

ORDINANCE NO. 3951

AN ORDINANCE TO MODIFY THE REGULATION OF SIGNS WITHIN THE CITY OF RAPID CITY BY AMENDING SECTIONS 15.28.050, 15.28.060, 15.28.080, 15.28.120, 15.28.160, 15.28.250, AND 15.28.270 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City modified the regulation of signs within the City by enacting Ordinance number 3813; and

WHEREAS, the City of Rapid City has determined that certain changes are necessary to correct minor errors in Ordinance number 3813; and

WHEREAS, the City of Rapid City has determined that it is in the public interest to make certain clarifications to the City's Sign Code; and

WHEREAS, the City of Rapid City has determined that appeals from the Sign Code Board of Appeals to the Common Council should be made without paying an additional fee.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that subsection K of Section 15.28.050 of the Rapid City Municipal Code is hereby amended to read:

K. ~~RESERVED~~ **Indexing signs, as defined herein.**

BE IT FURTHER ORDAINED by the City of Rapid City that subsection C of Section 15.28.060 of the Rapid City Municipal Code is hereby amended to read as follows:

C. Any off-premises sign that does not have an off-premises sign license by the tenth day of January of any year is a prohibited sign as defined under this code and is subject to removal under the provisions of Section ~~15.28.110~~ **15.28.040**.

BE IT FURTHER ORDAINED by the City of Rapid City that subsection D of section 15.28.060 of the Rapid City Municipal Code is hereby amended to read as follows:

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 two off-premise sign credits, issued under Section **15.28.240 or 15.28.250** of this code, for each new sign structure. If the two 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 two off-premise sign credits.

BE IT FURTHER ORDAINED by the City of Rapid City that subsection 3 of subsection 15.28.080(A) of the Rapid City Municipal Code is hereby amended to read as follows:

3. No new off-premise sign shall be permitted unless the applicant has first obtained an off-premise sign license as required by Section ~~15.28.045~~ **15.28.060** of this code.

BE IT FURTHER ORDAINED by the City of Rapid City that all subsections of subsection B of section 15.28.080 shall remain fully intact, but that language shall immediately preceding subsection B(1) of section 15.28.080 of the Rapid City Municipal Code is hereby amended to read as follows:

B. Exemptions.

The following types of signs and activities are exempt from the provisions ~~15.28.040(A)~~ **15.28.080(A)**:

BE IT FURTHER ORDAINED by the City of Rapid City that subsection C of section 15.28.120 of the Rapid City Municipal Code is hereby amended to read as follows:

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

FOOTING SIZE

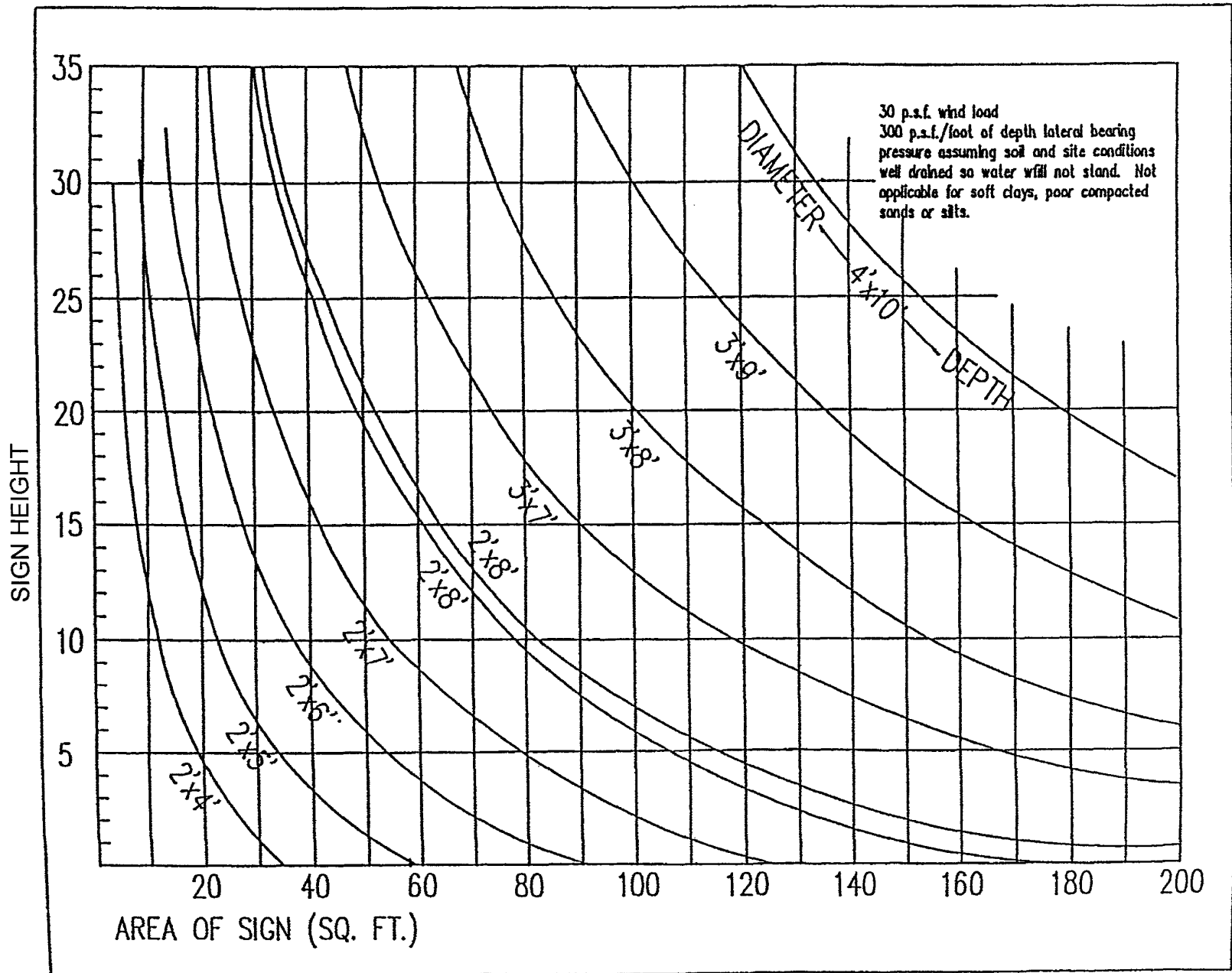


TABLE 2

POLE DIAMETER

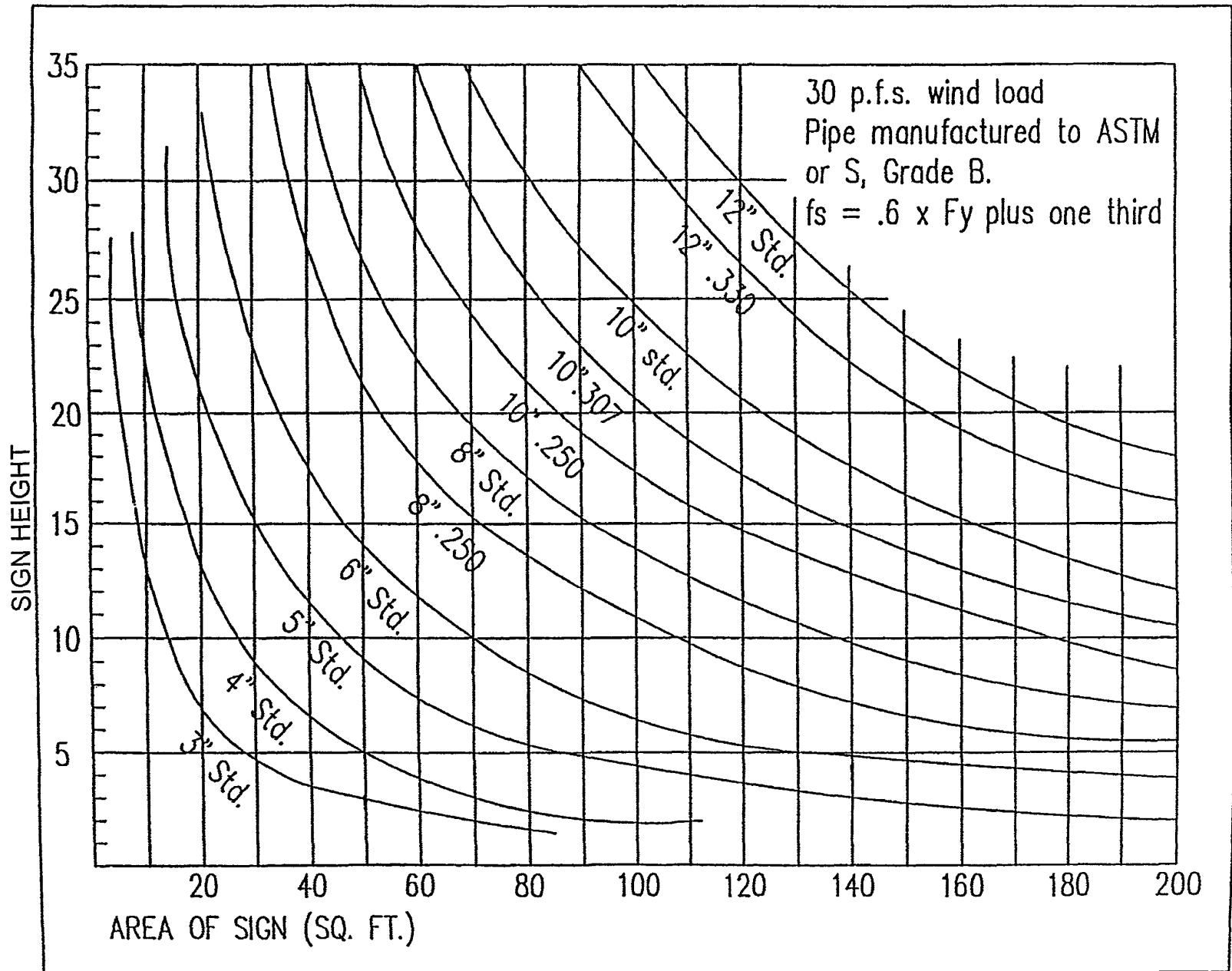


TABLE 1

BE IT FURTHER ORDAINED by the City of Rapid City that subsection I of section 15.28.160 of the Rapid City Municipal Code is hereby amended to read as follows:

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

BE IT FURTHER ORDAINED by the City of Rapid City that subsection M of section 15.28.160 of the Rapid City Municipal Code is hereby amended to read as follows:

M. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or 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.**

BE IT FURTHER ORDAINED by the City of Rapid City that subsection (4) of subsection 15.28.250(C) of the Rapid City Municipal Code is hereby amended to read as follows:

4. If the sign that was removed did not conform to the requirements of either Section ~~15.28.050(K)~~, 15.28.160(D) or 15.28.160(I) of this code, the building official shall issue two off-premise sign credits in accordance with 15.28.250(C)(1-3).

BE IT FURTHER ORDAINED by the City of Rapid City that subsection (5) of subsection 15.28.250(C) of the Rapid City Municipal Code is hereby amended to read as follows:

5. If the sign that was removed conformed to the requirements of each of Sections ~~15.28.050(K)~~, 15.28.160(D) and 15.28.160(I) of this code, the building official shall issue one off-premise sign credit in accordance with 15.28.250(C)(1-3).

BE IT FURTHER ORDAINED by the City of Rapid City that subsection 1 of subsection 15.28.270(I) of the Rapid City Municipal Code is hereby amended to read as follows:

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 city council the decision of the sign code board of appeals. Appeals shall be heard at the next regular council meeting after the ~~decision of the sign code board of appeals,~~ **filing of the notice of appeal** unless such meeting is less than ~~ten~~ **seven** business days after the filing of the notice of appeal ~~decision of the sign code board of appeals is issued,~~ in which case such appeal shall be heard at the following regular city council meeting.

BE IT FURTHER ORDAINED by the City of Rapid City that subsection 2 of subsection 15.28.270(I) of the Rapid City Municipal Code is hereby amended to read as follows:

2. Such appeals shall be taken by filling with the finance office a notice of appeal specifying the grounds thereof, ~~and by paying a filing fee of seventy-five dollars~~ **within seven 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. Such 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 such notification shall be a prerequisite to any hearing before the city council.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Prepared By: CITY ATTORNEY'S OFFICE