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Ordinance #445, 5/27/09
Ordinance #457, 10/6/09
Ordinance #479, 2/1/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-5

SIGN REGULATIONS

A. Purpose.

The purpose of this Chapter is to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations contained within this Ordinance are not intended to censor speech or to regulate viewpoints, but instead are intended to address the secondary effects of signs, specifically those that impact aesthetics, traffic, and pedestrian safety. This Chapter is not intended to regulate objects that traditionally are not considered signs for purposes of governmental regulation.

B. General.

This Chapter is designed to regulate the sign copy located on or attached to a sign structure. The sign structure itself, if constructed independently of the copy and/or not a fundamental part of the sign, shall require a Building Permit in conformance with Chapter 15-18.

C. Sign Permit.

1. Permit Required. Except as otherwise provided herein, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign without first obtaining a sign permit from the City.

2. Application for Permit.

- a. An application for a sign permit shall be submitted to the Zoning Administrator on a form as he or she may prescribe and shall include all information as may be required for a complete understanding of the proposed work and all other information to show full compliance with this Ordinance and all other laws and ordinances of the City.

If the Zoning Administrator determines that the proposed work conforms to the requirements of this Ordinance and all other laws and ordinances of the City, he or she shall issue a sign permit as soon as practicable.

3. Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this Ordinance or of any other ordinance of the City shall not be valid. The issuance of a permit based on the application, sketch, and site plan or other construction documents shall not prevent the Zoning Administrator from requiring the correction of errors in the application or other data.

4. Expiration. Every permit issued shall become invalid unless the work on the lot authorized by such permit is completed with one hundred-eighty (180) days after its issuance. If an inspection has not been requested after one hundred-eight (180) days of permit issuance and the permit has not been extended, the permit shall expire without notice. The Zoning Administrator is authorized to grant, in writing, one extension of time for a period of not more than one hundred-eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.
5. Suspension or Revocation. The Zoning Administrator is authorized to suspend or revoke a permit issued under the provisions of this Ordinance wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or if he or she determines the permit was granted in violation of this Ordinance or of any other ordinance of the City.
6. Fee. A permit fee shall be paid to the City for each permit required by this chapter in an amount set by resolution of the City Council. All applicable fees must be paid prior to the issuance of a permit.
7. Sign Maintenance. Maintenance of legal signs is allowed and shall not require a permit. Sign maintenance includes, but is not limited to, the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design.
8. Nonissuance Due to Existing Illegality. A permit for a new sign shall not be issued for a lot upon which there exists an illegal sign.
9. Assignment. A current and valid permit is freely assignable to a successor as owner of the property.
10. Building Permit Not Required. If a permit has been issued pursuant to this Chapter, the applicant is not required to obtain a separate building permit for the sign.

D. Signs Not Regulated. The following signs may be allowed in addition to the signs permitted by this Ordinance. They do not require a sign permit but must be in conformance with all other federal, state, and local laws.

1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, of permanent-type construction and made an integral part of the building structure.
2. Signs located entirely inside the premises of a building or other enclosed space.
3. Signs erected by the City or any other governmental entity.
4. Signs regulated, approved, or otherwise required by state or federal agencies including, but not limited to, historical marker signs, official traffic control device signs, etc.
5. Holiday lights and decorations displayed during the appropriate time of year.
6. National, state, or historical flags or their emblem or insignia.

- E. Prohibited Signs.
1. Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device.
 2. Signs attached to trees, telephone poles, public benches, street lights, street signs, or placed on any public property or public right-of-way.
 3. Signs that obstruct any required egress from a building or structure.
 4. Unsafe, unlawful, or abandoned signs.
 5. Signs placed on vehicles or trailers that are parked or otherwise located on a lot for the primary purpose of displaying the signs.
 6. Any sign that is not protected by either state or federal statute, or otherwise allowed by this Ordinance.

- F. Computation of Area and Height.
The following principals shall control the computation of sign area and sign height:

1. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.
2. Computation of area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be examined from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
3. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is defined as the lower of:
 - a. The existing grade prior to construction; or
 - b. The newly established grade after construction.

- G. General Regulations. The following regulations shall apply to all signs unless otherwise indicated:

1. Except as required by law, no sign shall be displayed without the consent of the legal owner of the lot on which the sign is located. For

purposes of this section, the term “owner” shall mean the holder of the legal title to the lot and any party and person holding a present legal right to possession, control, or use of the lot.

2. Except as required by law or otherwise permitted by the City, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.
3. No wall sign shall project over the public right-of-way or sidewalk unless the building or structure to which the sign is attached is less than five (5) feet from said right-of-way or sidewalk. In such situations, the sign shall be placed at an adequate height so as not to interfere with pedestrians, vehicular traffic, or snow removal.

H. Permanent Signs. The sign requirements set forth herein shall apply to all permanent signs as defined herein.

1. General Standards. All permanent signs shall conform to the following standards:
 - a. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment, frame, or sign structure.
 - b. All signs shall be constructed to withstand a wind load of thirty (30) pounds per square foot.
 - c. Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs that are not maintained shall be either removed or brought into compliance immediately upon written notice. Any expenses incurred by the City during the removal or maintenance of a private sign shall be the responsibility of its owner.
2. Signs Not Requiring a Permit. The following permanent signs are exempt from the requirement of obtaining a sign permit.
 - a. Street Address Signs.
 1. Each single-family dwelling shall be clearly identified by a Street Address Sign for first responders to locate the residence as necessary to respond to any fire or public safety issue. The Street Address Sign shall not exceed three (3) square feet in area.
 2. Each dwelling unit that is part of a multi-family dwelling and is immediately accessible through an exterior door shall be clearly identified by a Street Address Sign for first responders to locate the residence as necessary to respond to any fire or

public safety issue. The Street Address Sign shall not exceed three (3) square feet in area.

3. Each location of a business or non-residential use that is immediately accessible through an exterior door shall be clearly identified by a Street Address Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Street Address Sign shall not exceed six (6) square feet in area.

b. **Building Identification Signs.**

1. If more than one multi-family residential building is located on a lot, each building shall be clearly identified with a Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Building Identification Sign shall not exceed six (6) square feet in area.

2. If more than one business or other non-residential building is located on a lot, each building shall be clearly identified with a Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Building Identification Sign shall not exceed six (6) square feet in area.

3. **Lots Containing a Single-Family Dwelling.**

a. **Single-Family Detached Dwelling.**

1. Each lot containing a single-family detached residence may have one (1) wall or freestanding sign. This allowed sign is in addition to the required Street Address Sign. One (1) additional wall sign shall be permitted when there is an approved Home Occupation. Each sign shall be a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if placed as a freestanding sign.

b. **Single-Family Attached Dwelling.**

1. Each individual dwelling unit may have one (1) wall or freestanding sign. This allowed sign is in addition to the required Street Address Sign. One (1) additional wall sign shall be permitted for each dwelling unit where there is an approved Home Occupation. Each sign shall have a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if placed as a freestanding sign.

4. **Lots Containing a Multi-Family Dwelling.**

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.

- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed sixty (60) square feet in area nor be taller than six (6) feet above grade. The size of this sign may be increased to as much as one hundred (100) square feet in area and up to ten (10) feet above grade if approved by a conditional use permit.
- c. Each individual dwelling unit within a multi-family dwelling if immediately accessed through an exterior door may have one (1) wall or freestanding sign. One (1) additional wall sign shall be permitted for each dwelling unit where there is an approved Home Occupation. Each sign shall have a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if placed as a freestanding sign.

5. R-1, R-2, R-3, and R-4 Lots Not Containing a Residence.

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed one hundred (100) square feet in area and be taller than six (6) feet above grade.

6.

CB and GB.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed three (3) square feet per one (1) foot of lineal street frontage with a maximum of two hundred (200) square feet. Roof and projecting signs may not be located higher than five (5) feet above the building's roof line.
- b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. Each lot shall be limited to one (1) per street frontage except that businesses on frontages of two hundred (200) feet or more may erect two freestanding signs. They shall not be taller than eighteen (18) feet above grade in the CB District and thirty (30) feet above grade in the GB District.

7.

LI and HI.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed one (1) square foot per three (3) feet of lineal street frontage.
- b. Freestanding signs shall be permitted so long as each does not exceed one (1) square foot of area per three (3) lineal feet of street frontage. Each lot shall be limited to one (1) per street frontage except that businesses on frontages of two hundred (200) feet or more may erect two freestanding signs.
- c. Any sign that exceeds two hundred (200) square feet in area must be located at least five hundred (500) feet from a

residential zoning district or another sign two hundred (200) square feet in area or larger.

- d. A freestanding sign in the LI or HI Districts shall be no taller than ten (10) feet above the height of the tallest principal building located on the lot.

8.

IN.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed three (3) square feet per one (1) foot of lineal street frontage with a maximum of two hundred (200) square feet. Roof and projecting signs may not be located higher than five (5) feet above the building's roof line.
- b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street. They shall not exceed thirty (30) feet in height above grade; however, signs located less than five hundred (500) feet from a residential zoning district shall not exceed eighteen (18) feet above grade.

I. **Temporary Signs.** Unless otherwise expressly exempt below, all temporary signs require a permit in conformance with Chapter 15-14-5(C).

1. General Standards. All temporary signs shall conform to the following standards:

- a. No temporary sign may be illuminated in any manner.
- b. Any temporary sign larger than or equal to nine (9) square feet in area shall be located at least ten (10) feet from all property lines.
- c. Signs shall be kept in good repair. Faded, torn, damaged or otherwise unsightly signs must be repaired or removed. Signs that are not maintained shall either be removed or brought into compliance immediately upon written notice. Any expenses incurred by the City during the removal or maintenance of a private sign shall be the responsibility of its owner.
- d. Signs shall be securely attached to a sign support, building, or other structure.

2. Temporary Signs Requiring a Permit. Unless it is exempt from requiring a permit in conformance with Chapter 15-14-5(I)(3), a lot's temporary signs shall be limited to the following:

a. NRC, R-1, R-2, R-3, and R-4.

- 1. One (1) wall or freestanding sign shall be allowed per lot for up to one-hundred eighty (180) days per calendar year if it is larger than nine (9) square feet,

but equal to or less than thirty-two (32) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

b. CB, GB, LI, HI and IN.

1. An unlimited number of temporary signs above and beyond those exempt from requiring a permit in conformance with Chapter 15-13-5(I)(3)(c) shall be allowed per calendar year so long as they do not cumulatively exceed one thousand (1,000) square feet in area. Any such temporary sign requiring a permit shall be allowed for no longer than one hundred-eighty (180) days per calendar year. Any such temporary sign shall be located at least fifteen (15) feet from all property lines.

3.

Temporary Signs Not Requiring a Permit. A temporary sign that complies with the following standards does not require a sign permit.

a. NRC, R-1, R-2, and R-4.

1. One (1) wall or freestanding sign shall be allowed per lot for up to ninety (90) days per calendar year so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
2. One (1) additional wall or freestanding sign shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
3. One (1) additional wall or freestanding sign up to nine (9) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

b. R-3.

1. Two (2) wall or freestanding signs shall be allowed per lot for up to ninety (90) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
2. One (1) additional wall or freestanding sign shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
3. One (1) additional wall or freestanding sign up to nine (9) square feet in area shall be allowed per lot during any period of time in which the lot is available

for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

c. CB, GB, LI, HI and IN.

1. Two (2) wall or freestanding signs shall be allowed per lot for up to one-hundred eighty (180) days per calendar year so long as no individual sign exceeds sixty (60) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
2. Two (2) additional wall or freestanding signs shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as no individual sign exceeds thirty (30) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
3. One (1) additional wall or freestanding sign up to forty-five (45) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than five (5) feet above grade.

- J. **Portable Signs.** A permit is required prior to the placement of a portable sign. Applicant may, after obtaining a permit from the City, locate a portable sign in the permitted location for a period not to exceed thirty (30) consecutive days. If sign placement exceeds thirty (30) consecutive days, applicant will need to obtain a renewed permit. Separate permits shall be required for each sign displayed.

Portable signs shall meet the following standards:

1. No portable sign may be located on a lot containing a single-family detached dwelling.
2. Sign shall not exceed forty (40) square feet in area.
3. Sign shall not be located closer than ten (10) feet to a lot line.
4. Portable signs shall be secured to prevent overturning.

- K. **Electronic Message Signs.** Any permanent, temporary, or portable sign displaying an electronic message shall also meet the following standards:

1. Electronic message sign displays shall be limited to displays that are gradual movements, including, but not limited to, dissolve, fade, scrolling, or traveling. However, sudden movement is prohibited, including, but not limited to strobing, blinking, and flashing.
2. All electronic message signs located in a residential zoning district shall require a conditional use permit.

- L. **Lighting Standards.**

1. The standards for illuminated signs shall comply with Chapter 15-14-10.
- M. Nonconforming Signs. Legal nonconforming signs shall comply with Chapter 15-16.
1. A sign lawfully existing prior to the effective date of this Ordinance, or applicable amendments thereto, that does not conform to the provisions of this Chapter is deemed a legal nonconforming sign.
- N. Removal of Unsafe, Unlawful, or Abandoned Signs.
1. Unsafe or Unlawful Signs.
 - a. Upon written notice from the City, the sign's owner shall either bring the sign into compliance with the terms of this Ordinance or remove the sign when it becomes unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose of communication, the City determines it to be a nuisance, it is deemed unsafe by the City, or it is unlawfully erected in violation of any of the provisions of this Chapter.
 - b. The City may remove or cause to be removed the sign at the expense of its owner if the sign has not been brought into compliance with the terms of this Ordinance within thirty (30) days of the date of the notice. In the event of immediate danger, the City may remove the sign immediately upon the issuance of notice to its owner.
 2. Abandoned Signs.
 - a. It shall be the responsibility of the owner of any lot upon which an abandoned sign is located to remove such sign within one hundred-eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign copy. If it is a temporary or portable sign, the entire sign structure shall be removed as well.
 - b. Where the owner of the lot upon which an abandoned sign is located fails to remove such sign in one hundred-eighty (180) days, the City may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the lot.

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