

Ordinance #24 Revised FOR THE PLACEMENT OF SIGNS AND BILLBOARDS

Revised October 6, 2004
2nd Revision July 6th, 2006
3rd Revision March 3, 2010
4th Revision Revised 9- 2011

Article I. ESTABLISHMENT OF AUTHORITY AND JURISDICTION

Section 1.01 Authority

Meade County's authority to regulate signs, billboards and other advertising structures is specified in South Dakota State Codified Law 31-29-68, 31-29-69 and 31-29-70.

Section 1.02 Purpose

The purpose of this Section shall be to establish effective local regulation of outdoor advertising. It is intended to provide convenience for the traveling public, promotion of locally available facilities, goods, and services, minimize any negative impact on adjacent properties, and preserve the natural aesthetics of the Black Hills area. It is also attempting to pursue a reasonable number of and placement of signs and billboards.

Section 1.03 Jurisdiction

These regulations shall govern all billboards and signs under the jurisdiction of the County of Meade. Billboards and signs governed are hereinafter defined under Article II.

Article II. DEFINITIONS

ABANDONED SIGN/BILLBOARD: Any Billboard or Sign, which for a period of 90 days, is any one of the following:

1. Not properly maintained.
2. Declared unlawful by Meade County.
3. Displays no advertising message or public service announcement.

ADVERTISING: Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended to be used for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea or statement.

AGGREGATE SIGN AREA: The total square footage of all business and outdoor advertising signs on any specific lot.

ALTERATION: Any change of copy, sign face, color, size, shape, illumination, location, construction, or supporting structure of any sign.

ANIMATED SIGN: A sign that uses movement, lighting or special materials to depict action or create a special effect to imitate movement.

AREA IDENTIFICATION SIGN: A sign to identify a common area containing a group of structures, or a single structure on a minimum of five acres, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area. An Area Identification Sign is an On-Premise Business Sign per this ordinance.

ASSOCIATION IDENTIFICATION SIGN: A sign identifying the name of a residential, commercial, educational, industrial complex, or development. Association identification Sign is an On-Premise Business Sign per this Ordinance.

ATTENTION-ATTRACTING DEVICE: Any streamer, pennant, propeller, inflatable sign, tethered balloon,(10 feet in diameter or larger), bunting or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated or still, that is intended to attract attention to the use or business being conducted on the site.

AWNING: A roof-like cover designed and intended to provide protection from the weather or as a decorative embellishment, and which projects from a wall or roof over a window, walk, or door. Awning Sign must maintain a minimum vertical clearance of 9.0' (feet).

BANNER: A sign composed of lightweight material enclosed or unenclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BEACON/SEARCH BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. Limited use, 30 days maximum, must meet all State and Federal Laws for usage.

BENCH SIGN: A sign which is affixed to or painted on a bench not to include memorial dedications in park or recreational areas.

BILLBOARD: A sign usually large, that directs attention to a business, profession, product, service, or entertainment mainly not sold or offered upon the premises where such sign is located.

BUILDING FRONTAGE: That building "elevation" that fronts on a public street.

BUILDING INSPECTOR or BUILDING OFFICIAL: As used in this chapter shall mean a county official (appointed by the Director of Equalization and Planning) to provide for the enforcement of the adopted 2006 International Building and Residential Codes, this ordinance and all other applicable county ordinances.

BUILDING MARKER: Any sign or stone indicating the name of a building date or incidental information about its construction.

BUILDING SIGN: Any sign attached to or constructed against the wall, or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel with the plane of the wall. (See On-Premise Sign for business sign).

BUSINESS/TENANT FRONTAGE: That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

CANOPY: A permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be supported by a building or columns, poles, or braces extending from the ground. A Canopy Sign must maintain a minimum vertical clearance of 9.0' (feet).

CANOPY SIGN: 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. A Canopy must maintain a minimum vertical clearance of 9.0' (feet).

CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed.

CHANNEL LETTERS: Three dimensional individually cut letters or figures, affixed to a structure.

COPY: Words, letters, logos, numbers, figures, symbols, illustrations, or symbolic representations that form a message or otherwise call attention to a business, product service, or activity, or to the sign itself.

CONSTRUCT: To build, create, attach, hang, place, suspend, or affix, and shall include the painting of wall signs.

CONSTRUCTION/DEVELOPMENT SIGNS: on a lot, signs not more than 12 (twelve) square feet in area, stating the names of contractors, engineers or architects, only during the time that construction or development is actively underway.

CONTROLLED ACCESS PRIMARY HIGHWAY: a primary highway of four or more lanes with a raised, sunken, signed, marked, or striped dividing line separating traffic flowing in opposite directions, except at designated points where at-grade crossovers are provided or signs, markers, stripes, or other devices permit crossings. I-90 shall be considered a "controlled access primary highway".

COUNTY: the County of Meade, South Dakota

DIRECTIONAL SIGNS: See Off-Premise Directional Signs

DIRECTORY SIGN: A sign for listing the tenants, occupants, floor plan, addresses or suite numbers of a building, center or residential building complex.

DOUBLE-FACED SIGN: 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.

DRIVE-THROUGH FACILITY: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

ELECTRONIC READER BOARD: 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.

EXPOSED NEON: 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.

FLAG: Any fabric containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or private entity.

FLASHING SIGN: An illuminated sign on which artificial light is not maintained stationary and/or constant in intensity and color.

FREESTANDING SIGN: A sign which is supported by one or more uprights, poles, or braces in or upon the ground.

FRONTAGE ROAD: A roadway with an alignment adjacent to and generally parallel with a limited access highway whose purpose is to serve commercial, institutional, industrial or typically medium- to high-density residential use.

FRONTAGE, STREET: The length of a lot line that abuts public street right-of-way.

FUTURE TENANT SIGN: A temporary sign that identifies the names of future businesses.

GARAGE/YARD SALE: A private sale of personal property used to dispose of personal household possessions; not for the use of any commercial venture.

GOVERNING BOARD: Meade County Board of Commissioners

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

INFORMATIONAL SIGN: A sign with a purpose secondary to the use of the lot on which it is located that provides directives and/or identifying messages.

ILLUMINATED SIGN: A sign where artificial light projects from within or onto the sign copy. 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. Exterior illumination is a light source that is visible exterior to the sign.

INFLATABLE DEVICE: An object that is inflated with air or gas.

LOT: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

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

MARQUEE: A hood or permanent construction that projects from the wall of a building, usually above the entrance.

MARQUEE SIGN: 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 9.0' (feet).

MEADE COUNTY GOVERNING BOARD: the Meade County Board of Commissioners (Governing Board) to interpret and administer the procedures and principles of this ordinance.

MULTIPLE-TENANT BUILDING: A development consisting of two (2) or more separate uses or tenancies that share either the same lot or structure and use common access and/or parking facilities.

MULTI-FACED: A two-sided sign which is the same on both sides. The single structural component is counted as one sign.

MONUMENT SIGN: 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. Monument sign bases include material consistent with the principle structure, including brick, block, and concrete, but excluding metal.

NATURAL ATTRACTION SCENIC BEAUTY OR HISTORICAL INTEREST AREAS: Those designated areas approved by the Meade County Governing Board as areas of scenic beauty or historical interest on which no billboards shall be allowed. This applies to locally controlled roads in or near the Black Hills and other areas designated by the Governing Board. Selected areas shall be identified and listed by either name, legal description or a map attached to or amended to this ordinance or passed by resolution by the Governing Board of County Commissioners. Advocates for the proposed areas to be considered must make an evidentiary presentation entered into the record of the Commissioner's minutes listing such salient facts as to why an area should be protected by this ordinance and listed as either "scenic beauty", "natural attraction" or of "historical interest".

This section does not apply to South Dakota State Highways or Roads and commercial lots with an approved On-Premise Sign. Commercially platted lots within scenic or historical areas may have an On-Premise Sign advertising goods or services available on that commercial lot, if the On-Premise Sign is approved. On-Premise Highway Access Signs (signs greater than 64 square feet) are prohibited in these areas.

NONCONFORMING SIGN OR BILLBOARD: A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

OFF-PREMISE DIRECTIONAL SIGN: a sign, including the supporting sign structure, which is visible from the street or highway and directs the public to a place of business which is not located on the premises and/or property upon which the sign is located. Messages on a directional sign shall be limited to the proper name of the site, logo and the mileage or distance, route numbers, and exit numbers. Sign blade and copy size shall meet the MUTCD (The FHWA-DOT Manual on Uniform Traffic Control Devices) standards that are set forth within this ordinance.

The following shall not be considered an off-premise sign for the purposes of this ordinance:

1. Direction or official signs authorized by law or ordinance;
2. Real Estate or yard/garage sale signs;
3. On-Premise signs.

ON-PREMISE SIGN: a sign that advertises goods or services available at the site of a business. On-Premise sign size can be a maximum of 64 sq/ft.

ON-PREMISE HIGHWAY ACCESS SIGNS: a sign greater than 64 sq/ft used as an On-Premise business sign for a business and placed on a property owned by the same individual(s) located off of an Interstate or State Highway or off of a service road thereof which must meet the requirements of this ordinance.

PARAPET WALL: The vertical extension of the exterior building wall above the plate line.

PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

PLANNING OFFICIAL: also known as the Equalization and Planning Director and his/her assignees, and/or other appointed or designated authorities charged with the administration and enforcement of this ordinance.

POLE SIGN: 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.

POLITICAL SIGN: A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

PORTABLE SIGN: A sign designed to be movable from one place to another, which is not affixed to the ground or structure; also called a "mobile sign."

PROJECTING SIGN: A sign which is affixed to a wall of a building and extends outward from the building wall with a minimum vertical clearance on 9.0' (feet).

PROJECT IDENTIFICATION SIGN: A temporary non-illuminated sign placed on a site during construction or remodeling, which identifies the development, contractor, builder, developer, and/or financial institution for the development. Similar to Construction Development Signs.

PROPERTY FRONTAGE: The side of a lot or development site abutting on any public street.

REAL ESTATE SIGN: A sign offering property (land and/or buildings) for sale, lease, or rent, (16 sq/ft or less).

REAL ESTATE SIGN BOARD: A real estate sign on a board greater than five square feet but not exceeding thirty-two square feet in area.

REPAIR: The replacement of metal or wood cabinets, structural faces, supporting structural members, primary uprights, posts and poles, or the sign in its entirety.

RESIDENTIAL AREA: a subdivision of 5 or more existing homes where people live; or where there are 10 or more buildable platted lots.

RIGHT-OF-WAY/EASEMENT: The land opened, reserved or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

ROOF SIGN: A sign erected or attached in whole or in part upon the roof of a building.

RURAL COMMUNITY: "Rural Community" is an established unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, public or agricultural uses and is at least 6 miles from Interstate 90 within Meade County, including the City of Faith.

SEMI-TRAILER SIGNS: Semi-Trailer units that are used as a sign, (sign with axels), can only be used as a temporary sign only and must meet the definition of a temporary sign.

SERVICE SIGN: Signs identifying parking and handicapped parking, restrooms, public telephone facilities, first aid stations, fallout shelters, and other similar public service facilities.

SETBACK: The minimum horizontal distance between the line of the building or structure (excluding steps, unroofed porches and overhangs) and the property line (unless specifically designated otherwise).

SIGNS OR BILLBOARDS: Any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed

or situated merchandise, or any emblem, painting, banner, pennant, place card or temporary sign designed to advise, identify, or convey information, with exceptions of window displays.

SIGNS DEFINITIONS:

1. Back-to-Back Sign: an off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.
2. Billboards placed on two (2) lane roads within Meade County shall not exceed 240 square feet in surface area and shall not be placed greater than 25' (feet) in height, from the road surface. Billboards placed off of a four (4) lane highway or a Controlled Access Primary Highway such as I-90 shall not exceed 480 square feet in surface area.
3. Double Faced Sign: an off-premise sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
4. Electronic Reader Boards or Animated Signs which have moving characters or figures and that do not give a static message for a minimum of 6 seconds, shall not be allowed off of a four (4) lane highway or a Controlled Access Primary Highway such as I-90.
5. Facing: that portion of a sign upon which advertising is affixed or painted and visible in one direction at one time.
6. Freestanding Sign: a sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.
7. Multiple-faced sign: a sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not to exceed two (2) seconds.
8. Off-Premise Directional Signs must follow Section 3.03 and are for direction to business locations only.
9. Official Sign: a sign erected by a government agency or its designee, setting forth information pursuant to law and/or ordinance.

10. Real Estate Sign: a sign which advertises the sale or lease of the property upon which the sign is located.
11. Roof Mounted Sign: An On-Premise sign erected upon, against, or directly above the roof of a commercially classed or industrial building, or on top of or above a parapet of such structure.
12. V Type Sign: a sign structure which consists of multiple sign facing placed at angles to each other, oriented in different directions and not exceeding ten (10) feet apart at the nearest point to each other.
13. Wall Sign: a sign attached to the wall of a building or structure.
14. On-Premise store-front sign: a sign attached the store-front of a commercial building advertising that business located within.
15. Temporary Signs: Signs and sign structure that is 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. Temporary signs must be placed, built, erected, or moved on to site location in such a manner as to be easily removed. Temporary signs are only allowed 30 days prior to any lawful event and must be removed from premise within 10 day of conclusion of the event,

BILLBOARD LOT: An approved platted lot for the placement of a billboard. Such lot shall be an industrial or commercial classed property and a platted lot of one (1) acre or greater in size and have a depth of greater than two hundred (200) linear feet and a width greater than two hundred (200) linear feet. The lot configuration is to be as such as to create a lot that is 43,560 square feet or greater in size. The Meade County Planning Official shall have the authority to determine what a proper lot configuration is. Billboards within 1,500' feet of a Rural Community may have a described lease area of one (1) acre in lieu of a platted lot.

SIGN/BILLOARD LOCTION: an exact location of the billboard by means of either platted lot specified as such, or a GPS location in the NAD 1983 South Dakota State Plane map datum format or other Meade County approved map datum.

TIME AND TEMPERATURE UNIT: A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

VEHICLE SIGN: A sign placed, painted, attached, or displayed on a vehicle advertising a company, store, or service.

WINDOW SIGN: 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.

Article III. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

Section 3.01 GENERAL

Where advertising signs are permitted, all applicable local, state and federal regulations shall apply.

Section 3.02 BILLBOARDS

- 1) Billboards may only be placed on approved Sign/Billboard platted lots which meet the requirements of this ordinance.
- 2) Billboards may be placed anywhere on the entire legal description of an approved sign/billboard lot as long as setbacks, sign spacing, sign density and other pertinent restrictions are met. No billboard may be erected or placed closer than 1,500 (one thousand five hundred) foot radius from any residential areas or dwelling lots.
- 3) All illuminated billboards shall be equipped with lighting fixtures designed and mounted in such a manner to only illuminate the billboard face. At no time shall the light source be allowed to shine or reflect into or on any residential dwellings within 250 (two hundred and fifty) feet of any billboard. Illuminated billboards located in Meade County, except for along a Controlled Access Primary Highway (I-90), must have all illumination (lights) shut off at midnight and remain off until the next evening. All effort must be made to avoid illuminating the ground, other objects, and the sky, and must not adversely impact adjacent properties or streets.
- 4) No billboard shall be erected to exceed an industry standard billboard size as determined by the improved Federal, State, or County roadway within the adjoining Right of Way.
 - A. A Controlled Access Primary Highway (I-90) and other roads in Meade County may have billboards with a maximum of 14 (fourteen) feet in height and a maximum of 40 (forty) feet in width, with an overall height not to exceed 35 (thirty-five) feet (from the nearest road surface). This

will be referred to as "bulletin size". (480 sq/ft). Billboards proposed off of a Controlled Access Primary Highway or any State or Local Roads, must by South Dakota Department of Transportation and be approved by the Governing Board.

B. Billboard type roof signs shall not be permitted.

5) Any outdoor advertising structure shall be placed or erected in conformity with the side and rear yard setback requirements for structures in which such billboard are to be located. However, no billboard structure of any type shall be constructed, placed or erected at or near any intersection such that it would violate a 25 (twenty-five) foot sight triangle at intersections or within a 25 foot setback from a public right-of-way or section line right-of-way of any road within Meade County.

6) Any outdoor advertising structure or business sign shall be placed or erected in conformity with the side and rear yard setback requirements for structures in which such sign is to be located. There shall be no minimum front yard setback requirement for business signs. However, no sign structure of any type shall be constructed, placed or erected at or near any intersection such that it would violate a 25 (twenty-five) foot sight triangle at intersections or within a 25 foot setback from a public right-of-way of any county road.

7) Billboard density for 4 lane roads or highways and controlled access primary highways shall be set at a minimum of 1,500' (one thousand five hundred) foot radius of separation between billboards or billboard structures per each side of road. Measurements from sign face to sign face will be calculated along the nearest edge of the road surface between points directly opposite the center of the signs along each side of the road. Any billboard constructed within 1,500' (one thousand five hundred) foot radius of a nearby sign will be deemed in violation of this ordinance and shall be removed as per Article V- Penalties, Remedies, Appeals & Variances

8) Billboard density for two (2) lane roads located in Meade County shall be set at a minimum of 1,200' (one thousand two-hundred feet), of separation between billboards or billboard structures per each side of road. Measurements from sign face to sign face will be calculated along the nearest edge of the road surface between points directly opposite the center of the signs along each side of the road. Billboards that are placed within 1,500' (one thousand five hundred feet), of a Rural Community may be spaced at 750' (seven hundred and fifty feet), sign face to sign face.

(a) Construction of Billboards

Billboards shall be securely built, constructed at a depth below ground to ensure the billboard and structure can withstand 125% of the Maximum Wind Load in the area the Billboard is placed. Materials used for the construction of the billboard signage shall be

of quality material and grade and must be built in accordance with Meade County's adoption of the 2006 International Building Code. Billboard Support Structures must be constructed of quality steel and in accordance with the 2006 International Building Code.

(b) Billboard Inventory

Meade County Equalization and Planning will conduct a Billboard Inventory. It shall be the responsibility of each billboard owner to provide Meade County Equalization and Planning a good faith estimate of the actual value of the billboard including GPS location coordinates if available when requested by the Planning Official.

(c) Application

Application for an on or Off-Premise sign or billboard permit shall be made in writing with forms furnished by the Meade County Planning Office.

Application requirements for billboards

No permit for a billboard shall be issued unless the applicant has obtained approval for each billboard from the Meade County Board of Commissioners. The following information shall be provided to the county:

- 1) Name and address of owner of the billboard and contractor;
- 2) Name and address of owner or the person in possession of the premises where the billboard is located or to be located;
- 3) Signature of property owner giving permission or a copy of current lease allowing billboards,
- 4) Clear and legible drawings to scale with description, showing precise location of the billboard which is the subject of the permit and all other signs whose construction would require permits;
- 5) Site plan of premises, including the 1,500 foot radius (One thousand Five Hundred) foot radii of surrounding property labeled with ownership,
- 6) Evidence of return receipt of certified mail of property owners within 1,500 (One thousand Five Hundred) foot radii of legal description of property applied for billboard,
- 7) Other such data and information deemed necessary by the Meade County Planning Official,
- 8) GPS coordinates for the proposed billboard.

(d) Mail Notification to Adjoining Property Owners and Official Newspaper Publication

Written notification shall be mailed 14 (fourteen) calendar days prior to the Governing Board hearing scheduled to review the application for all new billboards.

The applicant shall notify all property owners within 1,500 (One Thousand Five Hundred) foot radius of the legal description of property requesting the permit. Those real property owners shall, by virtue of this ordinance, be considered an interested party in the billboard application. The written notification to the area land owners shall be reviewed and approved by the Meade County Planning Official prior to being mailed. The notification shall be mailed by certified mail with return receipt requested. The notification shall include;

1. Legal description and/or the legal business name of the proposed sign/billboard location,
2. Names, addresses, and phone numbers of sign owners and the owners of the premises where the sign/billboard is to be located,
3. Time and location of the public hearing to review the application for approval
4. Proof of notification must be presented to the Governing Board prior to any board action
5. The applicant must also publish in two (2) official newspapers within Meade County a notification of the Public Hearing before the Governing Board which must state the date and time of the hearing, the location of the proposed billboard along with the sign face size and height of the billboard along with providing a contact name and phone number 10 days in advance of the scheduled public hearing.

(e) Governing Board Hearing on all Billboard Applications

The Governing Board shall hear all applications for billboard permits during a regular public meeting. The applicant shall bring a copy of the application, proof of mailings, and copies of official county newspapers showing dates of published notification. The Governing Board shall consider all things pertinent. If the Governing Board renders an approval of the application, the Planning Official shall issue the necessary permits within 30 working days. (All other signs will also be approved within 30 days of receipt of completed application to the Meade County Planning Official).

(f) Billboard Inspections

All billboards may be inspected annually or when deemed necessary by a Meade County Planning Official or a duly appointed agent thereof. The annual inspection fee may be set by the Meade County Commission by Resolution. Inspections will determine if proper maintenance has been done, or determine what changes or modifications are necessary to remain compliant to this ordinance.

Items found out of compliance shall be repaired, replaced, or removed as determined by the Meade County Planning Official within in 30 (thirty) days of written

notification. Determination of the Planning Official may be appealed as outlined in Section 5.03 Appeal Process

(g) Routine Maintenance, Modifications and Alterations

- 1) The Planning Official shall make a determination, based on the information contained within this section, as to which changes and modifications shall be considered either "routine maintenance" or "substantial alteration".
- 2) The following shall be considered routine* sign maintenance:
 - A. Changing advertising message
 - B. Replacing light bulbs
 - C. Painting structures
 - D. Replacing broken or rotted lumber
 - E. Spot welding
 - F. Replacing loose or worn wiring

NOTE: Routine maintenance may not exceed more than 50% of sign cost or 50% of sign structure.

- 3) The following shall be considered substantial alteration or modification or otherwise non-routine maintenance:
 - A. More than 50% of the sign altered or modified
 - B. The cost of alteration or modification exceeds 50% of the sign cost
 - C. Increasing the sign face display area over 10% of original size
 - D. New additional components
 - E. A nonconforming sign or billboard which has been blown down, removed or otherwise destroyed or where 60% of the sign face and structure of the billboard has been damaged by wind, fire or other damages from any other source and/or if the estimated cost of reconstruction exceeds 50% of the appraised full fair market value, (full fair market value to be determined by Meade County Building Inspector with the Meade County Director of Equalization), must be removed
 - F. and a new application must be made for a new conforming sign or billboard and must meet the complete requirements of this ordinance.

(h) Exceptions for the downsizing of height, width, or number of billboards/signs

Meade County recognizes that there are many older or aging billboards and signs which were installed before the enactment of this Ordinance. The Governing Board may depart from the current rules and regulations of this Ordinance if the best interest of the public is served by doing so. The net result of enacting this departure must drastically be in the favor of Meade County and all other provisions of this

ordinance must be strictly adhered to. The following factors must be considered for departure:

- 1) The total net size of the sign/billboard face is substantially reduced (greater than 10%).
- 2) The total height of the sign/billboard is substantially reduced.
- 3) The total number of signs or billboards is reduced.
- 4) All permits, applications and fees are current.

Note: This section is intended to entice the billboard owners to improve sign quality by upgrading and substantially improving the structure by offering to remove, reduce, or downsizing other existing billboards or signs.

Section 3.03 OFF-PREMISE DIRECTIONAL SIGNS

Off-Premise Directional Signs: The following off-premise sign is the only type permitted and requires a sign permit. Off-Premise Directional Signs shall conform to the Tourist Oriented Business Sign sections of MUTCD (The FHWA-DOT Manual on Uniform Traffic Control Devices), and other applicable provisions of this ordinance. All off-premise directional signs will be ordered by and installed by the Meade County Highway Department. Businesses who desire an Off-Premise Directional Sign must:

1. Complete an application and pay an application fee to be set by the Commission by Resolution—for the installation of each of the signs. The sign structure may contain up to four (4) individual signs for various businesses. One sign is permitted per business per sign structure. Signs will state the name of the business with the direction, logos will be permitted; the first week of January and June, Meade County will publish the size and locations of the sign(s) that are available within the County. New signs will be installed within that 6 month period.
2. Must be approved by the Planning Official and the Highway Superintendent;
3. Not more than two (2) off-premise directional signs shall contain directions to the same location from each of two different directions;
4. Upon installation, the applicant shall be responsible to pay a fee set by the Commission by Resolution for any sign replacement of their Off-Premise Directional sign if it is significantly damaged (as determined by the Meade County Highway Department) or stolen. Replacement of the sign will be completed by Meade County Highway Department in accordance with their schedule;

5. If deemed necessary the County may implement an Annual Maintenance Fee which is set by Resolution by the Meade County Commission per sign which must be paid to Meade County or the sign will be removed.
6. Off-Premise Directional signs only apply to County Road right-of-ways and not South Dakota DOT right-of-ways.
7. Municipalities may have an off-premise monument type directional sign of 150 square feet of sign face or less, which must be spaced a minimum of 500' feet from an existing billboard, to be approved by the Planning Official.

Signs Exempt from this Off-Premises Sign

1. Regulatory signs installed by Meade County Highway Department or the South Dakota Department of Transportation.
2. Warning or danger signs.
3. Signs on vehicles indicating the name of a business, when the vehicle is not intended to be used for a display of signs.
4. Off-Premise Yard/garage sale governmental directional signs and Off-Premise real estate directional signs.

Section 3.04 ON-PREMISE SIGNS

- 1) No permit for an On-Premise sign shall be issued unless the applicant has obtained approval for each advertising sign from the Meade County Planning Official. The following information shall be provided to the county:
 - A. Name and address of the contractor;
 - B. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
 - C. Clear and legible drawings to scale with description, showing precise location of the sign which is the subject of the permit and all other signs whose construction would require permits;
 - D. Other such data and information deemed necessary by the Meade County Planning Official.

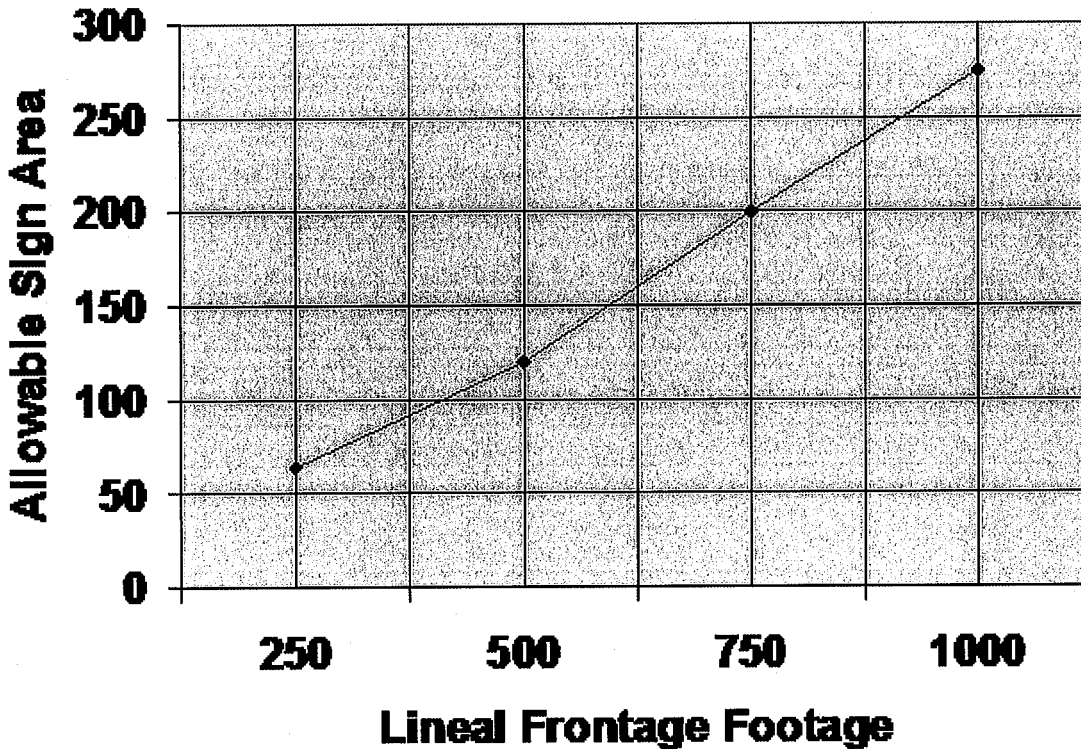
On-Premise Business Signs shall be 64 square feet unless the subject property is located off of Interstate 90, or all State Highways or a service road thereof and New Underwood Road. On-Premise Signs off of the aforementioned Highways must use Figure 1 to determine the allowable sign face. Figure 1 can not be used however, in deemed Highway Beautification Areas Natural Attraction, Scenic Beauty or Historical Interest Areas designated within the County.

- 2) Marquee signs and Flashing Signs will require a site map of the proposed location and a picture or graphic of what the sign will look like must be submitted. Time and Temperature Signs are included in this sub-section. Additional requirements may apply at the discretion of the Meade County Planning Official. Electronic Reader Boards or Animated Signs, which have moving characters or figures, and that do not give a static message for a minimum of 6 seconds, shall not be allowed off of a four (4) lane highway or a controlled access primary highway such as I-90.
- 3) Awning or Canopy Signs may be used as an On-Premise Business sign and may be used as a Home Business Sign with pre-approval of the Meade County Planning Official.
- 4) Bench Signs must have the approval of the Meade County Planning Official.
- 5) Changeable Copy Signs or signs with Channel Letters will be considered as an On-Premise Business Sign.
- 6) Strip Malls or Strip Centers may have an On-Premise Business Sign collective for all of the businesses within the Strip Mall or Center. Each business may have a wall sign, canopy or awning sign however each sign for each business will be considered a separate sign unit as an On-Premise Business Sign.
- 7) Electronic Reader Board Signs and Animated Signs that use movement, lighting or special materials to depict action or create special effects to imitate movement must be pre-approved by the Meade County Planning Official. Complete details of the sign including a graphic representation of the sign, a sight map must be submitted and will also require the approval of the Meade County Governing Board. Electronic Reader Boards or Animated Signs, which have moving characters or figures, and that do not give a static message for a minimum of 6 seconds, shall not be allowed off of a four (4) lane highway or a controlled access primary highway such as I-90. All Electronic Reader Board Signs must be 250' (feet) from a residence in any direction.

- 8) Large Air Balloons 10' (feet) in diameter or greater, Zeppelins or Beacon/Search Beacons which may be used for special events will require the approval of the Meade County Governing Board.
- 9) Attention-Attracting Devices used for On-Premise businesses such as, Building Markers, Directory Signs, Flags, Hazardous Signs, Parking Signs, Pennants, Street Signs, Service Signs, Vehicle Signs, and also Temporary Grand Opening Signs and Temporary Future Tenant Signs, Window Signs less than 33 square feet will not require a permit.
- 10) Small home based business signs, not to exceed 3 sq/ft in a High or Modified Density subdivision; not to exceed 5 sq/ft in a Medium Density Subdivision; and not to exceed 8 sq/ft in a Rural Density Subdivision

FIGURE 1

Allowable Sign Area off of a State Highway



Allowable sign Height for On-Premise signs off of an Interstate State Highway or roads shall not exceed 18' (feet) in height measured from the road surface where the sign is

located, to the top of the sign or structure; whatever is less and proposed signs must also be reviewed by the South Dakota Department of Transportation.

Section 3.05 Natural Attraction, Scenic Beauty or Historical Interest Areas

1. No billboard shall be located in any area designated by the governing board as one of Natural Attraction, Scenic Beauty or Historical Interest. Exemption on Natural Attraction, Scenic Beauty or Historic Interest areas is for County official.

2. Natural Attraction, Scenic Beauty, or Historical Interest areas shall be approved by the governing board and listed or illustrated by an attached map and/or described by common name. This registry, list, or map may be reviewed at any time by the governing board at which time areas under review may be added to or deleted from the Natural Attraction, Scenic Beauty or Historical Interest areas designation.

Article IV. Billboard and Signage Fees

One time application fee per permit shall be regulated by County Commissioners and will be set by Resolution for each type of sign and may be adjusted annually or when deemed appropriate. The applications fees shall apply to the following sign applications:

- a. On-Premise
- b. Electronic Reader Board or Animation Signs
- c. Billboards - Standard
- d. Billboards within 1500 feet of a Rural Community
- e. Off-Premise Directional Signs-initially and for replacement signs
- f. Annual Maintenance fee per Off-Premise Directional Sign
- g. Beacon or Search Beacon (Temporary Use)
- h. Temporary Signs greater than 33sq/ft and less than 64 sq./ft.
- i. Temporary Signs greater than 64 sq/ft.
- j. Unauthorized erection of a sign will be two (2) times the cost listed above for the applicable sign.

Note: Temporary political or campaign signs, real estate signs (16 sq/ft or less), Ag residence, and rural residence locator signs, yard or garage sale are exempt from fees.

Article V. Penalties, Remedies, Appeals & Variances

Section 5.01 SIGNS PROHIBITED

1. Any non-governmental sign which resemble a public safety warning or traffic sign.
2. Signs, whether temporary or permanent, within any street or highway right-of-way, with the exception of those signs approved by the government with road maintenance responsibility
3. Any sign which obstructs ingress or egress, creates an unsafe distraction for motorists, or obstructs the view of motorists entering a public road, street or highway.
4. Signs located on or attached to the roof of a structure.
5. Signs which are erected or maintained upon trees or painted or drawn upon rocks, other natural features, buildings, tanks abandoned vehicles, concrete flat work or lawns.
6. Off-premise advertising signs except for approved billboards

Section 5.02 PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

1. The provisions of this ordinance shall be administered and enforced by a County Ordinance Enforcement Officer appointed by the Meade County Board of County Commissioners, who shall have the power to make inspections of signs or billboards or premises necessary to carry out his duties in enforcement of the ordinance.
2. The County Ordinance Enforcement Officer shall have the power to appoint deputies to assist in his duties, such deputies to be approved by the Meade County Board of County Commissioners;
3. The County Ordinance Enforcement Officer, and any deputies appointed, shall have authority to issue an ordinance violation notice (ticket) which shall specify, in addition to other information as discretion of such officer, the following
 - A. the date of violation;
 - B. the nature of violation;
 - C. the amount of penalty or fine associated with the violation;

- D. the date the individual is required to appear in court unless the designated fine is paid prior thereto; and
 - E. the signature, or noted refusal to sign, of the violator.
4. An ordinance violation notice issues under authority of this ordinance shall be enforced as a civil proceeding before a magistrate court.
 5. Violations of this ordinance may also be subject to an action for injunctive relief brought by Meade County and signs erected or maintained in violation of this Ordinance are declared unlawful.
 6. In addition to the criminal penalty set forth above, the Governing Board may immediately suspend all of the building permits for sign placement which do not meet the requirements of the Meade County Ordinance which were in force at the time the application was made and approved. If a suspension occurs, the reasons for such suspension shall be clearly stated by the Governing Board.

Section 5.03 APPEAL PROCESS

Any person having a grievance concerning a approval or denial of a sign permit may appeal a determination of the Planning Official made pursuant to this ordinance, by filing a written notice of appeal to the Governing Board within fourteen days of receipt of the notice. Failure by any person to appeal the notice and order within that time period shall constitute a waiver of right to further appeal.

Section 5.04 VARIANCES

The County Commission shall have the authority to give a Variance. The person claiming the Variance has the burden of showing: That the granting of the Variance will not be contrary to the public interest;

- 1) That the literal enforcement of the Ordinance will result in unnecessary hardship;
- 2) That by granting the Variance contrary to the provisions of the Ordinance the spirit of the ordinance will be observed; and
- 3) That by granting the Variance, substantial justice will be done;

a. Application Required

1. Applications for any such variance shall be submitted in writing by the applicant 30 days before the consideration

by the Commission/ stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed variance.

b. Fee

1. Applicants shall pay a fee which shall be set forth by Resolution by the Commission ~~\$150.00~~ for each variance application when the application is submitted to the Equalization & Planning Department.

c. Notification

1. Proper Notification for variances has been given to all impacted landowners and adjacent landowners or landowners within 1,000' (feet). It shall be the responsibility of the applicant to notify by certified mail with return receipts requested, 14 calendar days before the Commissioners Meeting all impacted and adjacent landowners as to the scope of the variance and the date and time the Commission will review the variance application. Meade County Equalization & Planning Department may assist in producing the list of adjacent landowners, but the accuracy and cost shall be the responsibility of the applicant. A copy of such notification letter shall be reviewed and approved by one of the Planning Staff prior to mailing.

Article VI. SEVERABILITY AND SEPARABILITY

Section 6.01 SEVERABILITY AND SEPARABILITY

Should any Article, Section, Sub-section or Provision of these Billboard or Sign Placement Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional. Any portion of this ordinance stricken by a court of competent jurisdiction shall be immediately regarded as having been modified in accordance with any limitations imposed by the court.

Section 6.02 FIRST AMENDMENT PROTECTION

Any sign display or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct

attention to a business operated for profit, or a commodity or service for sale, and that complies with all other requirements of this ordinance.

Article VII. EFFECTIVE DATE

The revision of Billboards and Signs Ordinance No. 24 shall take effect and be in force from and after 20 days from the date of completed publication. Billboard and sign regulations heretofore adopted are hereby repealed. Adopted this 6th day of September, 2011.

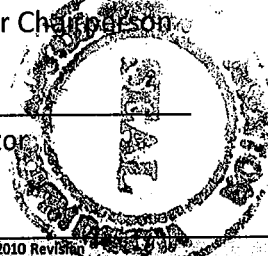
- (i) Dated at Sturgis, South Dakota, this 6th day of September, 2011.

Chairman of the Board: _____

Alan Aker – Commissioner Chairman

Attested: _____

Lisa Schieffer, Meade County Auditor



First Revision: October 6th, 2004
Second Revision: July 6th, 2006
First Reading: June 8th, 2006
Second Reading: July 6th, 2006
Adopted: July 6th, 2006
Effective Date: July 26th, 2006

2011 Revision:
First Reading: August 2nd, 2011
Second Reading: September 6th, 2011
Adoption Date: September 6th, 2011
Published Date: *Sept 14 2011*
Effective Date: *Oct 11*

2010 Revision:
First Reading: February 3, 2010
Second Reading: March 3, 2010
Adopted: March 3, 2010
Published: March 10 & 17, 2010
Effective Date: April 6, 2010