building Official confirms, by on-sight inspection, that the sign has been brought into compliance with all the provisions of the city's Sign Code with the exception of any spacing requirements between signs and that the certificate of eligibility for off-premise sign credit has not expired. No request for inspection shall be made to the Building Official until the alterations to the sign have been fully completed. The Building Official shall make an inspection within 2 working days of a request for inspection; and

6. Upon compliance with all provisions of this subsection, the Building Official shall issue 2 off-premise sign credits to the current permit holder of the sign.

D. If the alteration or reconstruction allowed in subsection B includes the installation of a billboard with a dynamic display, the owner of the sign will be required by the Building Official to surrender 4 off-premise sign credits per display surface incorporating a dynamic display.

~~D.E.~~ Whenever any legal off-premise sign is completely removed, the current permit holder of the sign shall be eligible for off-premise sign credits as follows:

1. The current permit holder of the sign completes an application for an off-premise sign credit;

2. The current permit holder of the sign provides proof to the Building Official that the sign for which a credit is sought was lawfully erected and in existence prior to the adoption of this chapter;

3. The Building Official determines the sign is currently not a prohibited sign as defined in this code;

4. The Building Official issues a certificate of eligibility for off-premise sign credit. Certificates of eligibility for off-premise sign credit shall expire 21 days after it is issued and become null and void;

5. The Building Official confirms, by on-sight inspection, that the sign has been completely removed and that the certificate of eligibility for off-premise sign credit has not expired. No request for inspection shall be made to the Building Official until the alterations to the sign have been fully completed. The Building Official shall make an inspection within 2 working days of a request for inspection; and

6. Upon compliance with all provisions of this subsection, the Building Official shall issue 2 off-premise sign credits to the current permit holder of the sign.

15.28.250 Off-premise sign credit system.

A. *Off-premise sign credit.* Off-premise sign credits shall be issued by the city's Building Official to those owners of off-premises signs who have completely removed a previously existing, lawfully erected off-premise sign and all associated structures after the effective date hereof.

B. *Requirements prior to issuance of credit.* The Building Official shall not issue any off-premise sign credits until:

1. The owner of the sign completes an application for an off premise sign credit;

2. The owner of the sign provides proof to the Building Official that the sign for which a credit is sought was lawfully erected and in existence prior to the adoption of this chapter;

3. The Building Official determines the sign is currently not a prohibited sign as defined in this code, and conforms to all other applicable federal, state or local laws and regulations;

4. The Building Official issues a certificate of eligibility for off premise sign credit. Certificates of eligibility for off-premise sign credit shall expire 21 days after it is issued and become null and void; and

5. The Building Official confirms, by on-sight inspection, that the sign has been completely removed and that the certificate of eligibility for off-premise sign credit has not expired. No request for inspection shall be made to the Building Official until the structure has been completely removed. The Building Official shall make an inspection within 2 working days of a request for inspection.

C. *Off-premise sign credit basis.*

1. For any sign that has any face larger than 250 square feet, the Building Official shall issue 1 or 2 off-premise sign credits in accordance with subsections C.4. and C.5. of this section for a sign with faces not larger than 250 square feet.

2. For any sign with a face size of 250 square feet or less, the Building Official shall issue 1 or 2 off-premise sign credits in accordance with subsections C.4. and C.5. of this section for a sign with faces not larger than the square footage of the sign removed.

3. For signs with faces of different face sizes, the largest face shall be used to determine the square footage of the off-premise sign credit.

4. If the sign that was removed did not conform to the requirements of either §§ 15.28.160D. or 15.28.160I. of this code, the Building Official shall issue 2 off-premise sign credits in accordance with § 15.28.250C.1. through 3.

5. If the sign that was removed conformed to the requirements of each of §§ 15.28.160D. and 15.28.160I. of this code, the Building Official shall issue 1 off-premise sign credit in accordance with § 15.28.250C.1.-3.

6. The square footage permitted by 1 off-premise sign credit may not be transferred or added to the square footage of another off-premise sign credit.

D. *Transferrable.* Off-premise sign credits are freely transferable through legal means.

E. *Usage.* Off-premise sign credits may only be used to erect a new off-premise sign if the proposed new sign is in full compliance with all requirements of the Rapid City Municipal Code and all applicable federal, state or local laws and regulations.

15.28.260 Severability.

If any section, sentence, clause, phrase or other portion of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this chapter.

15.28.270 Appeals.

A. There is created a Sign Code Board of Appeals to hear and decide appeals and decisions made by the Building Official.

B. Members shall be appointed by the Mayor and approved by the Common Council for terms of 3 years. A total of 5 members and 2 alternates shall be appointed to the Board from the following groups:

1. One member from the Common Council;

2. One member from the sign construction industry;
3. One citizen member;
4. One member from the architectural community;
5. One member from the Planning Commission; and
6. Two alternates. If the 2 appointed alternates are not available for a given meeting, then any member of the Common Council may serve as an alternate.

C. A Chairperson shall be elected annually by the Sign Code Board of Appeals. A minimum of 3 members must be present at a meeting to establish a quorum for voting purposes. A simple majority vote shall be used for voting purposes.

D. The Sign Code Board of Appeals shall adopt rules in accordance with this code. Meetings of the Board shall be called by the Chairperson and/or Building Official and shall be held at a set time and place. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, indicating if absent or failing to vote, and shall keep records of its examinations and other official actions. A quorum of voting members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance.

E. Sign appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the Building Official. The appeals shall be taken within thirty days from the date of the decision by filing with the Building Official a notice of appeal specifying the grounds thereof, and by paying a filing fee of \$75 at the office of the Building Official.

F. The Board of appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper 7 days prior to the hearing. The appellant shall notify, by certified mail, adjacent premises that an appeal is being made. The letter shall be provided by the Building Official.

G. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this chapter;

2. The Board of Appeals is empowered to authorize a variance from the strict application of this chapter when:

- a. There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premises not prevalent in the area; and

- b. Where the strict application of this chapter will result in unnecessary hardship.
3. Appeals shall not be considered for the following:
 - a. Signs that violate some other law or ordinance regulating signs; and
 - b. Signs as regulated by § 15.28.050, Prohibited signs.

H. Sign appeals approved for off premises signs shall allow for only one advertising message. Any appeal approved by the Sign Code Board of Appeals, subsequent to the adoption of the ordinance codified in this chapter, shall run with the business which shall retain the right to alter the advertising content of the sign. In the event the business relocates or otherwise ceases operation on the premises that was the situs of the appeal, or if the Standard Industrial Classification (SIC) of the business is changed by 2 numeric designations, the rights granted under the appeal shall be extinguished.

I. Appeals.

1. 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 Common Council the decision of the Sign Code Board of Appeals. Appeals shall be heard at the next regular Council meeting after the filing of the notice of appeal unless the meeting is less than 10 business days after the filing of the notice of appeal, in which case the appeal shall be heard at the following regular Common Council meeting.

2. The appeals shall be taken by filing with the Finance Office a notice of appeal specifying the grounds thereof within 7 days of the decision of the Sign Code Board of Appeals. The appellant shall notify, by certified mail, adjacent premises that an appeal is being made. The 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 the notification shall be a prerequisite to any hearing before the Common Council.

3. The Common 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.

4. Appeals shall not be considered for signs that violate some other law or ordinance regulating signs or for signs as regulated by § 15.28.050.

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 or she 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 or she 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

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: