

ORDINANCE NO.

AN ORDINANCE REPEALING CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE ENTITLED SIGN CODE IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15.28.

BE IT ORDAINED BY THE City of Rapid City that Chapter 15.28 of the Rapid City Municipal Code, entitled Sign Code, be repealed in its entirety.

BE IT FURTHER ORDAINED BY THE City of Rapid City that a new Chapter 15.28 of the Rapid City Municipal Code, entitled Sign Code, be adopted to read as follows:

Chapter 15.28

SIGN CODE

15.28.010 Purpose

The purpose of this code is to promote the general safety and welfare of the citizens of the City of Rapid City by facilitating communication between people through the establishment of a comprehensive system regulating signs in the City. The general objectives of this code are as follows:

1. To permit signs that are primarily located outside of the public right-of-way and which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes.
2. To encourage signs that are readable.
3. To control the number, size, location and condition of signs.
4. To regulate signs so that they do not obstruct vision or interfere with pedestrian or vehicle traffic.

15.28.020 Definitions

“Abandoned Sign” means an on-premise or off-premise sign which meets one 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” means that copy on a sign describing products or services being offered.

“Animated Sign” means 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” means a shelter supported entirely from the exterior wall of a building. (See Uniform Building Code for construction, projection and clearances).

“Awning Sign” means any sign attached to or constructed on an awning.

“Banner” means 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” means all window and wall area of a building in one plane or elevation.

“Building Official” means 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)” means a sign on which copy is changed manually in the field.

“City” means the City of Rapid City.

“City Council” means the City Council of Rapid City.

“Copy” means the message on a sign surface either in permanent, temporary or removable form.

“County” means Pennington County, South Dakota

“Directional Sign” means any sign which serves solely to designate the location or direction to a place or area.

“Electrical Sign” means a fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey a message.

“Electronic Message Center” means 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.

“Erected” means 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” means 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” means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. See “Electronic Message Center” and “Indexing Signs”.

“Frontage” means 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” means a sign erected on a foundation, free-standing frame, mast or pole and not attached to any building.

“Height of Sign” means 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” means 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” means 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” means 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” means 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” means to allow a sign to exist or remain, or to repair or refurbish a sign in order to prevent decay or deterioration.

“Marquee” means a permanent roofed structure attached to and supported by the building and projecting over public property. See the Uniform Building Code for projection, construction, clearance, length, thickness, and prohibited locations.

“Marquee Sign” means any sign attached to or constructed in or on a marquee.

“Message” means a communication through written words, symbols, signals, or pictures.

“On-Premise Sign” means 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-Premise Sign” means 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” means Blocks 71-76, 81-86, 91-96, 101-106, and 111-116 of the Original Town Plat of Rapid City.

“Outline Lighting” means 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” means 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” means that portion of a building wall that rises above the roof level.

“Pedestrian Signs” means a sign that advertises to pedestrian traffic as regulated by Section 15.28.210.

“Person” means 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.

“Premise” means a tract of land regarded as the smallest conveyable unit of real estate.

“Projecting Signs” means 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 “Changing Sign”.

“Real Estate or Property for Sale, Rent or Lease Sign” means any sign pertaining to the sale, lease or rental of land or buildings.

“Roof Line” means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

“Roof Sign” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

“Rotating Sign” means any sign or portion of a sign which moves in a revolving or similar manner.

“Sign” means any identification, description, illustration or device illuminated or non-illuminated, 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” means the total area or areas of all signs within the outer edges of the sign or advertising message.

“Sign Structure” means any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

“Street” means a public or private thoroughfare which affords the principal means of access to abutting property.

“Temporary Sign” means a sign which is not permanently affixed.

“Use” means 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” means 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” means 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 60 degrees or greater with the horizontal plane.

“Wall Sign” means 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.

15.28.030 Administration

The Building Official is hereby 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.

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. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code.

The Building Official may deputize inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

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.

Whenever such 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 such work to be done. Work must then be stopped until otherwise authorized by the Building Official.

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.

All provisions of the Laws and Ordinances of the City of Rapid City and the State of South Dakota shall be complied with, whether specified herein or not. In the event that portions of this Ordinance conflict with other portions, or portions of this Ordinance 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 of Rapid City.

15.28.040 Permits

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 permit for each such sign from the Building Official as required by this code.

These directives shall not be construed to require any permit for changing the advertising code or message, the painting, cleaning, maintenance and/or repair of a sign not involving structural changes on an existing lawful sign except when:

1. The use of the premise changes from one Standard Industrial Classification (SIC) two-digit code to another, and/or
2. Signs placed in a designated National Register Historic District or on a designated National Register building or structure.

Every sign permit issued by the Building Official shall expire by limitation and become null and void if the construction does not commence within sixty (60) days from date of permit, and shall expire by limitation in one hundred and twenty (120) days from the date of permit. For good cause, the Building Official may extend the time limitations for another one hundred and twenty (120) days. Any extension granted shall be accompanied by a fee equal to one-half the amount required for a new permit for such work.

15.28.050 Application

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

1. Name and address of owner of the sign and licensed sign contractor.
2. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
3. 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.
4. Site plan of premises.
5. Other such data and information as may be required by the Building Official.

Section 15.28.060 Fees

Permit fees for signs regulated by this Code shall be regulated by the Uniform 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.

15.28.070 License Required

No person shall engage in the business of constructing signs without obtaining a contractor license pursuant to the Rapid City Municipal Code.

15.28.080 Maintenance

All signs and sign structures shall be maintained structurally, and shall be maintained to protect from deterioration, damage, decay and/or abandonment. All signs shall display an advertising message at all times.

15.28.090 Inspections

All signs and sign structures shall be subject to inspection by the Building Official as required by the Uniform Building Code adopted by the City.

15.28.100 Enforcement

The Building Official may declare any sign unlawful by reasons of inadequate maintenance, placement, dilapidation, abandonment, or if erected without a permit, or is in violation of any other provision of this Code or any other State or Federal Law.

15.28.110 Removal of Signs

The Building Official shall cause to be removed any abandoned or unlawful sign. The Building Official shall prepare a written notice and order which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within fourteen (14) calendar days, the sign shall be removed in accordance with the provisions of this ordinance at cost to the owner of the building, structure, premises or sign.

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

Any person having an interest in the sign or the premise may appeal the determination of the Building Official ordering removal or compliance, by filing a written notice of appeal to the Building Official within seven (7) days of receipt of the notice. Failure, by any person to appeal the notice and order within the specified time period shall waive all rights to an administrative hearing.

15.28.120 Appeals

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

Members shall be appointed by the Mayor and approved by the City Council for terms of three (3) years. A total of five (5) members and two (2) alternates shall be appointed to the Board from the following groups:

1. One member from the City 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;
6. Two alternates. If the two appointed alternates are not available for a given meeting, then any member of the City Council may serve as an alternate.

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

The Sign Code Board of Appeals shall adopt rules in accordance with this Code. Meetings of the Board shall be called by the Chairman 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.

Sign appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Rapid City affected by any decision of the Building Official. Such appeals shall be taken within thirty (30) 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 seventy-five dollars (\$75.00) at the office of the Building Official.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper seven (7) days prior to the hearing. The appellant shall notify, by *Certified Mail*, adjacent premises that an appeal is being made. Such letter shall be provided by the Building Official.

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 ordinance.
2. The Board of Appeals is hereby empowered to authorize a variance from the strict application of this Ordinance when:
 - a. There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premise not prevalent in the area; and
 - b. Where the strict application of this Ordinance 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 15.28.150 (Prohibited Signs).

15.28.130 Construction Specifications

Supports for signs and sign structures shall be built in conformance with the requirements of the Uniform Building Code as adopted by the Rapid City Municipal Code for wind loads, seismic loads, and other combined loads.

Signs shall be constructed to a minimum standard of quality as specified by the Rapid City Municipal Code for non-combustibility, steel, smoke density, ignition properties, and classification of plastics.

If design drawings and specifications are not provided, the minimum construction standard shall be set by Table 1 and 2 (See Pages 16-17).

An engineered design shall be provided for all signs in accordance with adopted Building Codes.

15.28.135 Electrical Signs

Electrical Signs shall be constructed following the provisions of SDCL 20:44:22, the National Electrical Code and Rapid City 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.

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 SDCL 10:44:22:02, 20:44:22:03, and 20:44:22:04 and the National Electrical Code 600-3.

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.

All metal parts of electrical signs and outline lighting shall be grounded in accordance with the National Electrical Code.

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

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.

15.28.140 Permit Exemptions and Exempt Signs

The following types of signs are exempt from the provisions of this Code:

- A. 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:
 - 1. The use of the premise changes from one Standard Industrial Classification (SIC) two-digit code to another, and /or
 - 2. Signs placed in a designated National Register Historic District or on a designated National Register building or structure.
 - 3. The change of an off-premise to an on-premise sign or from an on-premise to an off-premise sign.
- B. Construction signs during the time period for which the building permit is valid or until completion of construction, with thirty-two (32) square feet maximum size.
- C. Directional signs located entirely on the premises that do not exceed five (5) square feet in area.
- D. Corporate flags or emblems limited to a maximum of one (1) per premise.
- E. Flags of any nation or political subdivision with a maximum number of one flag type per premise, per street frontage.

- F. Traffic control devices and signs as regulated by Rapid City Municipal code section 10.28 (Traffic Control Devices).
- G. 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 premise 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 such signs from any other provision of this code or any other ordinance, law, rule, or regulation.
- H. No Trespassing or No Dumping Signs.
- I. Plaques or name plate signs not more than two square feet in area which are fastened directly to the building and which do not contain an advertising message.
- J. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by law, statute or ordinance under which the signs are erected. In no event, however, shall such sign or part thereof contain a commercial advertising message.
- K. Real Estate Signs. One (1) residential real estate sign on any one or two-family premise, not to exceed nine (9) square feet in area. All other real estate signs not to exceed thirty-two (32) square feet in area.
- L. Window signs covering up to 25% of the area per window.
- M. Tee Markers and similar signs at public or private recreational facilities. Such Signs shall not contain an advertising message.
- N. Political Signs not located within a required sight triangle or a required parking stall or parking area and limited to thirty-two (32) square feet and eight (8) feet in height and not erected more than one hundred eight (180) days prior to the election the sign is associated with, and removed within five (5) days after the election.
- O. Identifying logos on municipally owned water storage reservoirs, when directed by the City Council.

15.28.150 Prohibited Signs

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

1. Animated, flashing, blinking, traveling lights or any other such lighting not providing constant illumination, except changing signs.
2. 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.
3. Abandoned signs or unlawful signs.
4. 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.
5. Signs displaying an advertising message and signs prohibited by Rapid City Municipal Code Section 12.20.030 and located in the public right-of-way.
6. 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 fifteen (15) days.
7. Flags displaying an advertising message, except flags of any nation, state, political subdivision, or corporate flag.
8. Projecting signs, except pedestrian-oriented signs that do not exceed eight square feet.
9. Off-Premise Roof Signs.
10. On-Premise Roof signs.
11. Off-Premise signs located in the Original Town, a residential district or within fifty (50) feet of a residential use or a residential district.
12. 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.

15.28.160 Size, Height and Spacing Limitations for On-Premise Wall Signs.

The total area of wall signs for all business entities on the premise may be two (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 twenty-five (25) feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street.

For premises having sixteen (16) feet or less of lot frontage on a public street, business entities may display one (1) sign thirty-two (32) square feet in maximum area, except in the Original Town where business entities may display one (1) sign twenty-four (24) square feet in maximum area.

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.

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

15.28.170 Size, Height and Spacing Limitations for On-Premise Ground Signs.

The total area of on-premise ground signs for all business entities on the premise may be two (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 twenty-five (25) feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street.

The separation between on-premise ground signs located on the same premise shall be a minimum of one hundred feet.

The maximum height of on-premise ground signs shall be forty-five (45) feet.

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

In addition to on-premise ground signs, each separate business entity may display wall signs.

On-premise ground signs shall not be located within any clear sight triangle as set forth by Rapid City Municipal Code.

15.28.180 Off-Premise Ground Signs

Off-premise ground signs shall be limited to eight hundred (800) square feet in size when faces are mounted parallel and up to twenty (20) degrees to one another. Off-premise ground signs with faces constructed at any angle greater than twenty (20) degrees shall be limited to four hundred (400) square feet per face.

Off-premise ground signs shall be separated from each other by not less than three hundred (300) feet except where State law requires spacing that is more restrictive.

Off-premise ground signs shall be separated from Off-premise wall signs by not less than three hundred (300) feet, as regulated in Section 15.28.200.

Off-premise ground signs shall be limited to forty-five (45) feet in height and shall be ten (10) foot clear from bottom of sign to grade or shall be set back no less than ten (10) feet.

Off-premise ground signs shall not be located within any clear sight triangle as set forth by Rapid City Municipal Code.

For miscellaneous off-premise signs, see Section 15.28.210.

15.28.190 Sign Benches

Sign benches displaying off-premise advertising may be located only on commercial premises. No more than three (3) sign benches shall be located on any premise. Sign benches must be located within a fifty (50) foot radius of each other. Sign benches must be separated from other off-premise advertising (including other sign benches on another premise) by no less than three hundred (300) feet.

15.28.200 Off-Premise Wall Signs

Off-premise wall signs shall be limited in size per the requirements of Section 15.28.160.

Off-premise wall signs shall be separated from other off-premise signs by not less three hundred (300) feet, as regulated in section 15.28.180.

For miscellaneous off-premise signs, see Section 15.28.210.

15.28.210 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, non-profit membership organizations, and philanthropic institutions that are educational, cultural, religious, or recreational in nature, may display on-premise signs. However, such sign or part thereof shall not contain a commercial advertising message. Such signs shall comply with the following.
 - 1. For on-premise ground signs and on-premise wall signs, the size shall not exceed thirty-two (32) square feet.
 - 2. The height of the sign shall not exceed eight (8) feet.
 - 3. Signs shall not be placed within a required sight triangle or a required parking area.
 - 4. Electric signs shall comply with section 15.28.135.
- B. Each separate business entity may display one pedestrian-oriented sign for each wall of the building that faces a public street in the Original Town limited to five (5) foot projection, eight (8) square feet, nine (9) inch letters, and eight (8) foot clearance.
- C. The total area of wall signs or ground signs for all residential entities on the premise may be one square foot for each dwelling unit. Wall signs or ground signs for all residential entities on the premise must also meet the following:
 - 1. A maximum of one such sign per street frontage is allowed.
 - 2. The maximum height of such sign shall be eight (8) feet.
 - 3. The maximum width of the sign area shall be eight (8) feet.
- D. Wall signs or ground signs for a commercial use in a residential district or a home occupation may be one (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 Rapid City Municipal Code.

15.28.214 Temporary Signs

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

- A. Public or private institutions, school, non-profit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature, may display temporary on-premise or off-premise 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.

1. The size shall not exceed thirty-two (32) square feet.
2. The height of the sign shall not exceed eight (8) feet.
3. Signs shall not be placed within a required sight triangle or a required parking area.
4. Signs may be placed fifteen (15) days prior to an event and shall be removed within five (5) days of the termination of the event.

15.28.220 Historic Sign Requirements

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.

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 five persons:

1. Historic Property Owner or Business Owner,
2. Architect,
3. Sign Contractor,
4. Member of Historic Preservation Commission,
5. Member of Sign Code Board of Appeals.

Length of Term: Members shall be appointed by the Mayor and approved by the City Council for terms of three (3) years. The Committee shall elect a chairperson from its membership to serve for a term of one (1) year.

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.

The Historic Sign Review Committee may adopt rules in accordance with this ordinance. 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 such 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.

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.

15.28.230 Non-Conforming 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:

1. Any abandoned sign.
2. Any sign declared unlawful by the Building Official.
3. Any sign which has been moved, removed, relocated or damaged by more than 50% of the value of the sign at the time of such damage.
4. Any sign located on a premise when the use of that premise changes from one Standard Industrial Classification (SIC) two-digit code to another.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 15.28.020, 15.28.120, 15.28.150, 15.28.180, and 15.28.200 OF THE SIGN CODE AS ADOPTED BY REFERENCE IN CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE.

BE IT ORDAINED by the City of Rapid City that Section 15.28.020 of the Rapid City Municipal Code is hereby amended by adding the definition of “Earth Tone” to read as follows:

Section 15.28.020 Definitions

“Earth Tone” means color such as tan or light brown, specifically Martin Fenour Homestead Hearth 304-3 or Iowa Paints 8725A Coach House, or a substitute approved by the Building Official.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.120 is hereby amended by adding the following paragraph to read as follows:

15.28.120 Appeals

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

Members shall be appointed by the Mayor and approved by the City Council for terms of three (3) years. A total of five (5) members and two (2) alternates shall be appointed to the Board from the following groups:

1. One member from the City 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;

6. Two alternates. If the two appointed alternates are not available for a given meeting, then any member of the City Council may serve as an alternate.

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

The Sign Code Board of Appeals shall adopt rules in accordance with this Code. Meetings of the Board shall be called by the Chairman 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.

Sign appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Rapid City affected by any decision of the Building Official. Such appeals shall be taken within thirty (30) 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 seventy-five dollars (\$75.00) at the office of the Building Official.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper seven (7) days prior to the hearing. The appellant shall notify, by *Certified Mail*, adjacent premises that an appeal is being made. Such letter shall be provided by the Building Official.

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 ordinance.
2. The Board of Appeals is hereby empowered to authorize a variance from the strict application of this Ordinance when:
 - a. There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premise not prevalent in the area; and
 - b. Where the strict application of this Ordinance 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 15.28.150 (Prohibited Signs).

Sign appeals granted for off-premise signs shall allow for only one advertising message and the message shall remain the same or the message may be changed so long as the nature of the business remains the same.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.150 of the Rapid City Municipal code is hereby amended by adding the following prohibited signs to read as follows:

15.28.150 Prohibited Signs

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

1. Animated, flashing, blinking, traveling lights or any other such lighting not providing constant illumination, except changing signs.
2. 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.
3. Abandoned signs or unlawful signs.
4. 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.
5. Signs displaying an advertising message and signs prohibited by Rapid City Municipal Code Section 12.20.030 and located in the public right-of-way.
6. 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 fifteen (15) days.
7. Flags displaying an advertising message, except flags of any nation, state, political subdivision, or corporate flag.
8. Projecting signs, except pedestrian-oriented signs that do not exceed eight square feet.
9. Off-Premise Roof Signs.
10. On-Premise Roof signs.
11. Off-Premise signs located in the Original Town, a residential district or within fifty (50) feet of a residential use or a residential district.
12. 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.
13. Off-premise sign with more than one structural support or pole.
14. Off-premise sign structure of any color other than earth tone.
15. Off-premise sign constructed with more than one face or side.
16. Off-premise sign in a position or shape other than horizontal rectangle.
17. Changing of the advertising message of any off-premise sign for which that sign was granted a

variance.

BE IT FURTHER ORDAINED BY THE City of Rapid City that Section 15.28.180 of the Rapid City Municipal code is hereby amended to read as follows:

15.28.180 Off-Premise Ground Signs

~~Off-premise ground signs shall be limited to eight hundred (800) square feet in size when faces are mounted parallel and up to twenty (20) degrees to one another. Off-premise ground signs with faces constructed at any angle greater than twenty (20) degrees shall be limited to four hundred (400) square feet per face.~~

~~Off-premise ground signs shall be separated from each other by not less than three hundred (300) feet except where State law requires spacing that is more restrictive.~~

Off-premise ground signs shall be limited to two hundred eighty-eight (288) square feet in size when they are separated from each other by not less than three hundred (300) feet except where State law requires spacing that is more restrictive.

Off-premise ground signs shall be limited to three hundred seventy-eight (378) square feet in size when they are separated from each other by not less than five hundred (500) feet except where State law requires spacing that is more restrictive.

Off-premise ground signs shall have each space mounted up to twenty (20) degrees from one another. Off-premise ground signs with faces constructed at any angle greater than twenty (20) degrees shall be limited to two hundred (200) square feet per face.

Off-premise ground signs shall be separated from off-premise wall signs by not less than five ~~three~~ hundred (500) feet, as regulated in Section 15.28.200.

Off-premise ground signs shall be limited to forty-five (45) feet in height and shall be ten (10) foot clear from bottom of sign to grade or shall be set back no less than ten (10) feet.

Off-premise ground signs shall not be located within any clear sight triangle as set forth by Rapid City Municipal Code.

For miscellaneous off-premise signs, see Section 15.28.210.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.200 of the Rapid City Municipal Code is hereby amended to read as follows:

15.28.200 Off-Premise Wall Signs

Off-premise wall signs shall be limited to two hundred eighty-eight (288) square feet in size. ~~per the requirements of Section 15.28.160.~~

Off-premise wall signs shall be separated from other off-premise signs by not less than five ~~three~~ hundred (500) feet. ~~as regulated in Section 15.28.180.~~

For miscellaneous off-premise signs, see Section 15.28.210.