

**THE CITIZENS' BILLBOARD CONTROL INITIATIVE
MUNICIPAL INITIATIVE PETITION
IN THE MUNICIPALITY OF RAPID CITY, SD**

WE, THE UNDERSIGNED qualified voters of the municipality of Rapid City, the state of South Dakota, petition that the following ordinance be submitted to the voters of that municipality for their approval or rejection pursuant to law. The proposed ordinance in proper form is as follows:

**AN INITIATED ORDINANCE AMENDING CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE
RELATING TO OFF-PREMISES SIGNS**

WHEREAS, citizens have the right by initiative to control off-premises signs, also known as billboards; and
WHEREAS, without effective regulation, the size, spacing and lighting of off-premises signs at locations within the city will further degrade the aesthetic attractiveness of the natural and manmade attributes of the community, thereby undermining the economic value of tourism and the permanent economic growth that is necessary for the promotion and preservation of the public welfare, and a detrimental impact on traffic safety; and

WHEREAS, the limitations on the size, spacing and lighting of off-premises signs as described in the following amendments will advance aesthetics and/or traffic safety, which are substantial interests of the City and its businesses and residents; and

WHEREAS, it is appropriate for a sign ordinance to include a substitution clause to confirm that commercial speech is not favored over noncommercial speech for off-premises or other signage, and the inclusion of a substitution clause as described below assures the constitutional application of the city's sign regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RAPID CITY, SOUTH DAKOTA:

Section 1. That Section 15.28.050 of the Rapid City Municipal Code is hereby amended by adding a new subsection thereto to read as follows:

R. 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.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 2. That subdivision (C) of Section 15.28.160 of the Rapid City Municipal Code is hereby amended to read as follows:

C. Off-premises signs shall be limited to 250 square feet in size per face, or 500 square feet in total size per sign (a maximum of 250 square feet in size on each side of a two-faced sign), and shall not be in conflict with a contrary provision of South Dakota law.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 3. That subdivision (D) of Section 15.28.160 of the Rapid City Municipal Code is hereby amended to read as follows:

D. Off-premise signs shall be located not nearer than 500 1,500 feet from any other off-premise sign. The distance between off-premise signs shall be measured from the base of the sign in all directions (radial feet). In addition, no off-premises sign shall be located nearer than 4,000 2,000 feet from the nearest off premises signs as measured by the distance over a public road between a line that extends from the base of each sign to the nearest mid-point of any public road from which the sign is intended to be viewed.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

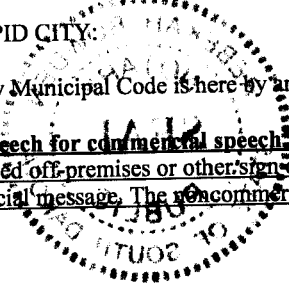
Section 4. That Section 15.28.160 of the Rapid City Municipal Code is hereby amended by adding a new subsection thereto to read as follows:

P. No off-premises sign is permitted 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.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 5. That Chapter 15.28 of the Rapid City Municipal Code is hereby amended by adding a new subsection thereto to read as follows:

15.28.290 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.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 6. Protection of Private Property Rights. This ordinance shall not apply to any property or person to the extent that its application would constitute an unconstitutional taking of private property in violation of the South Dakota Constitution or the United States Constitution.

BE IT FURTHER ORDAINED BY THE CITY OF RAPID CITY:

Section 7. Severability. If any section, sentence, clause, phrase or other portion of this ordinance 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 ordinance.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 <u>[Signature]</u> PRINT WILLIAM A. HUFFMAN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>1705 38th St.</u> CITY OR TOWN <u>Rapid City SD 57702</u>	DATE OF SIGNING <u>27 MAR 11</u> COUNTY OF REGISTRATION <u>PENNINGTON</u>
SIGN 2 <u>[Signature]</u> PRINT Diane Kolof	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>932 Sagewood Street</u> CITY OR TOWN <u>Rapid City, SD 57701</u>	DATE OF SIGNING <u>3/28/11</u> COUNTY OF REGISTRATION <u>PENNINGTON</u>
SIGN 3 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN 4 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN 5 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____

VERIFICATION BY PERSON CIRCULATING PETITION INSTRUCTIONS TO CIRCULATOR: This section must be completed following circulation and before filing.

Donna Riley 1609 Boulder & Rapid City SD
Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this 28 day of March, 2011.

(Seal)

My commission expires _____

My Commission Expires
June 26, 2015



Donna J. Riley
Signature of Circulator

[Signature]
Signature of Officer Administering Oath

Ryan Officer
Title of Officer Administering Oath