



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Joel P. Landeen, Assistant City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: Joel.Landeen@rcgov.org

MEMORANDUM

TO: City Council

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 2-21-07

RE: Recommendations of Sign Task Force

The Sign Code Task Force has finished meeting and approved recommending several ordinance changes for the Council to consider. Generally, the Task Force supported the use of electronic signs. The concerns raised by the Task Force were with the brightness of certain signs, the flashing of signs and the animation/movement on signs. The Task Force has also made recommendations regarding the alteration of existing signs and raised concerns with how the Sign Code is being enforced. In addition to this summary the 6 ordinance amendments recommended by the Task Force have been attached.

The first four ordinances regulate the brightness of signs. Under the current code the only regulations on sign brightness are for off-premises signs. The amendments modify the brightness regulations for off-premises signs to make clear that they regulate internally as well as externally illuminated signs and the remaining ordinances apply these regulations to miscellaneous and the two types of on-premises signs. By adopting these amendments the Council will clarify the brightness regulations and extend them to all signs. The Task Force discussed adopting specific standards for brightness but decided against recommending that at this time. In addition to the fact it would be difficult to determine what the proper brightness standard should be, such a regulation would require additional equipment and training. Cities such as Sioux Falls regulate the brightness of signs with language similar to what is contained in the amendments proposed by the Task Force.

The fifth ordinance modifies several definitions. The purpose of the amendments to the definitions is to allow on-premise signs to use animation/motion/scrolling. The Task Force looked at examples of many signs around the City. Many businesses are now using reader

boards/signs that have scrolling and display various advertising messages. They have become especially prevalent on bank and hotel signs. Many of these reader boards also display animation such as falling leaves in the fall or snow flakes in the winter. The Task Force found that the animation was not distracting, but the flashing, blinking and brightness were. The Task Force decided to recommend that the ordinance be amended to tighten up the definition of flashing and blinking so that it included changes in light intensity as well as rapidly changing the color of the lettering to create a flashing blinking type effect. The ordinance further alters the definition of electronic message centers to specifically allow on-premises signs to use animation and scrolling. This would also bring signs such as the on-premise sign at the Bradsky Building and the new sign at the Radisson into compliance with the code. No changes were made to off-premises signs (i.e. billboards). They still cannot use animation or incorporate motion. The only exception are the four Epic billboards previously approved by the City Council.

The final ordinance amends the regulations on the alteration of existing signs. Under the code as it is currently written, when any existing sign is structurally altered it must be brought into compliance with all of the provisions of the sign code. The only exception is that legal non-conforming signs may be altered “for the sole purpose of reducing the sign face.” The code further states that “only those alterations necessary to allow reduction of the face size are permitted by this exception.” The incentive for sign companies to take advantage of this exception is that they can obtain sign credits to build new off-premise signs. This ordinance has been used effectively to remove signs that were no longer in good locations. However, it was the opinion of the Task Force that the non-conforming signs that remain are in good locations and are unlikely to ever be removed or altered. If they are removed or updated they will need to be brought into compliance with the code and the remaining signs could not comply with the spacing requirements in the ordinance. This means that if the company tries to structurally alter the sign or update it, they will lose that location. The Task Force is recommending that this be changed to require that any time a legal non-conforming sign is structurally altered that it be brought into compliance with all of the provisions of the sign code except for the spacing. The hope is that this will reduce the visual blight caused by the older legal non-conforming signs that would otherwise not be improved for fear of losing the sign’s location. The amendment further breaks the old ordinance into two parts so there are separate provisions regulating alteration and rebuilding of a sign at the same location and complete removal of signs.

Finally, there was some discussion about enforcement of the sign code. Currently, the enforcement of the sign regulations has been handled by one of the Code Enforcement Officers on a complaint basis in the same manner as other Code Enforcement complaints. One of the issues that keeps resurfacing is the use of banners by bars and liquor stores. It appeared to be the consensus of the Task Force that the City take a more aggressive stance on the enforcement of the Sign Code. Some direction from the Council on this issue would be greatly appreciated.