

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.
(Ord. 3813 (part), 2002)

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.
(Ord. 3813 (part), 2002)

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 filling 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.
(Ord. 3813 (part), 2002)

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 nonstationary 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 a specific parcel which the sign will serve. The converted sign will be treated as an on-premises sign for the business located on the designated parcel; 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 converted off-premises sign must be removed.

(Ord. 5348, 2007; Ord. 3951 (part), 2003; Ord. 3813 (part), 2002)

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