

TITLE 30
CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

(Complete revision of Title 30 effective 4/1/05, Ordinance 2005-3)

(Complete revision of Title 30 effective 3/4/09, Ordinance 2009-2)

Chapters:

- 30.01: General Provisions
- 30.02: Billboards
- 30.03: On and Off Premise Signs
- 30.04: Provisions Applicable to All Signs
- 30.05: Appeals

CHAPTER 30.01
GENERAL PROVISIONS

SECTIONS:

- 30.01.01: Scope and Purpose
- 30.01.02: Definitions
- 30.01.03: Penalty

30.01.01: SCOPE AND PURPOSE

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the health, safety, convenience and welfare of the residents of the City of Sturgis.

The purpose of this ordinance is to establish reasonable and impartial regulations for all exterior signs and: to preserve and promote the public health, safety, and welfare of the citizens of the City of Sturgis; to afford the business community equal and fair opportunity to advertise and promote its products and services; to maintain and enhance the visual environment to preserve the right of the citizens to enjoy the City's scenic beauty; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

The regulations contained in this ordinance advance these significant governmental interests and are the minimum amount of regulation necessary to achieve them.

30.01.02: DEFINITIONS

ABANDONED SIGN: A sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of one hundred and twenty (120) continuous days or for which no legal owner can be found.

BILLBOARD/OFF-PREMISE SIGN: Any sign which advertises, calls attention to or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity.

BILLBOARD FACE: The surface(s) of an off premise sign/billboard which displays the advertisement(s) or message(s). One face may display more than one advertisement.

BLANK SIGN: A sign that is void of advertising material, but does not meet the time requirement of an “abandoned sign”.

COMMUNITY EVENT: An activity or occasion held for the benefit, enjoyment, or entertainment of the citizens of the City, and not connected with any specific business or for-profit organization.

LIGHT EMITTING DIODE (LED SIGN): A type of sign that is capable of displaying words or characters that can be electronically changed by remote or automatic means.

NON-CONFORMING SIGN: A sign that does not conform to this Title as adopted.

OBLITERATED SIGN: A sign that is totally or partially illegible or otherwise obscured so as to not identify a specific product or service.

OBSOLETE ADVERTISING MATERIAL: Material advertising a product or service that is no longer in use or available.

ON PREMISE SIGN: A sign identifying an establishment’s activities, products or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located.

POLE SIGN: A free standing sign with the base of the actual sign area at least five (5) feet above the ground supported by a vertical pole(s).

POLITICAL SIGN: A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election.

PORTABLE READER BOARD: A sign consisting of a board designed to hold interchangeable letters that is commonly not permanently affixed to the ground or structure that may or may not be on wheels but is at least nine square feet in size. This does not include portable sandwich boards or signs of similar design that are of such a size and weight to be movable by a person.

PUBLIC RIGHT-OF-WAY: The entire area between property boundaries which is: owned by a government, dedicated to public use, or impressed with an easement for public use; primarily used for pedestrian or vehicular travel; and publicly maintained, in whole or in part, for such use. “Right-of-way” includes without limitation the public street, shoulder, gutter, curb, sidewalk, sidewalk area, parking or parking strip, and any other public way.

REAL ESTATE SIGN: A sign advertising the real estate upon which the sign is located as being for rent, sale, or lease.

SANDWICH BOARD: An a-frame shaped portable sign positioned on the ground and supported only by its own sides.

SIGN: Any banner, structure, display, device or representation, temporary or permanent, portable or ground-mounted, which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any right-of-way. It does not include the flag, pennant or insignia of any nation, state or town, governmental regulatory, directional, information and warning signs, instructional or identification signs less than two (2) square feet, such as parking information.

VIDEO SIGN: A sign that projects images similar to a television set.

WALL MURAL: Any mural which is purely decorative in nature and content, and does not include advertising by picture or verbal/written message.

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.

30.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 Misdemeanor subject to punishment that may include any or all of the following:

- A. Incarceration in the county jail and/or payment of a fine in the maximum amounts set forth by the laws of the South Dakota pursuant to SDCL 22-6-2;
- B. Payment of any costs and/or restitution;
- C. Revocation, suspension, or refusal to issue any license or permit pursuant to any Section of this Title; and
- D. Removal of the violator(s)' sign and/or elimination of said violator(s)' right to obtain future sign permits.

In addition, the owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

**CHAPTER 30.02
BILLBOARDS****SECTIONS:**

- 30.02.01: Application
- 30.02.02: Inventory List
- 30.02.03: Billboards Permitted in District Zoned Billboard with Limitation
- 30.02.04: Billboard Inventory and Color Restrictions
- 30.02.05: Size and Distance Restrictions
- 30.02.06: Maintenance
- 30.02.07: Alterations or Relocation
- 30.02.08: Permits
- 30.02.09: Permit Fee Schedule
- 30.02.10: Annual Inventory Fee
- 30.02.11: Enforcement of Billboards

30.02.01: APPLICATION

The following provisions shall apply to all billboards.

30.02.02: INVENTORY LIST

An authorized list or inventory of existing billboards shall be prepared and kept updated by the Building Inspector and shall be placed on file in the Office of the Building Inspector.

30.02.03: BILLBOARDS PERMITTED IN DISTRICT ZONED BILLBOARD (BB ZONE) WITH LIMITATION

Billboards shall only be allowed by permit in the areas of the City zoned BB. BB-1 Zone shall be in the area located within the City described as follows and as identified within the attached BB Zoned Map:

A strip 100' wide adjacent to the south Right-of-Way line of US I-90 within the Werdel & Hudson Subdivision, within Lot 3 of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T. 5 N., R. 5 E., B.H.M., within Lot 2 of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T. 5 N., R. 5 E., B.H.M., within Lots 9, 7A and 7B of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T. 5 N., R. 5 E., B.H.M., and within the Denker Subdivision.

A strip 100' wide adjacent to the south Right-of-Way Line of US I-90 through Lots B and G2 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US I-90 through Lots 1, H-3, E-2, E-3 and E-4 of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US I-90 through Lots C, D and E of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US I-90 through Blocks N, S, T, U, Z, AA, Lot 1, 2, 6, 7, 8, 9, 10 of Block J and the 30' Lane to North Pasture of the Glover's Second Addition and Lot B of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the south Right-of-Way Line of US I-90 and the east Right-of-Way line of SD 14A within the Barker Subdivision.

A strip 100' wide adjacent to the south Right-of-Way Line of US I-90 within Lots RR-2, MK-1, MK-2, and MK-3 of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., within Lot RR-1 of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., within Lots B-1 and B-2 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., within Lot E-1 and Tract C of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., within Lots D-1, D-5 and D-6 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T. 5 N., R. 5 E., B.H.M., within Lots F-1 and 4 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 5 N., R. 5 E., B.H.M. and within Interstate Industrial Park Subdivision in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 5 N., R. 5 E., B.H.M.

BB-2 Zone shall be in the area located within the City described as follows:

A strip 100' wide adjacent to the south Right-of-Way Line of US 14A within the Schnell's Addition, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., and within Lot 1 of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US 14A with Lot A of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the east Right-of-Way Line of US I-90 within Tract A, Lot 1A-2A and 1A-2B in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US 14A within Lot 1 of the Brink Addition, within Lot A and Tract A of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M., and within Lot 1 of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 5 N., R. 5 E., B.H.M.

A strip 100' wide adjacent to the north Right-of-Way Line of US I-90 within Lot MB of Block K of the Ash's Extension.

A strip 100' wide adjacent to the east Right-of-Way of US I-90 within that portion of Lot 9A south and east of Lot H-1 pursuant to the Plat of Public Right-of-Way over Lot 9A of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 5 N., R. 5 E., B.H.M.

30.02.04: BILLBOARD INVENTORY AND COLOR RESTRICTIONS

The Building Inspections Office shall keep an inventory of all billboards located within the City. The inventory shall include billboards located within and outside of the BB

Zoned areas. Pursuant to this Chapter, the owner of each billboard located within the City shall obtain a permit for each billboard owned. A permit shall be necessary for each billboard face. The permit shall refer to the location, size, height, and degree of conformity to this Title. Only inventoried billboards may be subsequently issued billboard alteration permits.

A billboard which has one base with two billboard faces will be considered to be two billboards for all purposes under this Title, including the assessment of fees.

The base of any and all billboards shall be black or brown.

A billboard which has one base with two Billboard faces shall be considered to be two signs for all purposes under this Title, including the assessment of fees.

30.02.05: SIZE AND DISTANCE RESTRICTIONS

Any billboard located within the BB-1 Zone shall not be erected to exceed ten feet six inches (10' 6") by thirty six feet (36') with a maximum height of forty five feet (45'), including all supports and aprons. Any billboard located within the BB-2 Zone shall not be erected to exceed fourteen feet (14') by forty eight feet (48') with a maximum height of forty five feet (45'), including all supports and aprons. There shall be a maximum of two billboard faces allowed for each structure. Said faces must be placed opposite of each other at the same height facing opposite directions. Billboards shall not have two billboard faces facing the same direction.

A billboard shall not be erected within a five hundred (500) foot radius of an existing billboard. Five hundred (500) feet is the minimum distance that must exist between signs. Said distance must exist between signs in all directions. A longer distance may be required based upon the size and/or density of the signs.

Whenever dimensions of a sign are specified, they shall include panels, frames and all parts of the sign. In cases where parts of the advertisement extend beyond the rectangular or other shaped face of the sign, the method of measuring shall be to enclose the entire sign into the closest geometric shape and the measurements of that shape shall constitute the average square footage of the sign.

30.02.06: MAINTENANCE

All authorized, existing billboards must be kept in good and safe repair. If a billboard on the authorized list is not maintained in good and safe repair, the Building Inspector shall notify the owner thereof and order him or her to repair the billboard within a specified period of time not less than 30 calendar days. If the Building Inspector finds that the billboard is not repaired within the time specified in the repair notice, the Building Inspector shall notify the owner of the billboard and the owner of the real property on which the billboard is located to remove the billboard from the property within a specified period of time. All billboards ordered to be removed shall be stricken from the inventory when the time limit set in the removal notice ends.

No permit is needed for general maintenance, but no existing billboard shall be structurally altered without first obtaining an alteration permit from the Building Inspector for that purpose. A separate permit shall be required for each billboard.

30.02.07: ALTERATIONS OR RELOCATION

A billboard shall not be altered with regard to size, shape, or height without the prior issuance of a billboard alteration permit. All such permits shall require full compliance with this Title.

Relocation of an existing billboard shall be considered a new billboard requiring a billboard permit.

30.02.08: PERMITS

No billboard shall be erected, structurally altered, replaced or enlarged within the City without first having been issued the appropriate permit. The responsibility for securing the permit is joint and several of the billboard owner and contractor. A separate permit shall be required for each billboard.

To obtain a permit, the applicant shall make application to the Inspection Office on a form to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The applicant's name and address;
- B. The billboard and real property owners' names and addresses;
- C. The legal description and address of the property on which the billboard is to be placed;
- D. The estimated value of the billboard;
- E. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

It is not necessary to obtain a permit before completing general maintenance to a sign such as painting, repainting, cleaning or minor repairs provided no structural alteration is made.

Any Permit shall expire one hundred and eighty days (180) days after its issuance. The sign must be erected within this time. Erecting a sign after the expiration date of the permit shall be a violation of the provisions of this Title.

30.02.09: PERMIT FEE SCHEDULE

The cost of a billboard permit shall be based upon the value of the billboard. The

cost shall be fifty dollars (\$50.00) for the first two thousand dollars (\$2000.00) of value plus five dollars (\$5.00) for each additional one thousand dollars (\$1000.00) in value.

30.02.10: ANNUAL INVENTORY FEE

An annual inventory fee shall be assessed against all existing billboards. Said fee shall be assessed each January following the effective date of this Title. The amount of said fee shall be fifty dollars (\$50.00). Failure to pay said fee in a timely manner shall result in the Building Inspector notifying the owner of the billboard and the real property that the billboard in violation shall be removed within a specified period of time. After said time period, the billboard in violation shall be removed from the authorized inventory.

30.02.11: ENFORCEMENT OF BILLBOARDS

Unless otherwise specified in this Title, in the case of noncompliance with the requirements of this Title, the Building Inspector shall provide written notice to the owner of the violating billboard and the owner of the property upon which it is located, which notice shall state the reason(s) such billboard is in violation and set forth a period of thirty (30) days for compliance or removal of the billboard. In the event that compliance is not made within the thirty (30) days, the billboard shall be removed in accordance with the provisions of this Title at cost to the owner of the building, structure, premises, or billboard.

The owner(s) of the property, building, structure or premises upon which the billboard sits and the owner(s) of the billboard shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating billboard and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Service of the notice shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice by certified mail to each person at their address as it appears on the last equalized assessment role of the County or as known to the Building Inspections Office. If no address of any such person so appears or is known, then a copy of the notice 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 shall not affect the validity of the proceedings taken under this Title. Service by certified mail in the manner herein provided shall be effective upon receipt of mailing.

CHAPTER 30.03 ON PREMISE SIGNS

SECTIONS:

- 30.03.01: Application
- 30.03.02: Permits
- 30.03.03: Permit Fee Schedule
- 30.03.04: Notice to Public

- 30.03.05: Maintenance, Removal and Repair
- 30.03.06: Maintenance, Removal and Repair Responsibility
- 30.03.07: Signs Prohibited in Certain Districts
- 30.03.08: Enforcement of On Premise Sign Regulations

30.03.01: APPLICATION

The following provisions shall apply to all on premise signs located in all zoned districts except those signs specifically exempted, and if the provision specifically states that it only applies to signs located in a specific zoned district.

30.03.02: PERMITS

No permanent sign shall be erected, structurally altered, replaced or enlarged within the City without first having been issued a sign permit. The responsibility for securing the permit is joint and several of the sign owner and contractor. A separate permit shall be required for each sign.

To obtain a permit, the applicant shall make application to the Inspection Office on a form to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The applicant's name and address;
- B. The sign and real property owners' names and addresses;
- C. The legal description and address of the property on which the sign is to be placed;
- D. The estimated value of the sign;
- E. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

It is not necessary to obtain a permit before completing general maintenance to a sign such as painting, repainting, cleaning or minor repairs provided no structural alteration is made.

Any permit shall expire one hundred and eighty (180) days after its issuance. The sign must be erected within this time. Erecting a sign after the expiration date of the permit will result in the erection of a sign in violation of this Title.

30.03.03: PERMIT FEE SCHEDULE

The cost of any on premise permanent sign permit shall be based upon the value of the sign. The cost shall be fifty dollars (\$50.00) for the first two thousand dollars (\$2000.00)

of sign value plus five dollars (\$5.00) for each additional one thousand dollars (\$1000.00) in sign value.

30.03.04: NOTICE TO PUBLIC

The Building Inspections Office shall provide to the City Council a list of all permits issued and said list shall be presented in the record of the minutes of the next City Council Meeting which publication shall act as notification to the public of the issuance of the permits.

30.03.05: MAINTENANCE, REMOVAL AND REPAIR

All signs must be kept in good and safe repair. If a sign is not maintained in good and safe repair, the Building Inspector shall notify the owner thereof and order him to repair the sign within a specified period of time not less than fifteen (15) calendar days. If the Building Inspector finds that the sign is not repaired within the time specified in the repair notice, the Building Inspector shall notify the owner of the sign and the owner of the real property on which the sign is located to remove the sign from the property within a specified period of time.

30.03.06: MAINTENANCE, REMOVAL AND REPAIR RESPONSIBILITY

The owner of the sign and the owner of the property upon which it is located shall be jointly and severally liable for keeping a sign in good and safe repair and properly maintained; or for the removal of a sign if ordered by the Building Inspector.

30.03.07: SIGNS PROHIBITED IN CERTAIN DISTRICTS

Signs with flashing lights or intermittent illumination, including LED and video signs shall be prohibited in all zoning districts except the following districts:

- A. General Commercial;
- B. Highway Service.

Any LED or video sign within the allowed districts shall be subject to the restrictions and regulations set forth within this title.

30.03.08: ENFORCEMENT OF ON PREMISE SIGN REGULATIONS

Unless otherwise specified in this Title, in the case of noncompliance with the requirements of this Title, the Building Inspector shall provide written notice to the owner of the violating sign and the owner of the building, structure, premises or property upon which it is located, which notice shall state the reason(s) such sign is in violation and set forth a period of fifteen (15) days for compliance or removal of the sign. In the event that compliance is not made within the fifteen (15) days, the sign shall be removed in

accordance with the provisions of this Title at cost to the owner of the building, structure, premises, or sign.

The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Service of the notice shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice by certified mail to each person at their address as it appears on the last equalized assessment role of the County or as known to the Building Inspections Office. If no address of any such person so appears or is known, then a copy of the notice 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 shall not affect the validity of the proceedings taken under this Title. Service by certified mail in the manner herein provided shall be effective upon receipt of mailing.

CHAPTER 30.04 PROVISIONS APPLICABLE TO ALL SIGNS

SECTIONS:

- 30.04.01: Exempted Signs
- 30.04.02: Projection, Clearance, Size and Height
- 30.04.03: Design and Construction
- 30.04.04: Prohibited Signs
- 30.04.05: Temporary Signs
- 30.04.06: Banners Over Public Right of Way
- 30.04.07: Community Events
- 30.04.08: Video Signs
- 30.04.09: LED Signs
- 30.04.10: Commercial Advertising Upon Vehicles Pursuant to Section 16.02.26
- 30.04.11: Portable "Daily Special" Signs
- 30.04.12: Filing a Sign Complaint
- 30.04.13: Administration of Title
- 30.04.14: Enforcement

30.04.01: EXEMPTED SIGNS

The following signs shall be exempted from the registration requirements of this Title:

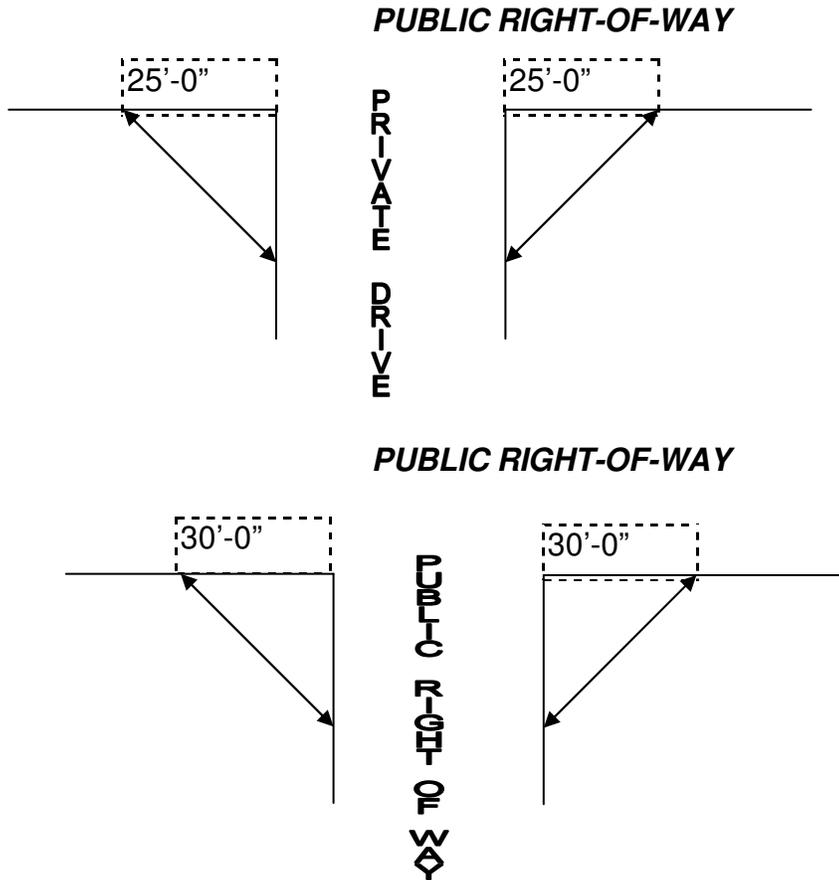
- A. Governmental regulatory, directional, information, and warning signs; governmental agency flags, emblems and insignia; and temporary signs placed for the purposes of public safety, or temporary signs placed by the government for information regarding events within the City.

- B. Commemorative plaques placed by recognized historical agencies and commissions.
- C. Instructional or identification signs less than two (3) square feet, such as parking information.
- D. Political signs, not exceeding thirty-two (32) square feet provided they are removed within one (1) week after the election and are not placed within the public right-of-way. Political signs that are in excess of said size are in violation and subject to enforcement. Political signs that are left on display longer than one (1) week after the election or that are placed within the public-right-of way are in violation of this Title and may be removed by the Building Inspector without notice.
- E. Signs located within the interior of a building.
- F. Signs containing the words “Donated By”, “Sponsored By”, or other similar language depicting that a certain bench or other item beneficial to the community was donated by a certain organization, business or person. The size of such indication shall be proportionate based upon the location where it is placed and shall not be unreasonably large.
- G. Any sign not exceeding thirty two (32) square feet in area, advertising the sale of property within a subdivision that is located on some portion of the subdivision being advertised for sale;
- H. Any non-illuminated “for sale” sign or “for rent” sign of a reasonable size advertising the sale, rental or lease of the premises on which the sign is located;
- I. Nameplates located upon single-family, two family and multi-family dwellings;
- J. Any identification sign not exceeding twelve (12) square feet in area identifying a multiple family dwelling or mobile home court that is located no closer than ½ the required set back to all property lines.
- K. Any identification sign located upon a church, school or public building;
- L. Any non-illuminated sign not exceeding forty-eight (48) square feet in area advertising or identifying the construction or development of any lot more than one hundred (100) square feet in area;
- M. Any sign not exceeding nine (9) square feet in area identifying a public park, playground or historical monument.
- N. Wall Murals

30.04.02: PROJECTION, CLEARANCE, SIZE AND HEIGHT

The following provisions shall apply to any sign located within the City.

- A. No part of any wall or projection sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign design and construction are approved in writing by an architect or engineer qualified to make said approval. In no event; however, shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district.
- B. No sign shall be located closer than five (5) feet to any public right of way and are subject to the visual restrictions set forth herein.
- C. Signs attached to awnings, canopies or marquees shall maintain a minimum vertical clearance of seven (7) feet.
- D. No roof signs shall project above the roofline upon which they are attached, unless the building and sign design and construction are approved in writing by an architect or engineer. In no event; however, shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district.
- E. The size of any pole sign shall not exceed one hundred (100) square feet per side and shall not have more than two (2) sides.
- F. Any sign located in the General Commercial District may extend over a public sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case shall the sign extend more than ten (10) feet over the public sidewalk. All signs within said district must maintain a minimum vertical clearance of seven (7) feet above the sidewalk.
- G. Any sign located in the General Commercial District, Retail Commercial District, Highway Service District, and Office Commercial Single Family Residential District shall be placed at least five (5) feet from any property line and are subject to the visibility restrictions set forth herein.
- H. No sign shall obstruct visibility within the first six (6) feet of vertical height within a traffic site triangle. A twenty-five (25) foot site triangle is required on both sides of an access-way formed by the intersection of the access-way and a public right-of-way. A thirty (30) foot site triangle is required at a corner formed by the intersection of two or more public right-of-ways.

Examples:**30.04.03: DESIGN AND CONSTRUCTION**

Sign and sign structure design shall be reviewed and inspected by the Building Inspector for compliance with this Title and the City's adopted Building Code.

30.04.04: PROHIBITED SIGNS

The following signs, whether intended as permanent or temporary are prohibited within the limits of the City, except as otherwise provided by this Ordinance.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, and other unapproved supporting structures;
- B. Signs located within or encroaching on a public-right-of-way, including signs extending beyond a property line;
- C. Signs that constitute pedestrian or vehicular traffic hazard;
- D. Signs that could be confused with any governmental regulatory, directional or warning sign;

- E. Abandoned signs;
- F. Obliterated signs;
- G. Signs advertising obsolete advertising material;
- H. Signs not in compliance with this ordinance;
- I. Signs attached to any public property without permission, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building.
- J. Signs that interfere with traffic signs or signals;
- K. Permanent signs attached to or supported by a vehicle;
- L. Blank signs;
- M. Portable Reader Boards

30.04.05: TEMPORARY SIGNS

Signs, except video signs, for which no permanent sign permit is obtained as required by this Title shall be considered temporary and shall be registered with the Building Inspector.

Any person wishing to erect a temporary sign, other than a real estate sign, shall register with the Office of the Building Inspector. There will be no cost to register the temporary sign. The Building Inspector shall be informed of the time period for which said sign will be displayed. The time period, location and design of the sign, including the size, weight and condition must be approved by the Building Inspector and the Building Inspector shall have authority to deny approval of the erection of a temporary sign based thereon. The time period for which a temporary sign is erected shall correspond with the purpose for the sign, such as a special sale or event of a specified time period.

If any temporary sign is erected without the authority of the Building Inspector, remains up after its registered time period has expired or otherwise is in violation of any of the provisions of this Title, it shall be removed immediately upon written or verbal notice from the Building Inspector, his or her designated agent or a law enforcement officer. In the event, the sign is not removed by the owner within twenty four (24) hours of notice being received, the Building Inspector or his or her designated agent may remove the sign at the cost of the owner. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign

and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Temporary signs, except video and LED signs, need not be registered with the Building Inspector between July 15th and the Friday following the official last day of the Sturgis Motorcycle Rally and may be erected without permit. Any temporary sign, other than a real estate sign, remaining after the Sturgis Motorcycle Rally, which is not listed in the temporary sign register, will be removed by the Building Inspector. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Video signs and LED signs shall only be allowed as specifically authorized by this Title

30.04.06: BANNERS OVER PUBLIC RIGHT OF WAY

Banners may not be suspended over any public right-of-way without the permission of the City Council. Permission shall be requested by submitting a written request to the Finance Office at least thirty (30) days prior to the date upon which it is requested that the banner be displayed. The written request shall include the dates upon which it is desired the banner be displayed, the location, and the size and contents of the banner.

30.04.07: COMMUNITY EVENTS

Signs advertising or displaying information regarding a community event may be allowed within public rights-of-way upon the permission of the City Council. Permission shall be requested by submitting a written request to the Finance Office at least thirty (30) days prior to the date upon which it is requested the sign(s) be displayed. The written request shall include the dates upon which it is desired the sign(s) be displayed, the location, and the size and contents of the sign(s).

30.04.08: VIDEO SIGNS

Permanent video signs shall only be permitted in General Commercial and Highway Service Districts. Permanent video signs shall only be used as on premise signs.

Persons may apply for a permit to be issued by the City Council for use of a video sign as a temporary sign during special events, including the Sturgis Motorcycle Rally. Said permission shall be requested in writing to the Finance Office at least ninety (90) days prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary video signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial, and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section, the City Council shall consider traffic safety, the general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary video sign that is determined by the Chief of Police or Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued pursuant to this Section until the applicant has paid a permit fee of Six Hundred Dollars (\$600.00). In the case of removal of the temporary video sign by the City, said fee shall not be refunded.

30.04.09: LED SIGNS

Permanent LED signs shall only be permitted in General Commercial and Highway Service Districts. Permanent LED signs shall only be used as on premise signs and are subject to the restrictions and regulations set forth within this Title.

No LED sign shall exceed a maximum of one hundred (100) square feet for each face or a total of two hundred (200) square feet for the entire sign and the sign shall contain a maximum of two (2) faces.

Any person may apply for a permit to be issued by the City Council for use of an LED sign as a temporary sign in connection with a special event, including the Sturgis Motorcycle Rally. Said permit shall be requested in writing to the Building Inspections Office at least thirty (30) days prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary LED signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section for a temporary LED sign, the City Council shall consider traffic safety, general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary LED sign that is determined by the Chief of Police or the Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued for a temporary LED sign to be used during the Sturgis Motorcycle Rally until the applicant has paid a permit fee of Three Hundred Dollars (\$300.00). In the case of removal of a temporary LED sign by the City, due to violation of this Title, said fee shall not be refunded.

30.04.10: COMMERCIAL ADVERTISING UPON VEHICLES PURSUANT TO SECTION 16.02.26

No Chapter or Section of Title 30 shall be construed to disallow the use of commercial advertisements upon vehicles as set forth in Section 16.02.26. Specifically, advertisements relating to the business for which a vehicle is used may be placed upon

a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising; and buses and taxi cabs operated for the transportation of the public for hire or buses operated for transportation of the elderly or disabled whether for hire or at no charge and law enforcement and emergency vehicles may display commercial advertisements on the exterior surface areas of said vehicles.

30.04.11: PORTABLE “DAILY SPECIAL” SIGNS

Business shall be allowed portable signs in the form of a sandwich board or other similar design, but not a portable reader board, to be used for advertisement of daily specials, events or services of the business. Said sign may be set out each day upon the opening of the business and shall be removed from the outside of the premises upon the end of business hours each day. Any sign used pursuant to this Section shall be approved by the Building Inspector and shall comply with all of the following:

- A. The sign shall be a maximum of sixteen (16) square feet in size, unless located within the General Commercial District;
- B. The sign shall be of a sufficient weight and structure to assure it will stay in place and not be moved by the wind or other natural element;
- C. In General Commercial District only, where the set back makes it impossible for a business to place the sign on the property of the business, the one portable sign may be placed in the public right away subject to the Building Inspector’s authority to control the specific location within the public right away to assure pedestrian and vehicular safety. Said sign shall be a maximum of nine (9) square feet in size.

Due to the increase in pedestrian traffic during the Sturgis Motorcycle Rally, any sign authorized by this Section to be within the public right of way shall not be used seven days prior to the official start of the Sturgis Motorcycle Rally or during the Sturgis Motorcycle Rally each year.

30.04.12: FILING A SIGN COMPLAINT

Unless otherwise stated in this Title, in the event any City employee or representative receives a complaint of a possible violation of this Title, either orally or in writing, said representative shall forward the complaint to the Building Inspector for investigation.

As part of the investigation, the Building Inspector shall obtain the following information in writing:

- A. Name, address and phone number of the person making said complaint;
- B. Address of the property on which the sign subject to the complaint is located; and

C. Nature of the complaint.

After obtaining the necessary information from the complainant, the Building Inspector shall conduct a proper investigation into the matter and make a determination as to whether the sign violates any provision of this Title, the Building Code adopted by the City, or any other applicable laws.

In the event the Building Inspector determines that the sign is in violation, the Building Inspector shall follow the enforcement procedure established in this Title.

30.04.13: ADMINISTRATION OF TITLE

The Building Inspector is authorized and directed to enforce all the provisions of this Title and shall have authority as set forth below.

- A. The Building Inspector shall have the power to render interpretations of this Title 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 Title.
- B. The Building Inspector may deputize inspectors or employees as may be necessary to carry out the functions of enforcement.
- C. When it is necessary to make an inspection to enforce the provisions of this Title, or when the Building Inspector has reasonable cause to believe that there exists a sign or a condition which is contrary to, or in violation of this Title, the Building Inspector may enter the premises at reasonable times to inspect or to perform duties imposed by this Title, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Building Inspector 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 Inspector shall have recourse to the remedies provided by law to secure entry.
- D. Whenever the work is being done in contrary to the provisions of this Title, or other pertinent laws or ordinances implemented through the enforcement of this Title, the Building Inspector 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 Inspector.
- E. This Title 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 or inventories authorized by this Title or any permits issued under this Title.

- F. 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 Title conflict with other portions, or portions of this Title conflict with state or federal law, the more restrictive requirement shall apply. In addition, compliance with this Title 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.

30.04.14: ENFORCEMENT

The Building Inspector may declare any sign unlawful by reasons of inadequate maintenance, improper placement, dilapidation, abandonment, or if erected without a permit or is in violation of any other provision of this Title or any other state or federal law.

CHAPTER 30.05 APPEAL PROCESS

SECTIONS:

- 30.05.01: Creation of the Sign Board
- 30.05.02: Members of the Sign Board
- 30.05.03: Sign Board Adoption of Rules
- 30.05.04: Filing an Appeal
- 30.05.05: Filing a Variance Request
- 30.05.06: Hearing and Notice
- 30.05.07: Authority of the Sign Board
- 30.05.08: Variance Runs With Land
- 30.05.09: Report to Building Inspector
- 30.05.010: Appeals to the City Council

30.05.01: CREATION OF THE SIGN BOARD

There is hereby created a Sign Board to hear and decide appeals of decisions made by the Building Inspector under this Title and to consider variance requests.

30.05.02: MEMBERS OF THE SIGN BOARD

Members of the Sign Board shall be appointed by the City Manager subject to the approval of the City Council. A total of six (6) members shall be appointed to the Board from the following groups and for the following terms:

- A. Three appointees to the Board shall be owners/managers or interest holders of a business located within the City. Two of these three appointees shall have an original term of two (2) years and one of these appointees shall have an original term of three (3) years. Each renewal term thereafter shall be for a period of three (3) years.
- B. Three appointees to the Board shall be non-business owners/managers or interest holders who are residents of the City. Two of these appointees shall have an original term of three (3) years. One of these appointees shall have an original term of two (2) years. Each renewal term thereafter shall be for a period of three (3) years.
- C. A chairman shall be elected annually by the Sign Board. Six (6) members shall be present for each meeting and shall constitute a quorum for voting purposes. A two-thirds vote shall be necessary for voting purposes for all appeals and variances.

30.05.03: SIGN BOARD ADOPTION OF RULES

The Sign Board shall adopt rules in accordance with this Title. Meetings of the Board shall be called by the chairperson and shall be held at a set time and place four times per year with a meeting being held each year in March, June, September and December. An exception shall be made for 2009 due to the date of enactment and in 2009, meetings shall be held in April, June, September and December. 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.

(Replaced effective 5-20-2009, Ordinance 2009-08)

30.05.04: FILING AN APPEAL

Appeals to the Sign Board may be taken by any applicant of a permit or by the owner of a sign ordered to be removed by the Building Inspector. The appeals shall be taken within thirty (30) days from the date of the notice of decision of the Building Inspector. An appeal shall be made by filing with the Building Inspector a notice of appeal specifying the grounds thereof, and by paying a filing fee of One Hundred Dollars (\$100.00) at the office of the Building Inspector.

30.05.05: FILING A VARIANCE REQUEST

Variance requests shall be filed within thirty (30) days from the date of the notice of decision of the Building Inspector that a variance is required for the requested sign. The variance request shall be made by filing with the Building Inspector a request of variance specifying the specific facts and circumstances that authorize the granting of the variance by the Board.

30.05.06: HEARING AND NOTICE

The Sign Board shall fix a reasonable time for the hearing of the appeals and variance requests consistent with the schedule set forth in Section 30.05.03 and give public notice in the local newspaper at least seven (7) days prior to the hearing. The appellant/requestor shall notify, by certified mail, all property owners within one hundred and fifty feet (150') excluding any public rights of way of the property for which the appeal or variance is being requested. The notification which shall be sent to the property owners shall be prepared by the Building Inspector however the copying, mailing and ultimate delivery of the letter shall be the responsibility of the appellant/requestor. The appellant/requestor shall provide proof of mailing to the Building Inspector prior to the date of the public hearing.

(Replaced effective 5/20/2009, Ordinance 2009-09)

30.05.07: AUTHORITY OF THE SIGN BOARD

The Sign Board shall have the authority: 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 Title.

The Sign Board shall have the authority to grant a variance from the strict application of this Title upon affirmative written findings as to the following elements:

- A. The unusual shape or topography of the property in question or some other significant factor prevents signage allowable under the provisions of this Title from adequately identifying the business or other activity located on the subject property;
- B. The variance is not contrary to the public interest;
- C. Due to special conditions, a literal enforcement of this Title would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified property will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement; and
- D. The spirit and purpose of this Title will be observed and the regulations of this Ordinance are substantially met and substantial justice will be done.

In the event that a variance request is filed within sixty (60) days of the effective date of the amendment to this Title that includes this Section, the Sign Board shall have the authority to grant a variance from the strict application of this Title for any sign existing at the time of passage of this Section that would be conforming but for the fact that it is a billboard existing outside of the BB zoned areas upon affirmative findings as to the following elements:

- A. The sign was existing and erected at the time of the passage of this Section;

- B. The sign, as it currently exists, is not contrary to the public interest; and
- C. The sign meets the definition of a billboard and is compliant with all provisions of this Title except that it is a billboard located outside of the BB zoned areas.

30.05.08: VARIANCE RUNS WITH BUSINESS

Any variance granted by the Sign Board shall run with the business which shall retain the right to alter the advertising content of the sign. In the event however that the business relocates or otherwise ceases operation on the premises that was the location of the variance request, the rights granted under the variance shall be extinguished. The variance shall not transfer to a new business opened by the variance holder at the same location.

30.05.09: REPORT TO BUILDING INSPECTOR

Following a decision by the Sign Board, said Board shall forward in writing said decision to the Building Inspector. The Building Inspector shall then take action necessary to carry out the decision of the Board, including issuance of any necessary permit or variance, and enforcement or removal of any nonconforming sign.

30.05.10: APPEALS TO THE CITY COUNCIL

Any person whose appeal or variance was denied by the Board may appeal to the City Council the decision of the Sign Board. Appeals shall be heard at the next regular Council Meeting after the filing of the notice of appeal unless the meeting is less than ten (10) business days after the filing of the notice of appeal in which case the appeal may be heard at the following regular City Council Meeting.

The appeals to the City Council shall be taken by filing a notice of appeal with the Finance Officer and paying a fee of One Hundred Dollars (\$100.00). Said notice of appeal shall specify the grounds thereof and be filed with the Finance Officer within seven (7) days of notice of the decision of the Sign Board. Failure to file within seven (7) days shall constitute a waiver of the right to appeal said decision to the City Council and the decision of the Sign Board shall become final.

The appellant shall be responsible for notifying, by certified mail, all property owners within one hundred and fifty feet (150') excluding any public rights of way of the property for which the appeal is being requested, that an appeal is being made. The notice shall be in substantially the same form as the notice required by the Building Inspector prior to appeal to the Sign Board. It shall be the responsibility of the appellant to provide the City with proof of the notification and said proof shall be a prerequisite to any hearing before the City Council. The Finance Officer shall provide the appellant written notice of the time set for the appeal by specifying the time, date, and location of the hearing.

The City Council shall have the authority to affirm, reverse or remand any decision of the Sign Board and shall be required to apply the same standards for variances as the Sign Board.

(Complete revision of Title 30 effective 4/1/05, Ordinance 2005-3)
(Complete revision of Title 30 effective 3/4/09, Ordinance 2009-2)