

ORDINANCE NO. 3595

AN ORDINANCE AMENDING SECTIONS 15.28.020, 15.28.040, 15.28.100, 15.28.110, 15.28.120, 15.28.150, 15.28.180, and 15.28.200 OF THE SIGN CODE AS ADOPTED BY REFERENCE IN CHAPTER 15.28 OF THE RAPID CITY MUNICIPAL CODE.

BE IT ORDAINED by the City of Rapid City that Section 15.28.020 of the Rapid City Municipal Code is hereby amended by adding the definition of “Earth Tone” to read as follows:

Section 15.28.020 Definitions

“Display Surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

“Earth Tone” means color such as tan or light brown, specifically Martin Senour Homestead Hearth 304-3 or Iowa Paints 8725A Coach House, or an equivalent approved by the Building Official.

“Public Service Information Sign” See “Changing Changeable Copy Sign (Manual)”.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.040 is hereby amended to read as follows:

15.28.040 Permits

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 permit for each such sign from the Building Official as required by this code.

These directives shall not be construed to require any permit for changing the advertising code or message, the painting, cleaning, maintenance and/or repair of a sign not involving structural changes on an existing lawful sign except when:

1. The use of the premise changes from one Standard Industrial Classification (SIC) two-digit code to another, and/or
2. Signs placed in a designated National Register Historic District or on a designated National Register building or structure.

Every sign permit issued by the Building Official shall expire by limitation and become null and void if the construction does not commence within sixty (60) days from date of permit, and shall expire by limitation in one hundred and twenty (120) days from the date of permit. For good cause, the Building Official may extend the time limitations for another one hundred and twenty (120) days. Any extension granted shall be accompanied by a fee equal to one-half ~~the amount required for a new permit for such work.~~ of the original permit fee paid to the City.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.100 is hereby amended to read as follows:

15.28.100 Enforcement

The Building Official may declare any sign unlawful ~~by reasons of~~ due to 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.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.110 is hereby amended to read as follows:

15.28.110 Removal of Signs

The Building Official shall cause to be removed any abandoned or unlawful sign. 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 fourteen (14) calendar days, the sign shall be removed in accordance with the provisions of this ordinance at cost to the owner of the building, structure, premises or sign.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such 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 assessment 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 such person, at the address of the premises involved in the proceedings. The failure of any such person to receive such 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.

Any person having an interest in the sign or the premise may appeal the determination of the Building Official ~~ordering removal or compliance~~, by filing a written notice of appeal to the Building Official within seven (7) days of receipt of the notice. Failure, by any person to appeal the notice and order within ~~the specified~~ that time period shall ~~waive all rights~~ constitute a waiver of right to an administrative hearing.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.120 is hereby amended by adding the following paragraph to read as follows:

15.28.120 Appeals

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

Members shall be appointed by the Mayor and approved by the City Council for terms of three (3) years. A total of five (5) members and two (2) alternates shall be appointed to the Board from the following groups:

1. One member from the City 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;

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

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

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

Sign appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Rapid City affected by any decision of the Building Official. Such appeals shall be taken within thirty (30) 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 seventy-five dollars (\$75.00) at the office of the Building Official.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper seven (7) days prior to the hearing. The appellant shall notify, by *Certified Mail*, adjacent premises that an appeal is being made. Such letter shall be provided by the Building Official.

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 ordinance.
2. The Board of Appeals is hereby empowered to authorize a variance from the strict application of this Ordinance when:
 - a. There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premise not prevalent in the area; and
 - b. Where the strict application of this Ordinance 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. Signs as regulated by 15.28.150 (Prohibited Signs).

Sign appeals granted approved for off-premise signs shall allow for only one advertising message. and the message shall remain the same or the message may be changed so long as the nature of the business remains the same. Any appeal approved by the Sign Code Board of Appeals 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, or if the Standard Industrial Classification (SIC) of the business is changed by two numeric designations, the rights granted under the appeal shall be extinguished.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.150 of the Rapid City Municipal code is hereby amended by adding the following prohibited signs to read as follows:

15.28.150 Prohibited Signs

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

1. Animated, flashing, blinking, traveling lights or any other such lighting not providing constant illumination, except changing signs.
2. 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.
3. Abandoned signs or unlawful signs.
4. 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.
5. Signs displaying an advertising message and signs prohibited by Rapid City Municipal Code Section 12.20.030 and located in the public right-of-way.
6. 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 fifteen (15) days.
7. Flags displaying an advertising message, except flags of any nation, state, political subdivision, or corporate flag.
8. Projecting signs, except pedestrian-oriented signs that do not exceed eight square feet.
9. Off-Premise Roof Signs.
10. On-Premise Roof signs.
11. Off-Premise signs located in the Original Town, a residential district or within fifty (50) feet of a residential use or a residential district.
12. 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.
13. Off-premise sign with more than one structural support or pole.
14. Off-premise sign structure of any color other than earth tone.
15. Off-premise sign constructed with more than one display surface per side.

16. Off-premise sign in a position or shape other than horizontal whose width is greater than its height.
17. Off-premise ground signs with faces constructed at any angle greater than twenty (20) degrees shall be limited to two hundred (200) square feet per face.
18. ~~Changing~~ Alteration of the advertising message of any off-premise sign for which that sign was granted a variance on any off-premise sign previously granted a variance and contrary to those alterations allowable in Section 15.28.120.

BE IT FURTHER ORDAINED BY THE City of Rapid City that Section 15.28.180 of the Rapid City Municipal code is hereby amended to read as follows:

15.28.180 Off-Premise Ground Signs

~~Off-premise ground signs shall be limited to eight hundred (800) square feet in size when faces are mounted parallel and up to twenty (20) degrees to one another. Off-premise ground signs with faces constructed at any angle greater than twenty (20) degrees shall be limited to four hundred (400) square feet per face.~~

~~Off-premise ground signs shall be separated from each other by not less than three hundred (300) feet except where State law requires spacing that is more restrictive.~~

Off-premise ground signs shall be limited to three hundred seventy-eight (378) square feet in size when they are separated from each other by not less than three hundred (300) feet except and where not in conflict with a contrary provision under South Dakota law. State law requires spacing that is more restrictive.

Off-premise ground signs shall be mounted parallel and up to twenty (20) degrees to one another.

Off-premise ground signs shall be separated from off-premise wall signs by not less than three hundred (300) feet, as regulated in Section 15.28.200.

Off-premise ground signs shall be limited to forty-five (45) feet in height and shall be ten (10) foot clear from bottom of sign to grade or shall be set back no less than ten (10) feet.

Off-premise ground signs shall not be located within any clear sight triangle as set forth by Rapid City Municipal Code.

For miscellaneous off-premise signs, see Section 15.28.210.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.200 of the Rapid City Municipal Code is hereby amended to read as follows:

15.28.200 Off-Premise Wall Signs

Off-premise wall signs shall be limited to three hundred seventy-eight (378) square feet in size. per the requirements of Section 15.28.160.

Off-premise wall signs shall be separated from other off-premise signs by not less than three hundred (300) feet. ~~as regulated in Section 15.28.180.~~

For miscellaneous off-premise signs, see Section 15.28.210.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: