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**THE CITIZENS' REFORM INITIATIVE FOR BILLBOARD SIGN CREDITS
MUNICIPAL INITIATIVE PETITION
IN THE MUNICIPALITY OF RAPID CITY, SD**

WE, THE UNDERSIGNED qualified voters of the municipality of Rapid City, the state of South Dakota, petition that the following ordinance be submitted to the voters of that municipality for their approval or rejection pursuant to law. The proposed ordinance in proper form is as follows:

AN INITIATED ORDINANCE AMENDING CHAPTER 15.28.250 OF THE RAPID CITY MUNICIPAL CODE RELATING TO OFF-PREMISE SIGN CREDITS

WHEREAS, citizens have the right by initiative to reform the off-premise sign credit program in Chapter 15.28.250 to improve billboard control; and

WHEREAS, there has been a proliferation of off-premise signs, commonly known as billboards, within the City; and

WHEREAS, the number and presence of tourist oriented directional signs and logo signs within and in close proximity to the City reasonably provide for the needs of the business community and, in combination with alternatives forms of media, do adequately and properly advertise goods and services of benefit to the traveling public; and

WHEREAS, the presence of tourist oriented directional signs and logo signs in other tourist-oriented states such as Vermont and Maine, in combination with alternatives forms of media, have allowed the those states to prohibit traditional billboards entirely but still allow for the needs of the business community to adequately and properly advertise goods and services of benefit to the traveling public; and

WHEREAS, the gradual removal of billboards through attrition has been an important tool recommended by experts within the scenic community to restore scenic beauty to, and improve the aesthetics of, both urban and rural areas of this country; and

WHEREAS, the gradual removal of billboards through attrition is considered by many scenic experts to be far more effective than a trade, swap, cap-and-trade, or other similar scheme, including the current off-premise sign credit system in the current Chapter; and

WHEREAS, by the issuance of credits to add new billboards to the City's landscape, the existing off-premise sign credit system works against the gradual removal of billboards through attrition, whether through (i) billboard removal resulting from the development or redevelopment of real property, (ii) the loss of billboard structures as the result of Acts of God or other natural events, (iii) the removal of billboards brought about by termination of a leasehold interest, or (iv) the removal of billboards through other lawful means, any or all of which lead to the aesthetic enhancement and the lessening of visual clutter; and

WHEREAS, in order to enhance the aesthetics of the City, there should be no off-premise sign credit issued if there are already twenty off-premise sign credits outstanding; and

WHEREAS, the credit system previously adopted in 2002 was silent on the issue of a sunset or expiration date for a sign credit subsequent to the credit's issuance and public policy is not served by providing for a sign credit that extends into perpetuity without a sunset or final expiration date; and

WHEREAS, it is in the public interest to provide a sunset or expiration date for previously existing sign credits; and

WHEREAS, the majority of sign credits that were issued under the current credit system were issued in connection with wooden sign structures, and a sign credit expiration date would be appropriate that would extend the expiration date for a sign credit to a period of no more than twenty years following the issuance of the sign credit; and

WHEREAS, the current Chapter omits the requirement that a transferee notify the City upon the transfer of an off-premise sign credit, and it is appropriate to require a transferee to notify the City upon the transfer of the sign credit previously issued to the transferee's predecessor in interest by the Building Official, and to provide that upon failure to timely notify the City of the transfer, the sign credit shall be void, as provided in this proposed ordinance and set forth below; and

WHEREAS, it is appropriate for the City to maintain a current inventory of previously issued sign credits, with the dates of their issuance and the dates of their expiration, as provided in this proposed ordinance and set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RAPID CITY, SOUTH DAKOTA:

Section 1. That subdivision (B) of Section 15.28.250 of the Rapid City Municipal Code is hereby amended to read as follows:

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;
6. An off-premise sign credit may not be issued if there are more than twenty sign credits outstanding.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 2. That subdivision (D) of Section 15.28.250 of the Rapid City Municipal Code is hereby amended to read as follows:

D. ~~Transferable~~ Transferability of Sign Credits; Notice of Transfer Required. Off-premise sign credits are freely transferable through legal means; however, a transferee shall provide written notice of the transfer to the City by registered mail, return receipt requested, within ninety (90) days following the transfer of the credit or the sign credit shall be void.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 3. That subdivision (E) of Section 15.28.250 of the Rapid City Municipal Code is hereby amended to read as follows:

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. The City has no obligation to guarantee that a sign credit may be utilized within the City during the life of the credit.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 4. That Section 15.28.250 of the Rapid City Municipal Code is hereby amended by adding a new subdivision (F) thereto to read as follows:

F. Sunset Date for Sign Credit. An off-premise sign credit shall not exist in perpetuity. An off-premise sign credit shall terminate two decades after it has been issued unless utilized within twenty years from the date of issuance by the Building Official or unless the same has become void by operation of the provisions of this Section 15.28.250.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 5. That Section 15.28.250 of the Rapid City Municipal Code is hereby amended by adding a new subdivision (G) thereto to read as follows:

G. The City shall maintain a list of all unused off-premise sign credits and their expiration dates.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 6. Protection of Private Property Rights. This ordinance shall not apply to any property or person to the extent that its application would constitute an unconstitutional taking of private property in violation of the South Dakota Constitution or the United States Constitution.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 7. Severability. If any section, sentence, clause, phrase or other portion of this ordinance 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 ordinance.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 <i>Alice VanDerPel</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>1713 - 38th St</i>	DATE OF SIGNING <i>3-27-11</i>
PRINT <i>Alice VanDerPel</i>	CITY OR TOWN <i>Rapid City</i>	COUNTY OF REGISTRATION <i>Pennington</i>
SIGN 2 <i>Donna F. Riley</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>1609 Boulder St</i>	DATE OF SIGNING <i>3-27-11</i>
PRINT <i>Donna F. Riley</i>	CITY OR TOWN <i>Rapid City SD</i>	COUNTY OF REGISTRATION <i>Pennington</i>
SIGN 3 <i>Greg Riley</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>1609 Boulder Street</i>	DATE OF SIGNING <i>3-27-11</i>
PRINT <i>Greg Riley</i>	CITY OR TOWN <i>Rapid City</i>	COUNTY OF REGISTRATION <i>Pennington</i>
SIGN 4 _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____	DATE OF SIGNING _____
PRINT _____	CITY OR TOWN _____	COUNTY OF REGISTRATION _____
SIGN 5 _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____	DATE OF SIGNING _____
PRINT _____	CITY OR TOWN _____	COUNTY OF REGISTRATION _____

VERIFICATION BY PERSON CIRCULATING PETITION INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Donna F. Riley *1609 Boulder St* *Rapid City SD* *577*
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this *28* day of *March*, 2011

Donna F. Riley
Signature of Circulator

(Seal) My Commission Expires June 26, 2015
 My commission expires _____



Rebekah Bowden
Signature of Officer Administering Oath

Joan Officer
Title of Officer Administering Oath