

PREPARED BY:
CITY OF LEAD
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ORDINANCE #1121-25
AN ORDINANCE MODIFYING
SIGN REGULATIONS

BE IT ORDAINED by the City Commission of the City of Lead that, pursuant to SDCL 9-19, the City of Lead Ordinances listed below be amended to read as follows:

SIGN REGULATIONS

§ 155.070 PURPOSE.

It is the purpose of this subchapter to make provisions to allow individual establishments to identify the nature of their enterprise, the products provided, the services provided, and their name. Further specific purposes of this subchapter are:

(A) To provide a reasonable balance between the need of the business owners to identify the enterprise, and the need of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs.

(B) To protect the public from hazardous conditions by requiring signs to conform with Building, Electrical and Life Safety Codes, and by prohibiting signs that obscure the vision of motorists or compete or conflict with traffic or warning signs.

(C) To provide for good visual communication to the public, whether they are traveling by foot or vehicle, so that the public may easily know of the location of individual establishment.

(D) To recognize that the required **sign size** of the sign **that** provides adequate identification in pedestrian-oriented business areas is less than that required for signs in automobile-oriented areas.

(Ord. 948-03, passed 4-21-2003)

§ 155.071 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY. Subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership, as the building or use being identified or advertised.

AWNING. A moveable, protruding, covered fabric shelter supported entirely from the exterior wall of a building that may be retractable or collapsed, and wholly or partially covering a pedestrian way with advertising on it or directional or informational.

BANNER. A piece of cloth, canvas, plastic or paper bearing a design, motto, slogan or advertisement; may be further defined as an event banner or a seasonal banner.

BILLBOARD. A free-standing off-premises sign, not exceeding 300 square feet per space, located off the premises upon which the commodity, **business** or service is located.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUSINESS. All activities in which a person engages or in which such person causes another to be engaged with the object of gain, benefit, or advantage, whether direct or indirect.

CANOPY. A permanently-roofed shelter covering a sidewalk, driveway, or similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extended from the ground.

DESIGNATED HISTORIC BOUNDARY. The commercial district specifically located on Main Street between Glendale Drive and Washington Street.

DIRECTIONAL INFORMATION. A free-standing or wall-mounted sign conveying information essential to the normal business activity of the premises upon which it is located.

EVENT. A happening, occurrence, contest or item.

EVENT BANNER. A banner that is displayed with the intent to advertise a specific event, such as the Sturgis Rally, the 4th of July or a concert/band event.

FRONTAGE. The horizontal, linear dimension of that side of the building or lot.

GRAFFITI. An inscription, slogan, drawing, and the like crudely scratched or scribbled on a wall or other public surface.

GROUND, FREE-STANDING. Sign detached from a building and supported by a bracing or pole structure, such as a feather banner.

HEIGHT OF A SIGN. The vertical distance measured from the elevation of the nearest sidewalk or, if there is no sidewalk within 25 feet from the lowest point of the finished grade on the lot on which the sign is located and within 25 feet of the sign, to the uppermost point of the sign or the sign structure.

The vertical distance measured from the elevation of the nearest sidewalk, or median grade if no sidewalk is present, to the uppermost point of the sign or its structure.

MAINTENANCE. The replacing, repairing or repainting of a portion of a sign structure, periodic changing of bulletin board panels, or renaming of copy that has been made ~~unuseable unusable~~ by ordinary ~~ware wear~~ and tear, by nature or by accident.

MURAL. A decorative or figurative painting or decoration, usually oversized applied directly to a wall or ceiling.

NEON. An electrically charged gas contained within and enclosed transparent tube.

NUISANCE. Any condition that negatively affects public safety, health, or community welfare including but not limited to being deemed illegal, abandoned, dilapidated, or unsafe.

PORTABLE. A sign capable of being moved from location to location without structural or support modifications at least perpendicular to the building.

PROJECTING. A sign attached to a building, extending in whole or part eight inches from the building to which it is attached.

ROOF. The cover of any building, including the eaves and similar projections.

SANDWICH BOARD. A ground supported sign having at least two faces and placed on the premises outside the building.

SEASON. A specific time, as defined as the divisions of the year (spring, summer, autumn, winter) or specific times something is popular or the time of a festival or holiday, not to exceed 90 continuous days.

SEASONAL BANNER. A banner that is displayed with the intent to advertise a seasonal activity.

SIGN. Any writing, pictorial representation, decoration, form, emblem, trademark, banner, or any other figure of similar character that:

- (1) Is a structure or any part thereof;
- (2) Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a building, board, plated, canopy, awning, or vehicle or upon any material, object or device whatsoever; and
- (3) By reason or its form, color, wording, symbol, design, illumination, or motion, attracts or is designed ~~ed~~ to attract attention to the subject thereof or is used as a means of identification advertisement or announcement.

SIGNAGE AREA. Area of the building designed for a sign ~~by the architect~~.

TEMPORARY. A sign intended to be displayed for a ~~limited period of time. A sign displayed for of no more than 30 days, such as a Grand Opening sign.~~

WALL SIGN. A sign attached to and erected parallel to the outside wall of a building, mounted flush to the wall and ~~which~~ displays only one face.

WINDOW. The transparent or translucent portion of an opening in an exterior wall of a structure.

(Ord. 948-03, passed 4-21-2003; Ord. 1030-14, passed 11-17-2014)

§ 155.072 JURISDICTION.

This chapter shall apply to all land within the ~~Lead City limits. corporate limits of the city.~~
(Ord. 948-03, passed 4-21-2003)

§ 155.073 PERMIT REQUIRED.

Before any sign ~~or banner~~ can be erected or altered in any way, a valid permit must be issued by the ~~City~~ Building Inspector.

(A) Each application for a sign ~~or banner~~ permit shall be submitted on a form supplied by the City Building Inspector and accompanied by a fee as set by resolution by the Lead City Commission.

(B) (1) ~~Sign~~ applications shall be submitted to the ~~City~~ Building Inspector for review by the ~~Lead~~ Historic Preservation Commission. ~~for recommendation to the Lead City Commission.~~ Appeals from the Lead Historic Preservation Commission sign permit decisions are to be heard by the Lead City Commission.

(2) Temporary signs shall ~~require approval and~~ be regulated by the City Building Inspector. ~~Temporary signs shall be subject to removal as determined by the City Building Inspector.~~

~~(C) All Banners will shall~~ require approval ~~and be regulated by~~ the City Building Inspector. ~~and Banners shall~~ be subject to removal as determined by the City Building Inspector.

(D) Event banners shall not require a permit or be regulated by the City Building Inspector. Event banners may be erected 7 days prior to the scheduled start date of the event and shall be removed immediately after such event. Failure to remove immediately after such event shall be deemed a Class 2 misdemeanor.

~~(D)~~ (E) Failure to obtain a permit shall be deemed a Class 2 misdemeanor.

(Ord. 948-03, passed 4-21-2003; Ord. 1030-14, passed 11-17-2014)

§ 155.074 GENERAL REGULATIONS.

(A) All signs shall be structurally safe, ~~and~~ securely anchored and properly maintained. The owner of any sign and the owner of the premises upon which it is located shall be

responsible for maintenance and for the removal of such sign ~~if and~~ when it is abandoned, no longer functional unsafe, or unmaintained.

(B) No sign shall constitute a nuisance to either an adjacent property owner or the general public, ~~unless so determined. (To be reviewed by the City Building Inspector with who shall then make a~~ recommendation to the Lead City Commission ~~for its removal).~~

(C) No sign shall conflict with the clear and obvious appearance ~~or of~~ public devices controlling traffic or emergency vehicles.

(D) Ground signs on public property shall be first approved by the ~~Lead~~ Historic Preservation Commission. Ground signs on vacant lots will go against the lots allowable square foot per signage and shall not exceed two square feet per frontage foot of the lot.

(E) Temporary signs or banners on or over public property shall be permitted by the ~~City~~ Building Inspector.

(F) Upon ~~either~~ the written ~~or verbal~~ permission of the ~~City~~ Building Inspector, ~~or one of his or her agents,~~ professionally made temporary signs or banners may be placed on or over private property, and may be displayed for a period not to exceed 30 days. If the temporary signs or banners are deemed offensive by the ~~City~~ Building Inspector, ~~upon notification by the Building Inspector,~~ the temporary sign or banner must be removed immediately. ~~with the~~ ~~The City~~ Building Inspector will then report that decision making recommendation to the Lead City Commission ~~who will make a~~ for final decision as to whether or not it is offensive.

(G) Signs projecting over a street, alley or other public place shall project not more than ten feet and be no closer than two feet to a plumb line from curb line. Clearance below such signs shall be a minimum of eight feet six inches.

(H) Signs along any state highway shall conform to the legally executed agreement between the ~~City of Lead~~ city and the ~~South Dakota~~ State Department of Transportation where applicable.

(I) Commercial signs in Residential Districts shall be issued by the Planning and Zoning Commission under the ~~variance Conditional Use Permit~~ procedure.

(J) Graffiti signs shall not be permitted.

(K) Non-conforming signs ~~must be removed within 10 days~~ upon ~~30 days~~ written notice by the ~~City~~ Building Inspector shall be removed. Refusal ~~shall be deemed a Class 2 misdemeanor. may be subject to fine.~~

(L) Advertising wall and protruding signs shall be restricted to the business occupying the premises upon which the sign is located with the exception of historical signs being renovated.

(M) In the event that a business closes ~~permanently for a period exceeding 60 days,~~ upon written notification by the ~~City~~ Building Inspector, all signs and their support systems

advertising such business shall be removed. An extension may be granted by the City Building Inspector.

(N) Billboard(s) shall not exceed 300 square feet in area and shall not be permitted within 100 feet of another billboard. The Lead City Commission governing body of the city reserves the exclusive right in its sole discretion to deny a permit based upon the particular facts and circumstances of each individual case including, but not limited to, the size of the billboard and/or lot, content of the billboard, and location of the billboard.

(O) All signs along any state or federal highway shall comply with all city, state and federal regulations.

(P) Roof signs may be permitted on the basis that if the prepared sign does not extend above the peak of the roof line unless it is parallel with the peak of the roof. The roof sign must also be parallel to peak to extend above, (i.e. no angled signs).

(Q) Any exterior, portable, freestanding or unattached signs, such as, but not limited to, a sidewalk sign or sandwich board sign shall not be allowed unless placed a minimum of three feet from the street or if granted a variance granted by the Planning and Zoning Commission with recommendation to the Lead City Commission.

(R) Paper signs larger than 24 11 inches by 36 17 inches will not be allowed, signs smaller than 24 11 inches by 36 17 inches are allowed without permit.

~~(S) Signs and/or banners may not be affixed to a vehicle that is used or will be used as a permanent or semi-permanent display.~~

(S) Signs and/or banners that are lit shall be downlit or internally lit.

(T) Temporary on-premises advertising is allowed; temporary advertising may be displayed outside of a business provided that:

(1) The sign or materials are located on the same parcel as the business.

(2) The sign or materials are placed outside only during the posted business hours of the establishment and must be removed at the close of business each day.

(3) The sign or materials is not located within the public right-of-way.

(4) The sign or materials do not obstruct or impede pedestrian or vehicular traffic.

(5) The sign or materials does not create a safety hazard by obstructing visibility for drivers or pedestrians.

(U) Signs and/or banners are not allowed in the State Department of Transportation right-of-way, specifically on the metal railing located on Main Street.

(Ord. 948-03, passed 4-21-2003; Ord. 967-04, passed 12-13-2004; Ord. 1030-14, passed 11-17-2014) Penalty, § 155.999

§ 155.075 RESIDENTIAL ZONING DISTRICTS.

(A) Home occupation identification signs will be allowed, not to exceed one per principal structure and will not exceed or two one square foot in area, and shall be placed against a wall of the primary structure, and not lighted. Home identification signs may be lit but must be downlit and/or illuminate only the area of the sign.

(B) One temporary sign, unlighted and not exceeding six square feet, wall-mounted or ground type, such as real estate signs are allowed without a permit. Real estate signs shall be maintained in good repair and removed upon the sale of the affected property.

(Ord. 948-03, passed 4-21-2003)

§ 155.076 COMMERCIAL ZONING DISTRICTS.

(A) General regulations. Signs in Commercial Districts shall be permitted by the following formula:

- (1) Wall signs shall be allowed two square feet per building frontage foot.
- (2) Projecting signs shall be allowed two square feet per street frontage foot.
- (3) Total signage shall not exceed two square feet per street frontage foot.

(a) Total signage shall include square footage from signs and banners combined for the square feet per street frontage foot.

(b) Event banners, temporary signs and daily signs or materials shall not be included in the total square footage per street frontage foot.

(B) Free-standing signs located within 25 feet of a street curb line and determined by the City Building Inspector to constitute a potential traffic safety hazard shall have a minimum vertical clearance of ten feet above the crown of the adjacent roadway.

(C) Signs attached to awnings, canopies, or marques shall maintain a minimum of seven feet clearance above grade.

(D) The following regulations shall shall apply to hotels, motels and enclosed and strip malls.

(1) Motels, hotels. Wall-mounted and free-standing signs shall not exceed two and one-half square feet per face for every unit.

(2) Cabins, camps, campgrounds. Wall-mounted and free-standing signs shall not exceed five square feet per face per cabin unit or defined camping space.

(3) Strip malls. Wall-mounted signs shall not exceed two square feet per business frontage foot. Free-standing signs shall not exceed two square feet per face for each

business space frontage foot. Total square feet shall not exceed five square feet per business frontage foot.

(4) Enclosed malls.

(a) Outside wall-mounted signs shall be permitted based on a formula of one square foot for every 100 square feet of business space.

(b) Free-standing signs, limited to two per enclosed mall, shall not exceed 300 square feet per face.

(E) Signs and banners will be professionally constructed.

(Ord. 948-03, passed 4-21-2003)

§ 155.077 DESIGNATED HISTORIC **DISTRICTS BOUNDARY.**

(A) General regulations. Signs in designated **Lead** Historic Districts are of special interest to the **City of Lead city** and its Planning **and Zoning** and **Lead** Historic Preservation Commissions. To protect the integrity of these special districts, particular scrutiny will be given to signs proposed for these areas.

(B) Performance standards.

(1) Sign size shall be appropriate to the architectural signable area of the structure upon which it is placed.

~~—(2) Materials of sign construction shall be appropriate to the historic character of the District, including color and texture.~~

(2) Materials, design and style:

(a) Allowed materials: Traditional materials such as wood, glass, brass, copper, and bronze are generally preferred. Painted wood and metal are also acceptable.

(b) Lettering for signs, logos or trademarks adhere to general city ordinances.

(c) Discouraged/Prohibited materials: Plastic, plywood, wooden pallets, highly reflective materials, and plastic cabinet boxes are not allowed. Other prohibited signs include flashing, pennants, search lights, twirling signs, streamers, inflatable, billboard, and some types of banner signs along the city's historic commercial district.

(d) Signs must complement the architectural style of the building and the historic district. Designs must be appropriate for the building's style and era, avoiding anachronisms like colonial signs on a Victorian building or Gothic lettering on 20th Century structures. The design of signs must be compatible with the architectural characteristic related to the business. Signage needs to respect nearby signs, such as size, scale and design.

(e) The message on the sign must be simple, legible, and directly related to the business or property, avoiding visual clutter. The message on the sign cannot be used as advertisement and must be easy to read.

(3) ~~Unlighted~~ Unlit fabric awning and canopy signs are encouraged. Plastic awning and canopy signs shall not be permitted.

(4) Signs, awnings and canopy signs shall be professionally constructed. Homemade signs and awnings may be temporarily allowed and shall be closely reviewed. ~~LHPC~~ The Lead Historic Preservation Commission ~~may request to see~~ shall review and approve any homemade signs ~~before approval~~.

~~(5) Neon signs shall not be permitted.~~

(5) Neon signs are allowed for interior window signage. The Lead Historic Preservation Commission shall review and approve any neon signs.

~~(6) Permanent, cloth, and paper signs and/or banners shall not be permitted.~~

(6) Electronic reader boards and variable electronic message boards are only allowed on buildings built after 1950. Some conditional use of reader boards on Main Street will be considered by Historic Preservation. Digital or LED signs are prohibited on the exterior of historic buildings on Main Street. Exceptions may be granted if the structure is older than 1950 and approved by historic preservation commission.

(7) Indirect, external illumination (light shining onto the sign) is generally preferred over internal illumination or backlighting. Exceptions for internal illumination may be granted in specific cases by the city. Lights pointing into the sky are prohibited.

(C) Placement.

(1) Signs should not obscure or damage the building's architectural features, like arches, transom panels, sills, or molding.

(2) Rooftop signage must follow state and federal guidelines for rooftop placement. Freestanding signs are not allowed, except for sandwich signs which are allowed.

(3) Projecting signs will follow city ordinances regarding size, projection distance, and height above the sidewalk. A sign in a Right of Way is not allowed.

(4) Flags displaying an advertising message, excluding flags of nations, state, political subdivision or corporate flag; must follow city rules and city ordinances.

(5) Existing historic signs, including ghost signs, (faint remnants of old painted signs), should be preserved and not removed or altered. Additionally, these signs cannot be covered in any way.

(Ord. 948-03, passed 4-21-2003; Ord. 1030-14, passed 11-17-2014) Penalty, see § 155.999
§ 155.078 EXEMPTIONS.

The following signs shall not require a sign permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provision of this code or any other law or ordinance regulating the same.

(A) The changing of the advertising copy or message on a painted or printed sign, theater ~~marquess~~ ~~marquees~~ and similar signs specifically designated for the use of replaceable copy of previously approved sign.

(B) Painting, repainting or cleaning of an advertising structure, or the changing of the advertising copy or message thereon, shall not be considered an erection or alteration which requires a sign permit, unless a structural change is made on previously approved sign.

(C) Real estate signs advertising, residential or commercial property for sale ~~so long as~~ ~~providing that~~ the placement of such signs are in conformance with requirements of these regulations.

~~—(D) Signs of any type displayed on the interior of a business.~~

~~(E)~~ Wall-mounted or free-standing informational or directional sign not exceeding two square feet.

~~(F)~~ Manufacturers' product signs, common to the industry, being promoted or advertised ~~as long as providing that these signs and banners they~~ conform with other sections of the regulations.

~~(G)~~ Historic signs, ~~and murals~~ including those painted on the exterior of a structure.

~~—(H) Paper signs 11 inches by 17 inches or smaller.~~

(Ord. 948-03, passed 4-21-2003)

§ 155.079 MAINTENANCE.

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials. The City Building Inspector shall have the authority to inspect and to order the painting, repair, ~~and/or~~ alteration of a sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. The cost of such painting, repair, alteration, or removal shall be at the expense of the property owner or person entitled to possession of the property or sign.

(Ord. 948-03, passed 4-21-2003)

§ 155.080 ENFORCEMENT.

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any sign that is in violation of these regulations. **Violations shall be deemed a Class 2 misdemeanor.**

(Ord. 948-03, passed 4-21-2003) Penalty, see § 155.999

Those voting aye:

Those voting nay:

ATTEST:

Dustin Heupel
City of Lead, Mayor
(Seal)

Billie Jo Inhofer
City of Lead, Finance Officer

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Published:

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