

**ORDINANCE NO. 5779**

**AN ORDINANCE REPEALING CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15.28 REGULATING SIGNAGE WITHIN THE CITY OF RAPID CITY.**

WHEREAS, the Common Council of the City of Rapid City finds that regulating the placement, size, spacing, brightness and appearance of signs is necessary to protect the health, safety and welfare of the citizens of Rapid City; and

WHEREAS, the City created an Ad Hoc Sign Code Revision Task Force on October 18, 2010; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force was given the mandate to review the entire Sign Code and report back to the Mayor and City Council any revisions to the code it found to be appropriate; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force met 17 times, took a field trip to view signage in the City and held two additional meetings for the sole purpose of taking input from the public; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force has made its recommendations to the Mayor and City Council; and

WHEREAS, the City Council considered the Ad Hoc Sign Code Revision Task Force's recommendations at a Special City Council Meeting on September 26, 2011; and

WHEREAS, the City's Legal and Finance Committee was presented with a first draft of the proposed changes to the Sign Code on December 14, 2011; and

WHEREAS, the Legal and Finance Committee directed that the Sign Code be restructured so that on-premises signs and off-premises signs were regulated in separate Chapters of the Code; and

WHEREAS, the City Council has determined it is in the best interests of the City, with due consideration being given to the recommendations of the Ad Hoc Sign Code Revision Task Force, to make certain changes to the City's Sign Code by adopting a new chapter of the Code regulating general provisions related to both on-premises signage and off-premises signage by adopting a new Chapter 15.28 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 15.28 of the Rapid City Municipal Code be repealed in its entirety.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 be added to read as follows:

**15.28.010 Definitions.**

For the purpose of this Chapter, Chapter 15.29 and Chapter 15.30, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED SIGN.** An on-premises or off-premises sign which meets 1 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 an advertising message.

**ADVERTISING MESSAGE.** The copy on a sign which advertises goods, products, services, persons, or public messages.

**ANIMATION.** Any sign which includes moving graphics, symbols, designs, pictures, or animated creations produced on a digital display, plasma display, LCD display, or other similar technology. For purposes of this code, this item does not refer to flashing, which is separately defined.

**AWNING.** A shelter supported entirely from the exterior wall of a building. (See the current building codes adopted by the City of Rapid City for construction, projection and clearances).

**AWNING SIGN.** Any sign attached or incorporated into on an awning.

**BANNER.** 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.** All window and wall area of a building in 1 plane or elevation.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code.

**CANOPY.** See awning.

**CHANGEABLE COPY SIGN (MANUAL).** A sign on which copy is changed manually in the field.

**CITY.** The city of Rapid City.

**COMMON COUNCIL.** The Common Council of Rapid City.

**COPY.** The message on a sign surface either in permanent, temporary or removable form.

**COUNTY.** Pennington County, South Dakota.

**DIRECTIONAL SIGN.** Any sign which serves solely to designate the location or direction to a place or area.

**DISPLAY SURFACE.** The area made available by the sign structure for the purpose of displaying the advertising message.

**EARTH TONE.** A color such as tan or light brown as approved by the Building Official.

**ELECTRICAL SIGN.** Any sign containing electrical wiring.

**ELECTRONIC MESSAGE CENTER.** An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**ERECTED.** Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include changing the copy on any sign.

**EXEMPT SIGN.** A sign for which a permit is not required.

**FLAG.** 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.** Any sign displaying a pattern of rapidly changing light illumination where the illumination on the sign alternates suddenly between high and low intensity for the purpose of drawing attention to the sign.

**FRONTAGE.** 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.** A sign erected on a foundation, free-standing frame, mast or pole which is not attached to any building or other structure.

**HEIGHT OF SIGN.** 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.** 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.** A multi-face sign capable of showing multiple advertising messages in the same area through the manual rotation of vertical or horizontal sections of the sign face.

**LAWFUL NONCONFORMING SIGN.** A sign or sign structure which does not comply with all provisions of this code, but which was legal at the time it was constructed.

**LOT.** 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.** To allow a sign to exist or remain, or to repair or refurbish a sign in order to prevent decay or deterioration.

**MARQUEE.** A permanent roofed structure attached to and supported by the building and projecting out from a building or structure. See the current building codes adopted by the City of Rapid City for projection, construction, clearance, length, thickness and prohibited locations.

**MARQUEE SIGN.** Any sign attached to or constructed in or on a marquee.

**MESSAGE.** A communication through written words, symbols, signals, or pictures.

**ON-PREMISES SIGN.** 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-PREMISES SIGN.** 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.** Blocks 71-76, 81-86, 91-96, 101-106 and 111-116 of the original town plat of Rapid City.

**OUTLINE LIGHTING.** 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.** 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.** That portion of a building wall that rises above the roof level.

**PEDESTRIAN SIGNS.** A sign that advertises to pedestrian traffic as regulated by § 15.28.210.

**PERSON.** 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.

**PREMISES.** A legally described parcel of land where a sign is physically located.

**PROJECTING SIGNS.** 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 changeable copy sign (manual).

**RAPID CITY SIGN CODE.** Chapters 15.28, 15.29 and 15.30 of the Rapid City Municipal Code.

**REAL ESTATE or PROPERTY FOR SALE, RENT or LEASE SIGN.** Any sign pertaining to the sale, lease or rental of land or buildings.

**ROOF LINE.** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROOF SIGN.** Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**ROTATING SIGN.** Any sign or portion of a sign which moves in a revolving or similar manner.

**SIGN.** 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.

**SCROLLING.** The horizontal and/or vertical movement of an advertising message across the face of an electric messaging center sign.

**SIGN AREA.** The total area or areas of all signs within the outer edges of the sign or advertising message.

**SIGN STRUCTURE.** Any structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

**STREET.** A public or private right-of-way which affords the principal means of access to abutting property.

**STRUCTURAL ALTERATION or STRUCTURAL CHANGE.** Any change, modification or alteration of a sign or sign structure, except changing the copy or advertising message on a sign, painting the sign, changing light bulbs, performing routine maintenance and upgrades on a signs wiring or electrical systems, or the installation of energy saving technology which does not require any changes or modifications to the sign structure in addition to the device being installed.

**TEMPORARY SIGN.** A sign which is not permanently affixed.

**USE.** 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.** 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.** 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 sixty degrees or greater with the horizontal plane.

**WALL SIGN.** 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.

### **15.28.020 Administration.**

The provisions of this Chapter apply to the Rapid City Sign Code.

- A. The Building Official is authorized and directed to enforce all the provisions of this code.
- B. 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. The interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.
- C. The Building Official may deputize inspectors or employees as may be necessary to assist in carrying out the administration and enforcement of this code.
- D. 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.
- 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.

### **15.28.030 Enforcement.**

The Building Official may declare any sign unlawful if it is not properly maintained, if it is not structurally sound, if it has been abandoned, if it was erected without a proper permit, if it does not qualify as a legal non-conforming sign and violates some provision of this code, or if it is in violation of any other provision of the City code, state law or federal law.

#### **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 corrected within a specified period of time as determined by the Building Official, the sign shall be removed in accordance with the provisions of this Chapter. The owner of the building, structure, premises, or sign shall be responsible for the cost of removing the sign or sign structure.

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 where the unlawful sign is located. 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. Notwithstanding any other provision of this code, an unlawful sign is declared a nuisance and may be abated as such under applicable state laws and city ordinances.

#### **15.28.050 Prohibited signs.**

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

A. Off-premises or public purpose signs incorporating animation, graphics, pictures or video which is in motion.

B. Signs incorporating noise, blasts, vibration or dust;

C. Signs incorporating flashing, blinking or traveling lights;

D. 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;

E. Abandoned signs or unlawful signs;

F. A sign attached to, or painted on, a motor vehicle or trailer that is parked on, or adjacent to, property for more than 24 consecutive hours, the principal purpose of which is to serve as a stationary advertising device and to attract attention to a good service, business or product, not including vehicle sales. A logo or business name on a motor vehicle or on equipment, shall not be prohibited unless the motor vehicle or equipment is being used as a stationary advertising device. 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;

G. Signs located in the public right-of-way unless otherwise allowed by another provision of city ordinance, state law or federal law;

H. Banners, pennants, search lights, streamer, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, air and gas-filled figures shall be prohibited except when permitted pursuant to § 15.28.210(A);

I. Flags displaying an advertising message, excluding flags of any nation, state, political subdivision, or corporate flag;

J. Projecting signs, except pedestrian-oriented signs that do not exceed 8 square feet;

K. Off-premises roof signs;

L. On-premises roof signs;

M. Off-premises wall signs

N. Indexing signs, as defined herein;

O. 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;

P. Off-premises sign constructed with more than 1 display surface per side;

Q. Off-premises sign in a position or shape other than horizontal whose width is greater than its height;

R. Off-premises ground signs with faces constructed at any angle greater than 20 degrees as measured by any angle between the 2 faces;

S. Off-premises signs with a face width greater than 30 feet or a face height greater than 15 feet;

T. Off-premises signs with internal illumination or displaying electronic variable messages are prohibited. Any new off-premises sign is prohibited if it is internally illuminated or operates to display electronic variable messages through light emitting diodes or any other light emitting mechanism. An existing off-premises sign may not be converted to a sign that is internally illuminated or operates to display electronic variable messages through light emitting diodes, liquid crystal display, plasma image display, or any other light emitting mechanism.

#### **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 an unlawful 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 of the sign shall surrender to the Building Official 2 off-premise sign credits which have been previously issued pursuant to this code or under the provisions of earlier versions of this code.

E. All funds paid to the city pursuant to this section shall be deposited in a separate fund designated the Sign Code Enforcement Fund. The Building Official shall use the funds in this account to enforce the provisions of Chapter 15.28, 15.29 and 15.30 of the Rapid City Municipal Code. Any funds remaining in the sign code enforcement fund at the end of the fiscal year shall be appropriated for use by the Rapid City beautification committee, which shall recommend to the Common Council uses of the funds for the purpose of improving the scenic beauty of the city.

F. No sign shall be deemed unlawful for being unlicensed under this section until 90 days after the enactment of this chapter. Any off-premise sign that is not licensed within 90 days of enactment of this chapter is a prohibited sign subject to removal under the provisions of § 15.28.040 of this code.

#### **15.28.070 Sign Contractor License required.**

No person shall engage in the business of constructing signs without obtaining a sign\_contractor license.

#### **15.28.080 Sign building permits.**

A. *Sign building permits.*

1. 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 building permit from the Building Official as required by this code.

2. Every sign building permit issued by the Building Official shall expire and become null and void if construction of the sign does not commence within 60 days from the date the permit is issued. All sign building permits shall expire 120 days from the date the permit is issued. For good cause, the Building Official may extend the time limitations for up to an additional 120 days. Any extension granted shall be accompanied by a fee equal to one-half of the original permit fee paid to the city.

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

B. *Exemptions.* The following types of signs and activities are exempt from the provisions of § 15.28.080A.:

1. 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.

2. *Construction signs.* One sign shall be allowed per lot. The sign shall not exceed 32 square feet in area, and shall not be erected until a building permit has been issued. The sign shall be removed within 14 days after the issuance of a certificate of occupancy;

3. Directional signs entirely on the premises where the sign is located. Directional signs under this provision shall not exceed 5 square feet in area;

4. Corporate flags or emblems limited to a maximum of 1 per premises;

5. Flags of any nation or political subdivision with a maximum number of 1 flag type per premises, per street frontage;

6. Traffic control devices and other similar signs placed by the City or State, roadside directional signs placed by the City or State and signs authorized by the City's Traffic Engineer pursuant to the authority granted to him by the City Code;

7. 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-premises 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 the signs from any other provision of this code or any other ordinance, law, rule or regulation;

8. "No trespassing" or "no dumping" signs;

9. Plaques or name plate signs, not more than 2 square feet in area, which are fastened directly to the building and which do not contain an advertising message;

10. Real estate signs, subject to the following restrictions:

a. *Residentially zoned lots or parcels.*

i. *Less than 1 acre.* One sign per street frontage not to exceed 6 square feet per sign.

ii. *At least 1 acre but not greater than 5 acres.* One sign per street frontage not to exceed 32 square feet per sign.

iii. *Greater than 5 acres but less than 10 acres.* Two signs not to exceed 32 square feet per sign, or 1 sign not to exceed 64 square feet.

iv. *Ten acres or more.* Three signs not to exceed 32 square feet per sign, or 2 signs not to exceed 48 square feet, or 1 sign not to exceed 96 square feet.

b. *All other zoned lots or parcels.*

i. *Less than 1 acre.* One sign per street frontage not to exceed 32 square feet per sign.

ii. *At least 1 acre but not greater than 5 acres.* One sign per street frontage not to exceed 64 square feet per sign.

iii. *Greater than 5 acres but less than 10 acres.* Two signs not to exceed 64 square feet per sign, or 1 sign not to exceed 128 square feet.

iv. *Ten acres or more.* Three signs not to exceed 64 square feet per sign, or 2 signs not to exceed 128 square feet per sign.

c. *Real estate signs, removal.* Real estate signs are to be removed as required by the provisions of state law which regulate real estate listings.

d. *Directional real estate signs.* These signs are intended to be used for the advertising of vacant lots that need traffic to be directed to the lot for sales purposes. One sign not exceeding 20 square feet shall be allowed per vacant lot of 1 acre or less upon which the sign is erected. One sign not exceeding 32 square feet shall be allowed per vacant lot of more than 1 acre upon which the sign is erected. Signs are to be removed within 24 hours of the expiration of the listing. Landowner permission is required for sign erection.

e. *Model complex signs.* These signs shall be located on the project site and conform to the following requirements:

i. One sign per complex not to exceed 32 square feet;

ii. One sign per model not to exceed 6 square feet;

iii. Two traffic direction signs, not to exceed 4 square feet each; and

iv. Signs are to be removed when complex ceases to be model home complex.

f. *Off-premises open house signs.* Off-premises open house signs are permitted, subject to the following criteria:

i. A maximum of 4 signs are allowed per open house;

ii. Signs may be put up 1 hour before opening and must be removed 1 hour after closing the open house;

iii. Landowner permission is required before a sign may be placed on their property; and

iv. Signs may not be placed in the public rights-of-way or medians.

11. Window signs covering up to 25% of the area per window;

12. Temporary political signs are allowed so long as they are not located within the public right of way, a required sight triangle or a required parking stall or parking area. Temporary political signs are limited to 32 total square feet and a maximum height of 8 feet;

13. Identifying logos on municipally owned water storage reservoirs, when directed by the City Council;

#### **15.28.090 Sign permit application.**

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

A. Name and address of owner of the sign and licensed sign contractor if applicable;

B. Name and address of owner or the person in possession of the premises where the sign is located or to be located if not the same as the sign owner;

C. 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;

D. Site plan of premises; and

E. Other such data and information as may be required by the Building Official.

#### **15.28.100 Sign permit fees.**

The fees for sign building permits shall be based on the most recent building code fee tables adopted by the City. The permit fee for electrical signs or outline lighting shall be identical to the fees established in the State Wiring Bulletin, as adopted by the City.

#### **15.28.110 Inspections.**

All signs and sign structures shall be subject to inspection by the Building Official for compliance with the City code.

#### **15.28.120 Construction specifications.**

A. Supports for signs and sign structures shall be built ~~in~~ to conform~~ance~~ with the requirements of the current building codes as adopted by the City for wind loads, seismic loads, and other combined loads.

B. Signs shall be constructed to a minimum standard of quality as specified by the city municipal code for non-combustibility, steel, smoke density, ignition properties, and classification of plastics.

C. If design drawings and specifications are not provided, the minimum construction standard shall be set by the following tables.

D. An engineered design shall be provided for all signs in accordance with adopted building codes.

#### **TABLE 1**

[Click here to view a PDF document of Table 1.](#)

#### **TABLE 2**

[Click here to view a PDF document of Table 2.](#)

#### **15.28.130 Electrical signs.**

A. Electrical signs shall be constructed in accordance with the provisions of the Administrative Rules of South Dakota (ARSD) 20:44:22, the National Electrical Code and the City's 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.

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

C. Electrical signs and outline lighting shall be marked with the manufacturers name, voltage input, and current rating. The marking required by this section and the label of a recognized testing lab, shall be located in a visible location and readable from both grade and the sign's electrical disconnect.

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

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

F. 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. In addition, off premise signs must comply with the requirements of § 15.28.160(M).

**15.28.140 Maintenance.**

All signs and sign structures shall be in good repair, and shall be maintained so as to protect from deterioration, damage, decay and/or abandonment.

**15.28.150 Advertising message required.**

All signs shall display an advertising message. If any sign fails to display a full face advertising message for 30 consecutive days, the Building Official shall notify the owner of the sign that the sign is in violation of this section, and that if the violation is not corrected within 60 days (the cure period), the sign will be subject to immediate removal pursuant to § 15.28.040 of this code.

**15.28.160 Sign brightness.**

Any sign that is internally illuminated, or which displays electronic variable messages through light emitting diodes, liquid crystal display, plasma image display, or any other light emitting mechanism must be equipped with automatic dimming technology that automatically adjusts the display's brightness based upon ambient light conditions. The brightness level for signs shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

| Area of Sign<br>sq. ft. | Measurement<br>Distance (ft.) |
|-------------------------|-------------------------------|
| 10                      | 32                            |
| 15                      | 39                            |
| 20                      | 45                            |
| 25                      | 50                            |
| 30                      | 55                            |
| 35                      | 59                            |
| 40                      | 63                            |
| 45                      | 67                            |
| 50                      | 71                            |
| 55                      | 74                            |
| 60                      | 77                            |
| 65                      | 81                            |
| 70                      | 84                            |
| 75                      | 87                            |
| 80                      | 89                            |
| 85                      | 92                            |
| 90                      | 95                            |
| 95                      | 97                            |
| 100                     | 100                           |

For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq. ft, 400 sq. ft, etc.), the measurement distance may be calculated with the following formula: The square root of the product of the sign area and one-hundred.

Example using a 12-square-foot sign:

$$\text{Measurement Distance} = \sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$$

The brightness measurement shall be performed as follows:

1. At least 30 minutes after sunset or 30 minutes before sunrise, the Building Official shall measure and determine the sign's brightness by aiming a foot-candle meter directly at the sign. The measurement will be taken as close as possible to the above prescribed distance from the sign face being measured.
2. After the sign brightness has been determined, the Building Official shall contact the sign owner or the owner's agent to schedule a time to measure and determine the ambient light conditions with the electronic messaging center off or while displaying all black copy. The ambient light reading shall be taken with the same foot-candle meter at the same location used to establish the sign's brightness.
3. Once the two light readings have been determined, the second measurement reading shall be subtracted from the first measurement reading. To be in compliance with this standard, the difference of the two readings shall be 0.3 foot-candles or less.

#### **15.28.170 Existing Digital, LED or video type signage.**

Existing off-premises signs and public purpose signs displaying variable messages through the use of internal illumination technology or through light emitting diodes, liquid crystal displays, plasma image displays, or any other similar light emitting technology may only display static messages. Full motion images, graphics or video are prohibited. Static copy on these signs may be changed at a minimum interval of eight (8) seconds.

#### **15.28.180 Sign benches.**

Sign benches displaying off-premises advertising may be located only on commercial premises. The display area on any sign bench shall not exceed 12 square feet. No more than 3 sign benches shall be located on any premises. Sign benches must be located within a 50-foot radius of each other. Sign benches must meet the spacing requirements of § 15.28.160.

#### **15.28.190 Historic sign requirements.**

A. *Purpose.* 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.

B. *Approval.* 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 5 persons:

1. Historic property owner or business owner;
2. Architect;
3. Sign contractor;
4. Member of Historic Preservation Commission; and
5. Member of Sign Code Board of Appeals.

C. *Length of term.* Members shall be appointed by the Mayor and approved by the Common Council for terms of 3 years. The Committee shall elect a Chairperson from its membership to serve for a term of 1 year.

D. In considering sign permits within historic districts, the Historic Sign Review Committee shall consider the following criteria: 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 § 15.28.090, 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.

E. The Historic Sign Review Committee may adopt rules in accordance with this chapter. 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 the 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.

F. 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.

#### **15.28.200 Shopping center entrance signs.**

A. The provisions of this section apply to shopping center entrance signs. A shopping center entrance sign is a sign placed at the entrance of a community shopping center that is part of a planned development of at least 25 acres. For the purposes of this chapter, a community shopping center must



consist of a grouping of retail shops and stores planned and designed as an integrated unit which provide goods and services for people within a 30 minute drive.

B. Shopping center entrance signage may be on-premises or off-premises so long as it is located within 2,500 feet of the exterior boundaries of the planned development it is part of.

C. Shopping center entrance signage can only identify the shopping center and/or the businesses and shopping center tenants that are located within the planned development.

D. Shopping center entrance signs shall be ground mounted, monument style signs. Signs that are raised off of the ground or are mounted on poles or pylons are not allowed.

E. Shopping center entrance signs shall not exceed 15 feet in height and 200 total square feet in area per sign.

F. The location and design of any shopping center entrance sign must be reviewed and approved as part of a planned development. Specific attention should be paid to the location of the proposed shopping center entrance sign in relation to other off-premises and on-premises signs in the vicinity. Any alteration of the sign other than the changing of the names located on the sign shall be a major amendment to the planned development.

G. Shopping center entrance signs shall not be located within any clear sight triangle as set forth in the Rapid City Municipal Code.

H. Shopping center entrance signs are exempt from the following provisions of the Rapid City Municipal Code:

1. Section 15.28.060(D);
2. Section 15.29.020; and
3. Section 15.30.020.

#### **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. A permit may be issued to a business, public entity, or a civic, charitable or fraternal organization for a temporary banner, pennant, sandwich board sign or air gas filled figure. A temporary sign shall not exceed 15 feet in height. A permit may be issued up to twice a year to the same business or organization and shall be issued for a maximum duration of 30 days. The permit may authorize temporary signage at multiple locations throughout the City. The fee for this permit will be calculated in the same manner as the permit fee for on on-premises sign permit.

B. Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature and located in a zoning

district that does not otherwise provide for on-premises signage may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message. The signs shall comply with the following:

1. One on-premises ground sign shall be allowed per street frontage. The maximum height and area of the sign shall be based on its distance from the street frontage based on the following table:

| Distance from Street Frontage | Maximum Height | Maximum Area |
|-------------------------------|----------------|--------------|
| 0 to 50 ft.                   | 8 ft.          | 32 sq.ft.    |
| 50 to 200 ft.                 | 15 ft.         | 64 sq.ft.    |
| Over 200 ft.                  | 20 ft.         | 120 sq.ft.   |

2. One on-premises wall sign shall be allowed per street frontage. The maximum area for the signs is based on the distance from the street frontage and is identical to the area allowed for on-premises ground signs. The height of the wall sign is dependent on the height of the building and is not subject to the restrictions on height for on-premises ground signs. If a wall sign is directly adjacent to a walking or other paved surface, it must be at least 8 ft. from the lowest part of the sign to the surface grade.

3. Signs shall not be placed within a required sight triangle or a required parking area; and

4. Electric signs shall comply with § 15.28.130.

C. For home businesses or occupations located in residential zoning districts, the total area of wall signs or ground signs is 1 square foot for each dwelling unit. Wall signs or ground signs for all residential entities on the premises must also meet the following:

1. A maximum of 1 such sign per street frontage is allowed;

2. The maximum height of the sign shall be 5 feet; and

D. Wall signs or ground signs for a commercial use in a residential district or a home occupation may be 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 city's Municipal Code.

F. In addition to any applicable requirements of Section 15.28.160, the light from any light source intended to illuminate a miscellaneous sign, or emanating from an internally illuminated miscellaneous sign, shall be so shaded, shielded, directed or of such an intensity that the 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. If a miscellaneous sign is located in a residential zoning district, any illumination will be turned off from 10:00 p.m. to 6:00 a.m.

**15.28.220 Joint identification signs.**

A. A joint identification sign is defined as a sign designed to identify multiple business located in a specific area that has been designated as a development complex by the Director of Community Planning or their designee regardless of whether said establishments occupy separate structures or are under separate ownership.

B. A development complex is defined as a shopping center or 3 or more businesses in close proximity to each other that are part of a common development where joint identification signs will be allowed. The factors to consider in determining if a shopping center or 3 or more businesses in close proximity to each other are part of a common development are the layout of the site, the ownership of the land and whether or not the businesses share access, customer parking areas or other common areas. It is not required that the lots within a development complex be under common ownership if other factors which support the finding that a shopping center or grouping of 3 or more businesses are part of a common development are present. If the area being designated as a development complex for purposes of allowing a joint identification sign contains lots that are under separate ownership, all the lot owners must consent to the designation.

C. In addition to a sign permit, an applicant requesting to designate an area as a development complex must submit information relating to the factors described in subsection B. The Director of Community Planning or their designee will review the information submitted and in addition to determining whether or not the proposed joint identification sign is in compliance with the requirements of the code pertaining to joint identification signs, will determine whether or not to designate the requested area as a development complex. Any person or group aggrieved by the decision of the Director of Community Planning or their designee to designate an area as a development complex may appeal such decision to the Sign Code Board of Appeals. The time for appealing this determination shall be limited to 7 days but shall otherwise be governed by Section 15.28.270 of this code. The Building Official cannot issue a sign permit until the time for appeal has expired.

D. Joint identification signs will be treated as on-premises signs for all businesses located within the development complex whether or not they are located on the same legally described parcel as the sign. Joint identification signs can only identify those businesses or activities that are located within the development complex.

E. Each development complex shall be permitted 1 monument sign per public street frontage. For purposes of this section, a monument sign is defined as a freestanding sign not erected on one or more poles or other similar supports but erected to rest on the ground or on a base designed as an architectural unit with the sign. Individual on-premises ground signs will not be allowed for business located within the development complex. There shall be a minimum distance of 100 feet between joint identification signs. Each business will be allowed to have on-premises wall signs as allowed under this code.

F. Joint identification signs will be allowed to have a maximum area of 100 square feet or 1 square foot of sign for each 2 linear feet of street frontage of the development complex, whichever is greater. Provided that the total area of all signs on each frontage shall not exceed 200 square feet.

G. The maximum height of a joint identification sign shall be 15 feet.

H. Joint identification signs must be located on property that has been designated as part of the development complex. No joint identification sign can be located closer than 10 feet from any external boundary of the development complex.

**15.28.230 Non-conforming signs.**

Any sign which was legal at the time it was constructed is a legal non-conforming sign. A legal non-conforming sign which is moved, relocated, structurally altered, or damaged by more than 50% of the sign's value at the time the damage occurs, must be brought in to full compliance with all requirements of the Rapid City Municipal Code. Any legal non-conforming sign which is structurally altered and is not brought into compliance with all requirements of the Rapid City Municipal Code shall be deemed unlawful by the Building Official and removed in accordance with § 15.28.040 of this Rapid City Municipal Code or any other applicable regulations related to unlawful signs.

**15.28.240 Severability.**

If any section, sentence, clause, phrase or other portion of this chapter 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 chapter.

**15.28.250 Appeals.**

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

B. Members shall be appointed by the Mayor and approved by the Common Council for terms of 3 years. A total of 5 members and 2 alternates shall be appointed to the Board from the following groups:

1. One member from the Common 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; and

6. Two alternates. If the 2 appointed alternates are not available for a given meeting, then any member of the Common Council may serve as an alternate.

C. A Chairperson shall be elected annually by the Sign Code Board of Appeals. A minimum of 3 members must be present at a meeting to establish a quorum for voting purposes. A simple majority vote shall be used for voting purposes.

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

E. Sign appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the Building Official. The appeals shall be taken within thirty 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 \$75 at the office of the Building Official.

F. The Board of appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper 7 days prior to the hearing. The appellant shall notify, by certified mail, adjacent premises that an appeal is being made. The letter shall be provided by the Building Official.

G. 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 chapter;

2. The Board of Appeals is empowered to authorize a variance from the strict application of this chapter when:

a. There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premises not prevalent in the area; and

b. Where the strict application of this chapter 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. Prohibited Signs as regulated by § 15.28.050.

H. Sign appeals approved for off-premises signs shall allow for only one advertising message. Any appeal approved by the Sign Code Board of Appeals, subsequent to the adoption of the ordinance codified in this chapter, shall run with the business which shall retain the right to alter the advertising content of the sign. In the event the business relocates or otherwise ceases operation on the premises that was the situs of the appeal the rights granted under the appeal shall be extinguished.

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 Common Council the decision of the Sign Code Board of Appeals. Appeals shall be heard at the next regular Council meeting after the filing of the

notice of appeal unless the meeting is less than 10 business days after the filing of the notice of appeal, in which case the appeal shall be heard at the following regular Common Council meeting.

2. The appeals shall be taken by filing with the Finance Office a notice of appeal specifying the grounds thereof within 7 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. The 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 the notification shall be a prerequisite to any hearing before the Common Council.

3. The Common Council shall have the power to authorize a variance from the strict application of this chapter when (1) there exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premises not prevalent in the area; and (2) where the strict application of this chapter will result in unnecessary hardship. For purposes of this section, unnecessary hardship may not be found when the only disadvantage to the applicant is financial, or when the hardship is self-imposed.

4. Appeals shall not be considered for signs that violate some other law or ordinance regulating signs or for signs as regulated by § 15.28.050.

#### **15.28.260 Replacement of condemned signs.**

A. Notwithstanding any other provision of this chapter, any off-premise sign which is removed under the eminent domain authority of any governmental unit as a part of a publicly funded construction project may be replaced in accordance with subsection B.

B. 1. Prior to removal, the governmental unit proposing to relocate the off-premise sign shall make an application to the Building Official for permission to relocate an off-premise sign. The governmental unit applying for permission to relocate an off-premise sign shall provide on its application its certification that the sign is being removed pursuant to its eminent domain authority for the purpose of undertaking the construction of a publicly funded construction project, the location, size, and a description of the existing off-premise sign, and all information required for applications for new off-premise signs for the proposed location of the new sign. The governmental unit is not required to supply off-premise sign credits to make the application under this section.

2. Upon receipt of the application from a governmental unit, the Building Official shall review the application for completeness. The Building Official shall have the request placed upon the next available Public Works agenda.

3. Prior to the next available Public Works agenda, the Building Official shall make an on-site inspection of the off-premise sign. If the Building Official determines that the off-premise sign that is the subject of the application for relocation is an illegal sign, he or she shall proceed in accordance with the provisions of this chapter regarding the removal of illegal signs. No illegal sign may be relocated. If the Building Official determines that the sign is not an illegal sign, he or she shall report that fact to the Public Works Committee.

4. Upon receipt of the application for relocation of the off-premise sign and the report of the Building Official, the Public Works Committee shall recommend to the Council whether to authorize the relocation of the off-premise sign.

5. Upon receipt of the recommendation of the Public Works Committee, the Council may authorize the removal and relocation of the off-premise sign. The decision of the Council is final.

6. Any off-premise sign relocated under the authority of this section shall be constructed in such a manner as to comply with the requirements of this Chapter pertaining to the size, height, and all structural requirements of this Chapter and all other provisions of the Rapid City Municipal Code regulating the construction of structures.

7. Upon the approval of the application for relocation, the governmental unit or the owner of the relocated sign may apply for a conditional use permit as required by Title 17 of the Rapid City Municipal Code. No sign authorized to be relocated by under the provisions of this section shall be constructed until all the requirements of Title 17 are met.

**15.28.270 Substitution of noncommercial speech for commercial speech.**

Notwithstanding any other provision of this chapter to the contrary, any lawfully erected off-premises or other sign displaying a commercial message may, at the option of the owner, display a noncommercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, in compliance with the rest of this chapter, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback, dimensional and other criteria contained in this chapter are satisfied.

**15.28.280 Penalty.**

In addition to any administrative actions or remedies authorized by this code, a violation of this Chapter shall be subject to the City's General Penalty provision, § 1.12.010 of this code.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: