

ORDINANCE NO. 764

AN ORDINANCE AMENDING TITLE 15 BUILDINGS AND CONSTRUCTION, BY AMENDING CHAPTER 15.08.050 FEES AND ADDING SECTION 15.08.110 SIGN REGULATIONS.

BE IT ORDAINED by the Common Council of the City of Custer, Custer County, South Dakota:

Section 1. That Title 15, Chapter 15.08.050(J) of the Custer Municipal Code of the City of Custer, South Dakota is hereby amended to read as follows:

J. Sign Permit Fee. The fee for each new sign that is erected or installed shall be seventy-five dollars (\$75.00), except where a sign or sign structure requires that a building permit be obtained, then the building permit fee shall be the sign permit fee. A change in the name of the commercial entity, or a change in the size of the sign, shall constitute a new sign.

Section 2. That Title 15, Chapter 15.08.110 Sign Regulations shall read as follows:

15.08.110 Sign Regulations.

PURPOSE AND INTENT

Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the welfare of the public. Uncontrolled and unlimited signs degrade the attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth. Through fair and consistent regulation of advertising signs, the attractiveness and economic wellbeing of the City of Custer City will be enhanced as a place to live, work and conduct business, and provide an equal measure of advertising for community businesses.

The intention of enacting this ordinance is to:

1. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
2. Further the objectives of the city's comprehensive plan;
3. Protect the public health, safety, welfare, and aesthetics of the city;
4. Reduce traffic and pedestrian hazards;
5. Maintain the historical image of the city;

6. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
7. Promote economic development;

A. Definitions

“Sign, advertising.” A piece of paper, wood, or other material, with words or pictures on it, that provides information to the public about a business, activity or event that is available on a specific property or a general area.

“Sign, area.” The total square footage of all business and outdoor advertising signs on any specific lot. The area of a sign shall be determined by the smallest triangle, rectangle or circle that can be used to enclose that which the advertisement is composed of, exclusive of the supporting structure that bears no message. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle which can totally circumscribe the sign in the plane of its largest dimension.

“Sign, alteration.” Any change of copy, sign face, color, size, shape, illumination, location, construction, or supporting structure of any sign.

“Sign, animated.” A sign that uses movement, lighting or special materials to depict action or create a special effect to imitate movement.

“Sign, area identification.” A sign to identify a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.

“Sign, banner.” A temporary sign, banner, wave banner, flag or pennant composed of lightweight material enclosed or unenclosed in a rigid frame, secured or mounted in a temporary manner for special event advertising.

“Sign bench.” A bench provided for the pedestrian public which contains on-premise advertising.

õSign, billboardö. An on-premise or off-premise sign which exceeds the sign size and/or area regulations for the district in which it is intended to be placed.

õSign, building markerö. Any sign, stone or monument mounted to a structure indicating the name of a building date or incidental information about its construction.

õSign, canopyö. A sign that is a part of or attached to any awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

õSign, construction/developmentö. A sign stating the names of the developers, contractors, engineers or architects, during the time that construction or development is actively underway.

õSign, directionalö. Used to give directions to or location of a specific place giving the name of the site and the mileage or distance, route numbers, and exit numbers.

õSign, double-facedö. A sign constructed to display its message on the outer surfaces of two identical and opposite planes at an angle of forty-five degrees or less.

õSign, electronic reader boardö A sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a commercial message or an electronic reader board sign for purposes of this Chapter.

õSign, exposed neonö. Signage such that the neon tubing is visible to the eye. This shall not include neon signs located within building windows, or behind opaque sign faces.

õSign, exteriorly illuminatedö. A sign where artificial light projects from within or onto the sign copy. Exterior illumination is a light source that is visible exterior to the sign.

õSign, internally illuminatedö. Interior illumination shall mean signs where the artificial light source is located within the sign and is not viewable from the exterior of the sign.

õSign, flashingö. An illuminated sign on which artificial light is not maintained stationary and/or constant in intensity and color.

õSign, freestanding or poleö. A sign which is supported by one or more uprights, poles, or braces in or upon the ground.

õSign, future tenantö. An on-premise temporary sign that identifies the names of future businesses.

õSign, garage/yard saleö. A private sale of personal property used to dispose of personal household possessions and not for the use of any commercial venture.

õSign, governmentalö. A sign erected by a government agency or its designee, setting forth information pursuant to law and/or ordinance.

õSign, grand openingö. A one-time promotional activity not exceeding thirty calendar days used by newly established businesses location within two months after occupancy to inform the public of their location and service available to the community.

õSign, groundö. A sign where the bottom coping is less than twenty-four inches (24") from the grade below.

õSign, inflatableö. An object bearing advertisement that is inflated with air or gas.

õSign, maintenanceö. The repair or replacement of individual sign components including paper, fabric or plastic copy panels, electrical wiring and bulbs, or paint, stucco or other exterior finishes.

õSign, marqueeö. A projecting sign attached to, in any manner, or made a part of a marquee. A Marquee Sign must maintain a minimum vertical clearance of ten feet (10ø) from the ground to the lowest point of the marquee structure.

õSign, multi-facedö. A two-sided sign which is the same on both sides. The single structural component is counted as one sign.

“Sign, monument”. A freestanding sign that does not have exposed pole or pylon, and is attached to a single columnar base for at least seventy-five (75) percent of the entire width of the sign.

“Sign, non-conforming”. A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

“Sign, off-premise”. A sign, including the supporting sign structure, which is visible from the street or highway and advertises goods or services not located on the premises and/or property upon which the sign is located. The following shall *not* be considered an off-premise sign:

- 1) Direction or official signs authorized by law;
- 2) Real Estate Signs;
- 3) Political signs.

“Sign, on-premise”. A sign that advertises goods or services available at the site and on the lawful premises of the billboard or advertising sign.

“Sign, pennant”. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or pole designed to move in the wind.

“Sign, permanent”. A sign constructed from metal, wood, vinyl or plastic, or any combination thereof, which is constructed and affixed to the building or supporting structure in a manner approved by the Planning Administrator or his/her designee.

“Sign, pole”. A freestanding sign which is erected upon one or more posts directly in or upon the ground and not attached to, braced by, any other structure.

“Sign, political”. A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

“Sign, portable.” A sign designed to be movable from one place to another, which is not affixed to the ground or structure.

“Sign, projecting.” A sign which is affixed to a wall of a building and extends outward from the building wall with a minimum vertical clearance of ten feet (10) above ground level.

“Sign, real estate.” A sign offering property (land and/or buildings) for sale, lease, or rent.

“Sign, repair.” The replacement of metal or wood cabinets, structural faces, supporting structural members, primary uprights, posts and poles, or the sign in its entirety.

“Sign, roof.” A sign erected or attached in whole or in part upon the roof of a building.

“Sign, trailer or semi-trailer.”

a. A trailer or semi-trailer unit that is not currently commercially licensed and operable shall be considered an off-premise billboard sign.

b. A trailer or semi-trailer unit that is currently commercially licensed and operable shall be considered a billboard sign.

“Sign, structure.” Any structure which supports, has supported, or is capable of supporting single or multiple signs.

“Sign, temporary.” Signs that are temporary in nature, used in conjunction with a specific event, that is placed, moved, or erected in such a manner so that it may be easily removed from the property and is not permanently affixed.

“Sign, time and temperature.” A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

“Sign, vehicle.” A sign placed, painted, attached, or displayed on a vehicle advertising a company, store, or service.

“Sign, wall.” A sign which is attached directly to or painted upon a building wall, and which

does not extend more than six inches (6ö) from the wall, nor extends above the roofline.

öSign, windowö. A sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window.

öPlanning Administratorö. The official designated by the City Council to administer the Cityø sign regulations.

B. General Sign Regulations

1. In any area where advertising signs are permitted, all applicable state and federal regulations shall apply.
2. Vehicle roof mounted signs for taxis and delivery vehicles shall not exceed three (3) square feet. Vehicle roof signs are required to be manufactured for vehicle roof placement.
3. Advertising signs strapped or tied to the roof of any vehicle or on any other conveyance and parked in any public right-of-way shall be prohibited.
4. Building roof signs shall be architecturally integrated into the roof structure design, with additional roof loads, wind loads and snow drifting loads taken into consideration, and in no case shall the sign extend above the building roof line.
5. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
6. Sign structures housing signs for single or multiple businesses, and pole signs greater than ten feet (10ø) in height and sixteen (16) square feet in area, shall be considered a commercial structure and regulated through the building permit process. Sign regulations shall apply.
7. Painting any advertising upon a public sidewalk is prohibited.
8. Signs shall not overhang into or be placed in any dedicated public right-of-way except as allowed by that governmental entity having jurisdiction over that right-of-way.

9. Signs shall not overhang into or over adjoining property, without proof of written approval by that adjoining property owner.
10. Signs established by, or by order of, any governmental agency.
11. No sign shall be constructed to resemble any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device, sign, or marker.
12. Animated signs shall not be placed in any manner as to cause distraction to vehicle traffic. Animated signs identified to be so placed shall be considered a public nuisance and caused to be immediately removed.
13. Sign benches displaying advertising may be located only on commercial premises. The display area on any sign bench shall not exceed 12 square feet. No more than 3 sign benches shall be located on any premises. Benches placed upon the SD-DOT right-of-way are subject to SD-DOT regulations. Sign benches displaying off-premise advertising shall be considered an off-premise sign.

C. Maintenance.

1. All signs and sign structures shall be in good repair, and shall be maintained so as to protect from deterioration, damage, decay and/or abandonment.
2. All signs shall be maintained. If any sign fails to be maintained by the owner the Planning Administrator shall notify the owner of the sign that the sign is in violation of this section, and that if the violation is not corrected within thirty (30) days, the sign will be subject to immediate removal.
3. All signs structures shall display message. If any sign fails to display a message for 30 consecutive days, the Planning Administrator shall notify the owner of the sign that the sign is in violation of this section, and that if the violation is not corrected within thirty (30) days, the sign will be subject to immediate removal.

D. Billboard Signs.

On-premise and off-premise billboard signs shall not be placed anywhere within the city limits of Custer City.

E. Electrical signs.

1. General Regulations.

- a. Electrical signs shall be constructed in accordance with the provisions of the Administrative Rules of South Dakota (ARSD) 20:44:22, the National Electrical Code and the city's Municipal Code. Signs constructed in a UL shop must be energized by a licensed electrician. If a sign is constructed in a shop that is not UL, then wiring of the sign and energizing of the sign must be done by a licensed electrician.
- b. Electrical signs and outline lighting shall be marked with the manufacturer's name, voltage input, and current rating. The marking required by this section and the label of a recognized testing lab, shall be located in a visible location and readable from both grade and the sign's electrical disconnect.
- c. All metal parts of electrical signs and outline lighting shall be grounded in accordance with the National Electrical Code.
- d. Each electrical sign or outline lighting system shall have an externally operable disconnect means located within sight of the sign or outline lighting transformer.
- e. Electrical signs may be illuminated internally or externally so long as all lighting is directed away from the public right-of-way and adjacent residential areas.

2. Sign brightness.

- a. Any sign that is internally illuminated, or which displays electronic variable messages through light emitting diodes, liquid crystal display, plasma image display, or any other light emitting mechanism must be equipped with automatic dimming technology that automatically adjusts the display's brightness based upon ambient light conditions. The brightness level for signs shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at standard preset distances.
- b. Existing on-premise and off-premises signs displaying variable messages through the use of internal illumination technology or through light emitting diodes, liquid crystal displays, plasma image displays, or any other similar light emitting technology may only display static messages. Static copy on these signs may be changed at a minimum interval of 8 seconds. Full motion images, graphics or video are prohibited.

F. On-premise business signs in Highway Commercial and Industrial Districts.

1. Total allotted sign area shall be limited to three square feet (3 sq/ft) of sign space per one (1) lineal feet of commercial street frontage, except that ~~no~~ any bona fide business shall have not less than fifty square feet (50 sq/ft) of sign space allotted to them. Where a parcel of land has reduced street frontage because it is located behind another parcel that abuts the street, the sign allotment shall be calculated from the width of the rear parcel for the length that it parallels the street it is accessed from.
2. Double-sided pole signs shall not exceed two-hundred square feet (200 sq/ft) of aggregate sign area and shall not exceed thirty feet (30 \emptyset) in height measured from the top of the sign.
3. Wall mounted signs shall be limited to one-hundred square feet (100 sq/ft). A wall sign may project not more than six inches from the storefront.

4. Monument signs not to exceed one hundred square feet (100 sq/ft) in size, exclusive of the supporting elements, provided that no part of the sign or structure exceeds six feet (6ø) in height and complies with corner lot sightline regulations.
5. Double-sided projecting signs are allowed to have a maximum of fifty square feet (50 sq/ft) of sign area and shall be subject to the provisions of the Maintenance and Encroachment Agreement between the State of South Dakota and the City of Custer.
6. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
7. No sign or element thereof shall be constructed closer than five feet (5ø) to any property line.
8. Sign structures, pole signs and monument signs shall not be placed closer than seventy-five feet (75ø) to any other like sign structure, pole sign or monument sign.
9. Company emblems, logos, and Trademark names architecturally designed into fuel station canopies do not count towards the aggregate sign area.
10. Sign structures housing signs for multiple businesses, such as a mall or shopping complex, shall be considered a commercial structure and shall be regulated through the building permit process.

G. Off-premise signs in any zoned district.

1. All off-premise signs shall be subject to the conditional use permit regulations provided, however, that in no case shall an off-premise sign be approved that is larger than an on-premise sign that would be allowed on the property it is intended to serve.
2. All off-premise signs will be considered entirely upon their own merits with no other off-premise sign considered to be precedence.
3. Any motor vehicle or trailer that bears commercial advertisement that is located or placed on a property for the purpose of advertising, and which is

not on the same lot as the business being advertised, shall be considered off-premise signage and off-premise advertising.

H. Central Business District Sign Regulations.

1. Total allotted sign area shall be limited to two square feet (2 sq/ft) of sign area per one (1) lineal feet of commercial street frontage, except that any bona fide business shall have not less than fifty square feet (50 sq/ft) of sign area allotted to them.
2. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
3. Wall mounted signs are allowed to be a maximum of one-hundred square feet (100 sq/ft). A wall sign may project not more than six inches from the storefront.
4. Double-sided projecting signs:
 - a. are allowed to have a maximum of fifty square feet (50 sq/ft) of aggregate sign area;
 - b. are allowed to project a maximum of seven feet (7 \emptyset) beyond the front of the building provided, however, any portion of the projecting sign, or any appurtenance thereto, may not be closer than three feet (3 \emptyset) to the face of the street curb as measured vertically from the adjacent grade;
 - c. Shall be at least eight feet (8 \emptyset) above adjacent grade to the lowest point of the sign;
 - d. A premises is allowed one projecting sign per street frontage.
5. Double-sided pole signs are allowed to have a maximum of fifty square feet (50 sq/ft) of sign area, not over thirty feet (30 \emptyset) in height, and shall be subject to the provisions of the Maintenance and Encroachment Agreement between the State of South Dakota and the City of Custer.
6. Temporary on-premise business signs may be placed in lieu of a permanent on-premise sign provided that a sign permit for a permanent on-premise sign has been applied for and the placement of the temporary on-premise sign

complies with all other provisions of this ordinance and is not placed on the premises for a length of time greater than sixty (60) days from the date of the sign application.

7. For each permitted or required off-street parking area that has a capacity of more than four cars: one sign not more than four square feet in area, designating each entrance to or exit from such parking area; and one sign, not more than four square feet (4 sq/ft) in area, identifying or designating the conditions of use of such parking area is permitted.
8. One non-illuminated ~~For Sale~~ or ~~For Rent~~ sign not exceeding five square feet (5 sq/ft) in area and advertising the sale, rental or lease of the premises on which the sign is located is permitted.
9. Signs established by, or by order of, any governmental agency are permitted.

I. Residential District Sign Regulations.

1. Real estate signs shall not exceed ten (10) square feet in area and forty-two inches (42") in height.
2. Business signs which direct attention to a home occupation, where such is permitted, shall not exceed five square feet (5 sq/ft) in area, and shall be limited to one such sign per approved home occupation use. No sign shall be placed closer than twenty-five feet (25') to any property line abutting a street.
3. Churches, hospitals, clinics or similar occupancies in residential districts shall not exceed twenty-five square feet (25 sq/ft) in area.
4. For each real estate subdivision that has been approved in accordance with the regulations of the City of Custer, one area identification sign per entrance, not over thirty-two (32) square feet in area, advertising the sale of property in such subdivision. Permits for such signs shall be issued for a two year period and may be renewed for additional two year periods.
5. Subdivision entrance identification signs shall not exceed sixty-five (65) square feet in area, exclusive of the fence, wall, or sign structure on which the sign is attached to, and limited to one (1) sign per entrance. Placement of the sign shall be approved through the subdivision review process.

6. For construction on or development of a lot, signs not more than twelve square feet (12 sq/ft) in area, stating the names of contractors, engineers or architects, but only during the time that construction or development is actively underway.
7. Seasonal on-premise advertising signs, for agricultural products raised and/or cultivated on that land, not to exceed twelve square feet (12 sq/ft) in area.
8. Small directional signs shall not be greater than 18" x 24" rectangular or 18" in diameter. Directional signs shall require city approval.
9. Signs established by, or by order of, any governmental agency.

J. Temporary signs.

1. All temporary signs, pennants and banners shall be placed, built, erected, or moved onto site location in such a manner as to be easily removed.
2. Real Estate signs, garage sale signs and political signs may be placed within the right-of-way of a city street subject to the following conditions:
 - a. Signs shall not exceed ten (10) square feet in area and forty-two inches (42") in height in residential districts or sixteen (16) square feet in all other zoned districts.
 - b. Signs shall not be placed within four feet (4') of any improved street or within ten feet (10') of the traveled path of any unimproved street.
 - c. Signs shall not be placed in any unsafe manner or within any intersection sightline triangle.
 - d. These provisions do not apply to state right-of-ways.
3. Political or campaign signs must be removed within five (5) days following such election, unless the candidate is involved with on-going subsequent elections in which the sign is intended to influence.
4. Signs shall not be placed on another person's property without their consent.
5. The following items shall be considered on all temporary signs.
 - a. All signs shall be subject to the provisions of the Maintenance and Encroachment Agreement between the State of South Dakota and the

City of Custer.

- b. Temporary on-premise banners for special events, such as benefits, festivals or similar activity are allowed seven (7) days prior to any lawful event and must be removed from premise within two (2) business days of conclusion of the event unless otherwise expressly authorized in writing by the Planning Administrator.
- c. Vinyl or cloth banners or pennants that are nailed, stapled, tacked or otherwise fastened to a structure beyond the allotted time period shall be considered a permanent sign, placed in violation of the permanent sign requirements, including permit requirements, and shall be subject to the \$75.00 fine for failing to obtain a sign permit. Signs so placed shall be removed upon notice by the City.
- d. Freestanding Portable Signs (mobile signs), and temporary electronic signs that will be used for grand openings or special events, must be pre-approved by the Planning Administrator. (permit required-no fee)
- e. Banners which hang across public property shall have prior approval from the City Council.
- f. No sign, banner or pennant shall be placed within any right-of-way or on any public property or attached to any traffic sign, fire hydrant or light pole or placed in any manner that impedes or endangers pedestrian or vehicular traffic. Such signs shall be subject to immediate removal by the City and may be retrieved at City Hall for a fee of twenty-five dollars (\$25.00) each payable to the city Finance Officer. Signs not retrieved within thirty (30) days will be discarded.
- g. Where a sign or banner cannot be immediately removed by city crews or by contract, the owner of the sign shall be given notice of the violation and allowed five (5) days to correct the violation, the notice shall inform the property owner that failure to correct within the time given will result in the property owner being assessed the violation fee of seventy-five dollars (\$75.00).
- h. Garage/Yard Sale signs do not require a permit, but shall not be placed

longer than three (3) days prior to the event and shall be removed immediately following the event.

- i. Signs shall not be placed so that they create visibility problems or interfere with line of sight with any traffic sign or official signs.
- j. Attention attracting devices must be approved by the Planning Administrator. The Planning Administrator shall consider the type of device, location and time duration proposed along with any other pertinent information.

6. Application and Permitting.

- a. Installation of new on-premise and off-premise signs are regulated by the Building Permit process. A Sign Permit application shall be filled out by the applicant and submitted to the Planning Administrator for review, except that sign structures shall be considered to be a structure and a building permit will be required to be obtained.
- b. Sign and sign structure applications shall be reviewed and approved within a reasonable time with the approved application serving as the sign permit, except that if an application is denied the application will be returned to the applicant with a written reason for the denial.
- c. Sign permits and building permits shall be valid for not more than 180 days. Where construction or installation has not started within 180 days the permit shall be void and a new application for permit must be submitted. Where construction or installation has been suspended for more than 180 days after construction has begun, but not completed, the permit shall be void and application for permit must be submitted.

K. Application Fees.

- 1. A one-time fee shall be assessed per each issued new sign permit as follows:
- 2. On-premise Signs: \$75.00/each new sign
- 3. Sign Structures: \$75.00/sign + building permit fee

- 4. Off-premise Signs: Conditional Use Permit fee + building permit fee
- 5. Temporary Signs \$ no fee (permit is required)
- Changing the face or copy of an existing conforming sign does not constitute a new sign provided the size and location of the sign does not change.
- Political signs, garage sale signs, and directional signs, as defined in this Section, are exempt from fees.

L. Violations.

1. In addition to the provisions provided in Chapter 1.12 of the Custer Municipal Code, a property owner who is in violation of these sign regulations shall be given notice to correct or to abate the violation and shall be subject to a fine of seventy-five dollars (\$75.00) for each violation if not abated in the time allowed. Each day the violation continues beyond the date of official notice to correct or abate shall be considered a separate violation. Nothing in this ordinance shall be construed as to prevent or limit the City in seeking resolution through any other means provided by law.
2. Any person, firm or entity directly affected by such notice of violation shall have the right to appeal to the City Council, provided that the application is filed with the City Finance Officer within fifteen (15) days of the date of the notice. Appeals shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Failure of any person to file an appeal within the specified time period shall constitute a waiver of the right to an administrative hearing and adjudication of the order or to any portion thereof.

M. Non-conforming, Unsafe and Unlawful Signs.

1. Whenever it shall be determined by the Planning Administrator that any sign or billboard that has been constructed or erected, or is being maintained in violation of the terms of this section, or is unsafe, unsecured or deteriorated,

such sign shall either be made to conform with all sign regulations as provided by this section or shall be removed within thirty (30) calendar days after written notification thereof by the Planning Administrator. Such sign shall be removed at the expense of the owner or lessee thereof.

2. If the Planning Administrator finds that any Billboard or Sign has deteriorated more than 50% (fifty percent) of its replacement value or is not repaired within the time specified in the Notice of Violation, the Planning Administrator shall notify the owner of the sign or billboard and the owner of the real property on which the sign or billboard is located, to remove the sign or billboard from the property at the sign or billboard owners expense within a specified period of time stated on the Notice of Violation.
3. Signs which advertise an activity, business or service which has been discontinued for ninety days (90) or more, must remove the sign within thirty (30) days of the date of notification from the City.
4. Existing nonconforming signs shall constitute nonconforming use. Any lawful use or occupancy of land or premises existing at the time of the adoption of the sign ordinance may be continued, even though the use or occupation does not conform to the provisions of the ordinance. However, if the nonconforming use or occupancy is discontinued for a period of more than one year, any subsequent use or occupancy shall conform with the sign ordinance. (Source: SDCL 11-2-26)
5. Nothing in this section shall prevent the City in taking immediate action to abate any threat to the life, health or safety of the public.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 15th day of June, 2015

City of Custer City

Gary Lipp, Mayor

Attest _____
Laurie Woodward, Finance Officer

(SEAL)

First Reading: June 1, 2015

Second Reading: June 15, 2015

Publication: June 24, 2015

Vote:

Schleining: Yes

Heinrich: Yes

Fischer: Yes

Maciejewski: Yes

Herman: Yes

Kothe: Yes