

ORDINANCE NO. 5866

AN ORDINANCE EXEMPTING SIGNAGE LOCATED WITHIN A SPORTING FACILITY AND NOT SPECIFICALLY DIRECTED TOWARDS PUBLIC RIGHTS OF WAY FROM THE PROVISIONS OF THE CITY SIGN CODE BY AMENDING SECTION 15.28.080 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City has adopted comprehensive regulations for signage within the City; and

WHEREAS, it is common practice for sports programs and athletic facilities to sell signage advertising goods, products or services within their stadiums, playing fields and facilities; and

WHEREAS, the City Council recognizes that sports and recreation programs and facilities make important contributions to the quality of life for citizens of Rapid City; and

WHEREAS, the ability of these entities to sell advertising within their facility helps to fund these programs and facilities; and

WHEREAS, the City Council finds that it is in the best interests of the City to help promote these facilities and programs by allowing them to sell advertising within their facility so long as such advertising is directed primarily towards the patrons using the facility or attending an event at the facility by amending Section 15.28.080 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, that Section 15.28.080 of the Rapid City Municipal Code be amended to read as follows:

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, directional signs placed by the City, State or authorized 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,~~ or ice skating rink; 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;

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: