

## § 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 three hundred square feet per space, located off the premises upon which the commodity 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.

**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~~ event, occurrence, contest, or item.

**EVENT BANNER.** A banner that is displayed with the intent to advertise a specific 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.

**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.

**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 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.

**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 ~~design~~ designed to attract attention to the subject thereof or is used as a means of identification advertisement or announcement.

**SIGNAGE AREA.** The 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 no more than 30 days.

**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 apply to all land within the corporate limits of the city.

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

#### § 155.073 PERMIT REQUIRED.

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

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

(B) (1) Applications shall be submitted to the Building Inspector for review by the Historic Preservation Commission for recommendation to the Lead City Commission.

(2) Temporary signs shall be regulated by the City Building Inspector.

(C) (1) All banners will require approval ~~by from~~ the City Building Inspector and a banner permit is issued and be subject to removal as determined by the City of Lead Building Inspector.

(C) (2) Banners shall not exceed the total square footage allowed for signage.

(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. (To be reviewed by the Building Inspector with recommendation to the Lead City Commission).

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

(D) Ground signs on public property shall be first approved by the 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~~ front foot of the lot.

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

(F) Upon either the written or verbal permission of the 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 Building Inspector, upon notification by the Building Inspector, the temporary sign or banner must be removed immediately with the Building Inspector making recommendation to the Lead City Commission 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 and the State Department of Transportation where applicable.

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

(J) Graffiti signs shall not be permitted.

(K) Non-conforming signs upon 30 days' written notice by the Building Inspector shall be removed. Refusal may be subject to fine.

(L) Advertising ~~wall walls~~ 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 for a period exceeding 60 days, upon written notification by the Building Inspector, all signs and their support systems advertising such business shall be removed. ~~An extension may be granted by the Building Inspector.~~ The Building Inspector may grant an extension.

(N) Billboard(s) shall not exceed 300 square feet in area and shall not be permitted within 100 feet of another billboard. The 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 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 within all of the city, state and federal regulations.

(P) Roof signs may be permitted on the basis that the prepared sign does not extend above the peak of the roof line unless it is parallel with the peak of the roof sign must also be parallel to peak to extend above.

(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 11 inches by 17 inches will not be allowed, signs smaller than 11 inches by 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.

(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 DISTRICTS.

(A) Home occupation identification signs not to exceed one per principal structure or one square foot in area, placed against a wall of the primary structure and not lighted.

(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 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.

(B) Free-standing signs located within 25 feet of a street curb line and determined 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 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.

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

#### § 155.077 DESIGNATED HISTORIC DISTRICTS.

(A) General regulations. Signs in designated Historic Districts are of special interest to the city and its Planning and 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.

(3) Unlighted 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 shall be closely reviewed. LHPC may request to see homemade signs before approval.

(5) Neon signs shall not be permitted.

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

(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 marquee 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 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 if they conform with other sections of the regulations.

(G) Historic signs, 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~~ always 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 Building Inspector shall have the authority to inspect and to order the painting, repair, 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.

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

## WAYFINDING

### § 155.090 DEFINITIONS.

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

MUTCD. The Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Federal Highway Administration.

WAYFINDING PLAN. This shall include the Wayfinding and/or Directional Signage Plans approved by the Lead City Commission, and any amendments, subsequent versions and/or additional plans approved by the Lead City Commission.

WAYFINDING SIGN. An off-premises guide sign that is part of a city coordinated, and continuous system of signs meant to direct ~~vehicular~~-vehicle and pedestrian traffic to key cultural, civic, visitor and recreational attractions.

(Ord. 1027-14, passed 6-2-2014)

### § 155.091 ELIGIBLE DESTINATIONS.

Destinations that meet one or more of the following criteria shall be eligible for participation in the City of Lead's Wayfinding Plan:

- (A) Public places owned or operated by the federal, state, or local governments or their agencies.
- (B) Public or privately owned historic, cultural, scientific, educational, or religious sites.
- (C) Areas of natural scenic beauty or naturally suited for outdoor recreation or interest.
- (D) Public or private destinations that serve to promote tourism.

(Ord. 1027-14, passed 6-2-2014)

### § 155.092 DESTINATION CRITERIA.

City wayfinding signs shall not be used as a directional program for city-based, privately-owned businesses, organizations, and locations. Destinations must meet the criteria in § 155.091, Eligible Destinations, and must contribute to the draw of transient visitors to the area.

(Ord. 1027-14, passed 6-2-2014)



#### § 155.093 SIGN CONSTRUCTION.

Construction and maintenance of city wayfinding signs shall be at the sole discretion and authority of the city and all city wayfinding signs shall comply with the Wayfinding Plan.

(Ord. 1027-14, passed 6-2-2014)

#### § 155.094 SIGN LOCATION.

City way-finding signs shall be placed within the approved right-of-way or in other city-approved areas.

(Ord. 1027-14, passed 6-2-2014)

#### § 155.095 SIGN APPEARANCE.

City wayfinding signs shall comply with the provisions of the MUTCD with respect to shape, appearance, and standard requirements applicable to such signs.

(Ord. 1027-14, passed 6-2-2014)

#### § 155.096 DUPLICATION OF FEDERAL AND STATE DESTINATION SIGNAGE PROHIBITED.

City wayfinding signs shall not be installed in a manner that interferes with or duplicates route or destination sign programs of the federal or State of South Dakota.

(Ord. 1027-14, passed 6-2-2014)

#### § 155.097 ADDITIONAL REQUIREMENTS.

All city wayfinding signs must comply with the requirements and restrictions enumerated in the agreement entered between the City of Lead and the South Dakota Department of Transportation.

(Ord. 1027-14, passed 6-2-2014)

MANUFACTURED HOUSING

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#### § 155.100 PERMITTED, EXCEPTIONS.

Manufactured housing will be allowed in any area of the city except those areas prohibited by established covenants.

(Ord. 860-93, passed 8-2-1993)

#### § 155.101 REQUIREMENTS.

Each manufactured house must meet the following requirements:

(A) A manufactured home will be allowed in any area of the city with the written permission of at least 75% of the area homeowners within a 150-foot radius of proposed site.

(B) Each manufactured home will be no less than 24 feet wide at the narrowest point and shall contain at least 700 square feet of floor area.

(C) The manufactured home shall be placed on a permanent foundation, ~~that~~ which meets the currently adopted Uniform Building Code. The foundation will have a minimum of a four-foot crawl space in all areas consisting of a minimum of 16-inch by eight-inch concrete footing with either concrete block or concrete walls. Tongue must be removed.

(D) Each manufactured home will have a gabled roof and will have a minimum of six-inch eave. No metal or wood-~~shaked~~ shake roof covering will be allowed.

(E) The manufactured home must be constructed after 1976.

(F) The exterior of the manufactured home shall consist of either wood, masonry, concrete, stucco, masonite, metal lap, or a material similar in appearance.

(Ord. 860-93, passed 8-2-1993)

#### § 155.102 PERMITS.

Before work is ~~commenced~~ commences, a building permit and/or excavation permit will be obtained. Failure to obtain the permit may result in the issuance of a stop order by the Building Inspector or his or her appointed agent.

(Ord. 860-93, passed 8-2-1993)

#### § 155.103 VARIANCES.

A variance will be required to allow for public input prior to a building permit being issued. All requirements in § 155.101 must be met including drawings of the foundation and floor plan before a variance hearing will be held.

(Ord. 860-93, passed 8-2-1993)