

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 5:00 p.m. on Monday, April 17, 2017 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson (arrives at 5:19pm), Mike Bachand, Rod Bradley, Rhea Crane, Tony Dargatz, Steve Keszler, David Martinson and Ronald Waterland. Also present: City Attorney Greg Barnier. Absent: None.

Motion by Bradley, second by Keszler and carried with all members present voting yes to approve the agenda with the adjustment of moving executive session to the end of the meeting.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Martinson, second by Waterland and carried with all members present voting yes to approve first reading of Ordinance 2017-03 – Title 26 – Establishment of Business Improvement Districts, Hotel Occupancy Tax.

Announcements:

- The City Wide Garage Sale will be on April 29th. Contact the Chamber of Commerce for more information.
- The week of April 24-28 the City will have inmates cleaning the exits and other areas in town.
- Spring cleanup for the City will be May 1-5.
- Mayor Carstensen participated in the Relay for Life and Sturgis received 1st place for donating the most money.
- Thanks goes out to Rushmore Office Supply for organizing donation boxes to be placed at the following businesses: Rushmore Office Supply, Kwik Mart (Junction), Sturgis Liquor, and Sturgis Animal Shelter. Thanks goes out to all the citizens that donated cash for the Sturgis Animal Shelter (\$2,373.28) and the Volunteer Fire Department (\$395.18).
- Thanks goes out to the National Honor Society for painting the fire hydrants.

Informational Reports:

- Planning Commission – 4/4/17 minutes
- Library Board – 3/29/17 minutes

City Manager Ainslie reported:

- Budget Update – this will be done on May 1st Council meeting.
- Payroll Changes – within budget:
Ambulance Dept – Advanced EMT – Jameson Tebben - \$8.65 (\$15 after orientation)

Motion by Crane, second by Keszler and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consideration to approve the minutes from the April 3, 2017 regular council meeting.
- b. Consideration to approve Resolution 2017-17 – Surplus Property

RESOLUTION 2017-17 A RESOLUTION DECLARING PROPERTY SURPLUS

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described below is hereby declared surplus and to be disposed of as

described by SDCL 23A-37-13 and 23A-37-10. It is being advisable and in the best interest of the City to sell/trade/dispose of such personal property.

Water Division

1986 Chevy Dump Truck- VIN #1GBM7D1Y3GV112897

(2) Vertical Lockers

(1) 100 Gallon Poly Fluoride Tank

Various Scrap Iron (old Fire Hydrants, Meter Bodies ect) will be taken to Recyclers by staff.

Streets Division

1968 Flaherty Chip Spreader

1967 Ford F600 Truck with Roscoe Distributor- VIN# F61ECB54044

1972 Chevy Shop Van- VIN# CPE252F188347

(2) Mag Water Tanks- Serial #'s 4715 and 3272

Parks Division

1988 Chevy S-10 pickup-VIN# 1GCCS14E5J8155908

1979 Ford Pickup-VIN# F10BPFB2590

John Deere Snow blower Attachment VIN# MO47SBP040097

1984 John Deere Tractor with loader- VIN# T0300BE703738

1978 Dodge Dump Truck VIN# D61FN55003596

1984 Chevy Dump Truck VIN #1GBL7D1B8EV118408

HP Officejet Pro 8600 Premium Printer/Fax/Scanner/Copier

Serial number: CN3AAEXGT1

Police

2000 Ford Crown Victoria VIN#: 1FAFP71W0YX201126

Finance

Two calculators

First Data Credit card machine (Community Center)

Library

Gateway monitor EV700

Gateway monitor EV700

Gateway monitor EV700

HP Compaq computer tower

HP Compaq computer tower

Gateway computer tower

HP laptop computer

HP laptop computer

HP laptop computer

HP LaserJet 1200 series printer

Natural keyboard elite

IBM typewriter

Blue office chair

Gray office chair

HP DeskJet 940C printer

Gateway speakers

Gateway speakers

Cables & cords

HP ScanJet 3300C scanner

HP DeskJet 932C printer

HP psc 750 printer/scanner/copier

Visioneer OneTouch 7600 usb scanner
TV stand base
HP PSC 1610 All-in-One printer/scanner/copier
Monitor base
Monitor base
HP Fax
Proxim RangeLAN2 Ethernet router
Blue cable
HP DeskJet 812C printer
HP Photosmart C5180 All-in-One printer/scanner/copier
IBM typewriter ribbon
Lexmark Z705 printer
Lexmark X125 fax
VideoEye! Video magnification system with ColorTrak Plus stereo monitor pip TV
Canon MX922 printer/copier/scanner/fax
Gateway laptop
ScanJet 5300C scanner
HP ScanJet 5100C scanner
6 pairs of PC speakers
10 various keyboards
Gateway manuals and software
Wall phone booth
 HP JetDirect 175x
 HP JetDirect 175x
 HP JetDirect 175x
 HP JetDirect 175x

Miscellaneous

Aluminum traffic boxes – 44” W x 55” H x 27” D X 2 and 30” W x 49” H x 17” D x 3
Gabron baskets – 4’ x 6’ x 30+
Diesel Fuel tank with pump - 1
Cenex fuel pumps - 2
10’ pipe vents for gas or diesel tanks – 5
10’ long x 8’ wide truck bed
Hydraulic lift for truck bed
300’ of orange jetter hose
210 Cable – feet unknown – 100+
Pipe stands and 36” H + base is 16” x 16” – 4
Wire cable – 2 wooden spools 3/8 m cable; 1 metal spool with 3/8 m cable; 1/2 m cable with no
 spool; 3/4 m cable with no spool
Tailgates for Dump truck – 1@ 85” W x 30” H; 1@ 85” W x 47” H
Old flume covers – 27 1/2” x 3’ – 3 pieces; 27 1/2” x 20” -5 pieces
ViewSonic 19’ Computer Monitor

Dated this 17th day of April 2017.

Published: 04-26-2017

Effective: 05-17-2017

- c. Consideration to approve Engagement Letter with Dorsey for a State Revolving Loan Fund
- d. Consideration to approve the Land Transfer Agreement between Meade School District and the City of Sturgis
- e. Consideration to approve Resolution 2017-19 – Plat of Lot 4 Revised and Lot 9 Revised, Block B of Ash's Extension for Dale & Victoria Sherman

**RESOLUTION 2017-19
RESOLUTION APPROVING PLAT**

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Dale and Victoria Sherman:

Plat of Lot 4 Revised and Lot 9 Revised, Block B of Ash's Extension.
Formerly Lots 4 thru 6 and Lots 7 thru 9, Block B of Ash's Extension.
Located in the SE ¼ of the NW ¼ of the NW ¼ of Section 9, Township 5
North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade
County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 17th day of April 2017.

Published: 04-26-2017
Effective: 05-17-2017

- f. Consideration to approve Resolution 2017-20 - Wildfire Awareness Month

**RESOLUTION 2017-20
A RESOLUTION SUPPORTING WILDFIRE AWARENESS MONTH**

WHEREAS, the City of Sturgis Common Council is charged with protecting the health and safety of the citizens of Sturgis, including all property situated therein; and

WHEREAS, wildfires threaten the environmental, economic, and social well-being of Sturgis residents while challenging firefighter's efforts to protect life and property; and

WHEREAS, the City of Sturgis Common Council has determined that in the interest of public health and safety; and

WHEREAS, wildfire suppression costs represent only a small portion of overall economic impacts and do not reflect the total cost of catastrophic fires; and

WHEREAS, residents have the responsibility to recognize the high risk of wildfire and institute safe and early evacuation plans, increase their home's resistance to wildfire, and create fire adapted communities to increase the safety and survivability of the public and emergency personnel; and

WHEREAS, Wildfire Awareness Month is an important opportunity for Sturgis residents and all South Dakota's communities and fire service agencies to reduce the risk of wildfire, increase firefighter safety, and enhance public safety and awareness through education on fire safety, preparation, and prevention; now

THEREFORE BE IT RESOLVED that the City of Sturgis supports the month of May 2017 as South Dakota Wildfire Awareness Month; and

THEREFORE BE IT FURTHER RESOLVED that the theme for this year, "*Do Your Part Before Wildfires Start*" is a call for the residents of Sturgis to educate themselves and to take action to reduce the wildfire threat to their homes and help their community move toward becoming a fire adapted community.

Dated this 17th day of April, 2017.

Published: 04-26-2017

Effective: 05-17-2017

Motion by Waterland, second by Dargatz and carried with all members present voting yes to approve the following claims:

WAGES – Ambulance \$25,966.46; Attorney \$3534.38; Auditorium \$184.79; Buildings \$1111.79; Cemetery \$2397.58; City Manager \$4400.35; Community Center \$10,804.96; Finance Office \$8768.68; Fire Department \$422.36; Human Resource \$6361.41; Library \$8866.68; Liquor \$5821.26; Mayor and Council \$3661.11; Parks \$7760.09; Planning & Permitting \$7486.82; Police \$36,011.69; Rally \$6872.87; Recreation \$3274.61; Sanitary Service \$13,253.75; Streets \$12,042.22; Wastewater \$8713.63; Water \$13,208.16; Federal Withholding \$18,528.81; FICA \$13,790.33.

GENERAL – 3E Electrical Engineering, \$175.00, sup; A&B Business, \$319.57, sup; A&B Welding, \$4.48, rep; A&J Surplus, \$339.71, rep; Laura Abernathy, \$32.10, other; Amazon, \$320.64, sup; APWA, \$250.00, prof fee; Baker & Taylor, \$436.15, sup; Black Hills Chemical, \$1,674.28, sup; Black Hills Energy, \$12,739.75, util; Black Hills Occupational Medicine, \$30.00, prof fee; Blackhills.com, \$100.00, sup; Border States Electric, \$2,298.98, rep; Butte Electric, \$214.91, util; Campbell Supply, \$1,138.95, rep; CBH, \$8,460.75, sup; Chain Saw Center, \$273.86, sup; City of Sturgis Water Dept, \$1,613.76, util; Coca Cola, \$463.25, sup; Culligan of the Black Hills, \$44.50, sup; Dakota Business Center, \$34.42, sup; Dakota Hardware, \$768.45, sup; DEMCO, \$100.99, sup; Diesel Machinery, \$1,813.40, rep; Ecolab Pest Eliminator, \$381.72, rep; Epic Outdoor Advertising, \$1,100.00, rent; Equipment Blades, \$400.00, rep; First Interstate MasterCard, \$68,151.17, sup; Flowers By Rose, \$100.00, other; Freeman's Electric, \$101.02, sup; Janelle Gerberding, \$150.00, refund; Glover Investments, \$25,800.00, rent; Great Western Tire, \$940.75, sup; Hampton Inn, \$185.00, travel; Harvey's Lock Shop, \$3.50, sup; Heiman Fire Equipment, \$114.60, sup; Hersrud, Co., \$298.85, rep; Hills Materials, \$782.28, rep; Hillyard, \$450.66, rep; Homeslice Media Group, \$21,782.30, pub; IACP, \$500.00, travel; Long Rider Books, \$587.11, sup; Lynn's Dakota Mart, \$327.31, sup; Meade County Auditor, \$14,889.42, other; Meade County Times Tribune, \$335.92, pub; Menard's, \$402.07, rep; MidAmerica Books, \$298.20, sup; Midco Business, \$42.67, util; Mobile Mini, \$88.54, sup; Montana Dakota Utilities, \$5,730.03, util; Motionsoft, \$450.00, prof fee; Neve's Uniforms, \$1,037.79, sup; Northern Hills Vet Clinic, \$590.11, prof fee; ODB Company, \$3,304.00, rep; O'Reilly Auto Parts, \$258.51, rep;

Owens Interstate Sales, \$658.94, rep; Pheasantland Industries, \$1,653.51, sup; Postmaster, \$2,500.00, sup; Print Mark-et, \$3,451.45, pub; Regional Health, \$50.00, prof fee; Richardson Kennel & Pet Grooming, \$23.51, sup; Scott Rovere, \$14.70, travel; Rushmore Office Supply, \$453.66, sup; SD Planners Association, \$50.00, prof fee; SD Sheriffs' Assn, \$170.00, travel; SD State Historical Society, \$72.00, sup; Servall Towel & Linen, \$437.56, rep; Shopko Stores, \$212.48, sup; Christina Steel, \$440.90, travel; Sturgis Motorsports, \$41.94, sup; Sturgis NAPA, \$1,407.41, rep; Sturgis Volunteer Fire Dept, \$353.06, travel; Tom's T's, \$46.00, sup; Town-N-Country Plumbing, \$96.95, re; Twilight First Aid & Safety, \$129.75, sup; Geody VanDewater, \$14.56, sup; VAST Business, \$249.81, util; West Payment Center, \$166.00, prof fee; West River Electric Assn, \$512.85, util.

SPECIAL SALES TAX – Black Hills Energy, \$278.82, util; Chamber of Commerce, \$17,900.00, promo; Homeslice Media Group, \$500.00, promo; Montana Dakota Utilities, \$15.95, util; VAST, \$320.50, uti.

CAPITAL IMPROVEMENT – Buxton, \$32,500.00; Campbell Supply, \$29.98; Dakota Kustom Coating, \$467.50; Fennell Design, \$6,300.00; Fourfront Design, \$769.08.

BUSINESS IMPORVEMENT DISTRICT – Homeslice Media Group, \$30.64, pub.

EQUIPMENT REPLACEMENT FUND – Harlow's Bus Service, \$5,000.00.

LIQUOR – A & B Welding, \$42.70, sup; Al Cornella Refrigeration, \$1,000.00, rep; Belle Joli Winery, \$189.00, resale; Black Hills Chemical, \$80.11, rep; Cask & Cork, \$138.75, resale; City of Sturgis Water Dept, \$277.87, util; Coca Cola, \$179.50, resale; Ecolab Pest Eliminator, \$114.62, rep; First Interstate MasterCard, \$5,348.84; Fisher Beverage, \$4,935.92, resale; Johnson Western Wholesale, \$22,021.60, resale; M&B Enterprises, \$222.80, resale; Mobile Mini, \$189.91, repair; Montana Dakota Utilities, \$186.08, util; Okoboji Wines, \$212.50, resale; Pepsi Cola, \$89.05, resale; Prairie Berry, \$741.00, resale; Print Mark-et, \$203.03, pub; Quality Brands of the Black Hills, \$9,811.03, resale; Republic Beverage Co, \$7,833.19, resale; Rushmore Office Supply, \$458.32, sup; Servall Towel & Linen, \$181.10, sup; Southern Glazer's of SD, \$1,990.03, resale.

WATER – Black Hills Energy, \$685.00, util; Butte Electric, \$183.60, util; Campbell Supply, \$69.93, rep; CBH, \$678.74, sup; Chris Supply, \$43.50, sup; City of Sturgis, Water, \$118.97, util; Dakota Hardware, \$22.28, rep; Ecolab Pest Eliminator, \$64.27, rep; First Interstate MasterCard, \$25.35, rep; G & G Distributing, \$82.00, sup; Hawkins, \$917.57, sup; HD Supply Waterworks, \$7,812.60, sup; Meade County Times Tribune, \$111.03, pub; Menard's, \$36.93, sup; Midcontinent Testing Lab, \$147.00, prof fee; Mobile Mini, \$44.27, sup; MDU, \$266.15, util; Northwest Pipe Fittings, \$611.72, sup; Print Mark-et, \$203.03, pub; Rushmore Office Supply, \$37.90, sup; SD One Call, \$72.80, prof fee; Shopko Stores, \$30.45, sup.

WASTEWATER – Campbell Supply, \$21.49, sup; CBH, \$18.00, sup; City of Belle Fourche, \$94.45, other; City of Sturgis Water Dept, \$21.89, util; Dakota Hardware, \$8.49, sup; Eddies Truck Sales, \$186.64, rep; Heavy Constructors, \$84,796.33, cap imp; Mid-American Research, \$1,815.00, sup; Owen's Interstate Sales, \$159.69, sup; PKG Contracting, \$20,066.48, cap imp; Print Mark-et, \$203.03, pub; Sturgis NAPA, \$11.26, rep.

SANITATION – Adams-ISC, \$30.53, rep; Black Hills Energy, \$28.24, util; CBH, \$1,968.82, sup; City of Belle Fourche, \$20,802.23, other; Diesel Machinery, \$259.71, rep; First Interstate MasterCard, \$63.69, travel; Great Western Tire, \$234.39, sup; Holtz Industries, \$278.00, rep; Jay Johnson, \$500.00, ins; Owen's Interstate Sales, \$866.60, rep; Print Mark-et, \$203.03, pub; Ramkota Hotel, \$387.96, travel; Schaeffer Mfg., \$848.25, sup; Sturgis NAPA, \$80.75, rep.

AMBULANCE – 3E Electrical Engineering, \$175.00, sup; A&B Welding, \$403.32, sup; CBH, \$1,571.48, sup; City of Sturgis Water Dept, \$77.49, util; Clements Chevrolet-Cadillac, \$76.18, sup; Coca Cola, \$29.25, sup; Dakota Hardware, \$23.55, sup; Emergency Medical Products, \$910.99, sup; First Interstate MasterCard, \$5,686.55, travel; Hersrud Co, \$770.28, sup; Image Trend, \$330.00, sup; KT Connections, \$95.00, sup; Lynn's DakotaMart, \$16.78, sup; MDU, \$176.42, util; Print Mark-et, \$203.03, pub; Purchase Power, \$109.21, sup; Rushmore Office Supply, \$15.99, sup; Sturgis NAPA, \$357.69, sup; Weimer's Diner & Donuts, \$16.45, sup.

Motion by Waterland, second by Martinson and carried with all members present voting yes to approve a variance request from Jacquelyn Gapp at 2250 Park Ave to install a temporary mobile office to be used as additional working space. This is a non-transferable, three-year limit on this structure.

Motion by Bachand, second by Dargatz and carried with all members present voting yes to deny a zero (0) side setback variance for a carport from Mark Beauvais at 1805 Fulton Street.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve a zoning amendment from Public Land to Planned Unit Development (PUD) from the City of Sturgis at Potter's 2nd, Lots 1-24 includes Lots 1A-24A, Block 10, Lots 6A, 7A RW13, Block 10 (Francis Case Development).

Motion by Martinson, second by Crane and carried with all members present voting yes to approve vacating a section line running east and west between Section 4 of T5N, R5E, and Section 9 of T5N, R5E, through Lots 13-19 of Block 13/14 of Ash's Extension of the City of Sturgis for Dollar General at 1940 Lazelle.

Lorraine Kissack was present to explain that she does not have a concern about the setback of the buildings as she has spoken with management and has an agreement with Iron Horse Saloon to do snow removal of her parking lot.

Motion by Crane, second by Waterland and carried with Carstensen, Anderson, Bradley, Crane, Keszler, Martinson and Waterland voting yes, Bachand and Dargatz voting no, to approve a variance for a seven (7) feet side setback for seven (7) permanent structures at 941 Lazelle for KSLB&D LLC dba Iron Horse Saloon.

Motion by Martinson, second by Crane and carried with Carstensen, Anderson, Bradley, Crane, Dargatz, Keszler, Martinson and Waterland voting yes, Bachand voting no, to approve second reading of Ordinance 2017-02 – Title 30 – City Beautification and Regulation of Advertising.

ORDINANCE 2017-02

AN ORDINANCE AMENDING TITLE 30 – CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 30 shall be amended in its entirety to read as follows:

TITLE 30 CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

Chapters:

- 30.01: General Provisions
- 30.02: Provisions Applicable to All Signs
- 30.03: On Premise Signs
- 30.04: Billboard and Off Premises Signs
- 30.05: Appeals Process

CHAPTER 30.01 GENERAL PROVISIONS

SECTIONS:

- 30.01.01: Scope and Purpose
- 30.01.02: Definitions
- 30.01.03: Administration of Title
- 30.01.04: Enforcement
- 30.01.05: Filing a Sign Complaint
- 30.01.06: Penalty

30.01.01: SCOPE AND PURPOSE

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the health, safety, convenience and welfare of the residents of the City of Sturgis.

The purpose of this ordinance is to establish reasonable and impartial regulations for all exterior signs and: to protect the public from visual pollution and hazardous conditions that can result from commercial signs which are structurally unsafe, obscure the vision of motorists, create dangers to pedestrian traffic, or which compete or conflict with necessary traffic signals and warning signs; afford the business community equal and fair opportunity to advertise and promote its products and services; to maintain and enhance the visual environment to preserve the right of the citizens to enjoy the City's scenic beauty; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

The regulations contained in this ordinance advance these significant governmental interests and are the minimum amount of regulation necessary to achieve them.

30.01.02: DEFINITIONS

ABANDONED SIGN: A sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of one hundred and twenty (120) continuous days or for which no legal owner can be found.

BILLBOARD: Any off premises sign, not within the definition at 30.04.05 herein, including a digital billboard as defined hereafter, regardless of how constructed or supported, which advertises, calls attention to, communicates any message or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity.

BILLBOARD FACE: The surface of an off premise sign or billboard which displays an individual advertisement or message.

BLANK SIGN: A sign that is void of advertising material, but does not meet the time requirement of an "abandoned sign".

BUILDING FACE OR WALL: All window and wall surface areas of a building in one plane or elevation.

COMMERCIAL ADVERTISING MESSAGE: Any printed word or visual artwork which depicts products, services, prices or mottos/tag lines, etc. which are offered at any particular establishment. This shall not include a business or institutions logo.

COMMUNITY EVENT: An activity or occasion held for the benefit, enjoyment, or entertainment of the citizens of the City, and not connected with any specific business or for-profit organization.

DIGITAL BILLBOARD: A billboard that displays a message ~~is~~ created from computer programs and software and which can be designed to display static displays, running text, display several different displays at the same time, or allow messages to be displayed at a scheduled time.

DIRECTIONAL SIGN: Any sign which serves solely to designate the location or direction to a place or area.

ELECTION SIGN: Any sign that is posted as part of a political campaign or a municipal, county, state or national election.

ELECTRONIC MESSAGE CENTER: A type of on-premises sign located in an outside environment designed as computerized programmable electronic visual communication devices.

EXEMPT SIGN: A sign for which a permit is not required.

HOME OCCUPATION SIGN: A sign that is used for the identification of a business located within a home that is occupied by the business owner.

LEGAL NONCONFORMING SIGN: A sign or sign structure which does not comply with all provisions of this code, but which was legal at the time it was constructed.

INFLATABLE SIGN: A portable sign which is supported by the flow of air or another gas to its nominal height and size to convey a message, advertisement or marketing theme.

LIGHT EMITTING DIODE (LED SIGN): A type of sign that is capable of displaying words or characters that can be electronically changed by remote or automatic means.

MONUMENT SIGN: A freestanding ground sign supported wholly by a base structure and containing one (1) or more signs of individual businesses on the property; not including a signs defined as pole or pylon signs.

NON-CONFORMING SIGN: A sign that does not conform to this Title as adopted.

OBLITERATED SIGN: A sign that is totally or partially illegible or otherwise obscured so as to not identify a specific product or service.

OBSELETE ADVERTISING MATERIAL: Material advertising a product or service that is no longer in use or available.

OFF-PREMISE SIGN: A sign as further defined in subsection 30.04.05 herein which provides only directions to a business, commodity, product, service or entertainment, sold or offered at a location other than the location, premises or lot upon which the sign is located.

ON-PREMISES SIGN: Any sign identifying or advertising a business, person, activity, goods, products or services which are located on the premises where the sign is installed and maintained, or adjoining or located on adjacent property owned by the same party and within 100 feet of the premises.

PERMANENT SIGN: Any sign which directs attention to a business, commodity, product, service or entertainment conducted, sold or offered at any location which is not a Temporary Sign as defined in this Title.

POLE SIGN: A free standing sign with the base of the actual sign area at least five (5) feet above the ground, supported by a vertical pole(s).

POLITICAL SIGN: A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election.

PORTABLE READER BOARD: A sign consisting of a board designed to hold interchangeable letters that is commonly not permanently affixed to the ground or structure that may or may not be on wheels but is at least nine square feet in size. This does not include portable sandwich boards or signs of similar design that are of such a size and weight to be movable by a person.

PUBLIC RIGHT-OF-WAY: The entire area between property boundaries which is: owned by a government, dedicated to public use, or impressed with an easement for public use; primarily used for pedestrian or vehicular travel; and publicly maintained, in whole or in part, for such use. "Right-of-way" includes without limitation the public street, shoulder, gutter, curb, sidewalk, sidewalk area, parking or parking strip, and any other public way.

REAL ESTATE SIGN: A sign advertising the real estate upon which the sign is located as being for rent, sale, or lease.

ROOF SIGN: Any sign erected or constructed wholly upon the roof of any building on any area of the roof surfacing material, or area above the uppermost parapet line, or any line so established by the roof plane. Signs mounted on a mansard roof or on a canopy cover over a patio or sidewalk, are not considered to be roof signs; however, the uppermost part of the sign may not be taller than any portion of the roof.

SANDWICH BOARD: An a-frame shaped portable sign positioned on the ground and supported only by its own sides.

SIGN: Any banner, structure, display, painting, mural, device or representation, temporary or permanent, portable or ground-mounted, which is designed or used to advertise or call attention to any person, thing, business, activity or place and is visible from any right-of-way.

SIGN STRUCTURE: Any structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

TEMPORARY SIGN: Any device, display, structure or pennant that by word or art work conveys a message on one face, with the full structure and any supporting elements installed in compliance with the Building Code, to be on display or in use for thirty (30) days or less in a calendar year, with no support elements or other material to remain after the sign is removed.

UNLAWFUL SIGN: A sign or sign structure which is erected or installed in violation of this Title, or is otherwise in violation of any City ordinance or state law, or is unlawful for reasons of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment as declared by the Building Official or designee.

VIDEO SIGN: A sign that projects images similar to a television set.

WALL MURAL: Any mural which is purely decorative in nature and content, and does not include advertising by picture or verbal/written message.

WALL SIGN: A sign painted directly on the surface of a building, fence, awning or marquee; or a sign attached to or erected against the wall of a building, fence, awning or marquee, with the face in a parallel plane to the plane of the building wall.

WINDOW SIGN: Any decal, lettering, applique, sticker, or painted message that is attached directly to the interior or exterior glass surface on a building window, or any form of communication that is not physically attached to the interior glass surface, but is displayed in a window for public viewing.

30.01.03: ADMINISTRATION OF TITLE

The Building Inspector or designee, under the statutory supervision of the City Manager, is authorized and directed to enforce all the provisions of this Title and shall have authority as set forth below.

- A. The Building Inspector or designee shall have the power to render interpretations of this Title and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. The interpretations, rules and regulations shall be in conformance with the intent and purpose of this Title.
- B. Require other such data and information as may be needed to evaluate a permit application.
- C. When it is necessary to make an inspection to enforce the provisions of this Title, or when the Building Inspector or designee has reasonable cause to believe that there exists a sign or a condition which is contrary to, or in violation of this Title, the Building Inspector or designee may enter the premises at reasonable times to inspect or to perform duties imposed by this Title, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Building Inspector or designee shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Building Inspector shall have recourse to the remedies provided by law to secure entry.
- D. Whenever the work is being done contrary to the provisions of this Title, or other pertinent laws or ordinances implemented through the enforcement of this Title, the Building Inspector or designee may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Work must then be stopped until otherwise authorized by the Building Inspector.
- E. This Title shall not be construed to relieve from or lessen the responsibility to any person owning, operating or controlling any sign or sign structure for any damages to persons or property caused by defects, nor shall the City be held liable by reason of the inspections or inventories authorized by this Title or any permits issued under this Title.
- F. All provisions of the laws and ordinances of the City and the State shall be complied with, whether specified herein or not. In the event that portions of this Title conflict with other portions, or portions of this Title conflict with state or federal law, the more restrictive requirement shall apply. In addition, compliance with this Title does not give

authority to violate, cancel or set aside any of the provisions of the building code, municipal code or other local law, or ordinance regulating construction or the performance of construction in the city.

30.01.04: ENFORCEMENT

The Building Inspector or designee may declare any sign in violation of this ordinance by reasons of inadequate maintenance, improper placement, dilapidation, abandonment, or if erected without a permit or is in violation of any other provision of this Title or any other state or federal law.

Unless otherwise specified in this Title, any violations are subject to enforcement under Title 36 of City Ordinances.

Upon determination that a sign or sign structure is in violation of this Title, the Building Inspector or designee, shall provide written notice to the owner of the violating sign and the owner of the building, structure, premises or property upon which it is located, which notice shall state the reason(s) such sign is in violation and set forth a period of fifteen (15) days for compliance or removal of the sign. In the event that compliance is not made within the fifteen (15) days, the sign may be removed in accordance with the provisions of this Title at cost to the owner of the building, structure, premises, or sign.

The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Service of the notice shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice by Priority Mail with USPS tracking to each person at their address as it appears on the last equalized assessment role of the County or as contained in City records. If no address of any such person so appears or is known, then a copy of the notice shall be mailed, addressed to the person, at the address of the premises involved in the enforcement proceedings. The failure of any such person to receive the notice shall not affect the validity of the proceedings. Service by Priority Mail with USPS tracking in the manner herein provided shall be effective upon receipt of mailing.

30.01.05: FILING A SIGN COMPLAINT

Unless otherwise stated in this Title, in the event any City employee or representative receives a complaint of a possible violation of this Title, either orally or in writing, said representative shall forward the complaint to the Building Inspector or designee for investigation.

After receiving a sign violation complaint, the Building Inspector or designee shall conduct a proper investigation into the matter and make a determination as to whether the sign violates any provision of this Title, the Building Code adopted by the City, or any other applicable ordinances or laws.

In the event the Building Inspector or designee determines that the sign is in violation, the Building Inspector or designee shall follow the enforcement procedure established in this Title or Title 36.

30.01.06: PENALTY

Any violation of the provisions of this Title is a Class 2 Misdemeanor subject to punishment that may include any or all of the following, for each day on which a violation occurs:

- A. Incarceration in the county jail and/or payment of a fine in the maximum amounts set forth by the laws of the South Dakota pursuant to SDCL 22-6-2;
- B. Payment of any costs and/or restitution;
- C. Revocation, suspension, or refusal to issue any license or permit pursuant to any Section of this Title; and
- D. Removal of the violator(s)' sign and/or elimination of said violator(s)' right to obtain future sign permits.

In addition, the owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

CHAPTER 30.02 PROVISIONS APPLICABLE TO ALL SIGNS

SECTIONS:

- 30.02.01: Permit Exemption
- 30.02.02: Permit and Fees Required
- 30.02.03: Permit Durations
- 30.02.04: Design and Construction Standards
- 30.02.05: Clearance, Size, Height and Projection
- 30.02.06: Prohibited Signs in General
- 30.03.07: Signs Prohibited in Certain Districts
- 30.02.08: Nonconforming Signs
- 30.02.09: Temporary Signs
- 30.02.10: Rally Period Temporary Signs
- 30.02.11: Banners over Public Right of Way
- 30.02.12: Community Events
- 30.02.13: Video Signs
- 30.02.14: LED Signs
- 30.02.15: Standards for All Illuminated and Electronic Message Signs
- 30.02.16: Commercial Advertising upon Vehicles Pursuant to Section 16.02.26

30.02.01: PERMIT EXEMPTION

The following signs shall be exempt from the permitting requirements of this Title:

- A. Governmental regulatory, pedestrian or vehicle direction or regulation, directional, traffic, information and warning signs; governmental agency flags, emblems and insignia, all no larger than an area of two square feet; and also temporary signs placed for the purposes of public safety, or temporary signs placed by the government for information regarding events within the Community;
- B. Commemorative plaques placed by recognized historical agencies and commissions;
- C. Instructional or identification signs not larger than an area of two (2) square feet, such as parking information located on private property;
- D. Directional signs entirely on the private premises where the activity described is located. Directional signs under this provision shall not exceed five (5) square feet in area;

- E. Temporary political signs, not exceeding thirty-two (32) square feet provided they are removed within one (1) week after the election or within 90 days of being placed, whichever occurs first, and are not placed within the public right-of-way. Political signs that are in excess of said size are in violation and subject to enforcement. Political signs or that are placed within the public-right-of way are in violation of this Title and may be removed by the Building Inspector or designee without notice;
- F. One construction sign shall be allowed per legal building site ~~lot~~. The sign shall not exceed 32 square feet in area, and shall not be erected until a building permit has been issued;
- G. Window signs covering up to 25% of the area per window, unless otherwise required by state law or City Ordinance;
- H. Flags of any nation or political subdivision flown with a total pole height not to exceed twelve (12) feet, with a maximum number of five (5) poles and unsupported flags per premises;
- I. Signs located within the interior of a building;
- J. Signs identifying Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature and located in a zoning district that does not otherwise provide for on-premises signage may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message;
- K. Signs containing the words “Donated By”, “Sponsored By”, or other similar language depicting that a certain bench or other item beneficial to the community was donated by a certain organization, business or person. The size of such indication shall be proportionate based upon the location where it is placed and shall not be unreasonably large, and in no event may exceed four (4) square feet;
- L. Any sign not exceeding thirty two (32) square feet in area, identifying a construction site, a development or advertising the sale of property within a subdivision that is located on some portion of the subdivision being advertised for sale;
- M. Any non-illuminated “for sale” sign or “for rent” sign of a reasonable size advertising the sale, rental or lease of the residential premises on which the sign is located, but in no event may it exceed eight (8) square feet;
- N. Nameplates located upon single-family, two family and multi-family, dwellings, or on a commercial or industrial structure;
- O. Any non-illuminated sign not exceeding forty-eight (48) square feet in area advertising or identifying the construction or development of any lot more than one hundred (100) square feet in area;
- P. Any sign not exceeding nine (9) square feet in area identifying a public park, playground or historical monument.

30.02.02: PERMITS AND FEES REQUIRED

No billboard, off-premises, on-premises sign or other non-exempt sign as allowed under this Title shall be erected, structurally altered, replaced or enlarged within the City without first having been issued a sign permit. The responsibility for securing the sign construction permit is joint and several of the sign owner and contractor. A separate permit shall be required for each sign.

To obtain a permit, the applicant shall make application to the Planning and Permitting Office. The permit application shall include and/or be accompanied by the following information:

- A. The applicant's name and address; and that applicant is the owner or owner's authorized agent;
- B. The sign and real property owners' names and addresses;
- C. The legal description and address of the property on which the sign is to be placed;
- D. The estimated value of the sign;
- E. Any plans, specifications or legible drawings of the proposed sign/structure structures or other information deemed necessary and requested by the Building Inspector or designee;
- F. The fees for sign building permits shall be based on the most recent building code fee tables adopted by the City Council by resolution.

It is not necessary to obtain a permit before completing general maintenance to a sign such as painting, repainting, cleaning or minor repairs provided no structural alteration is made.

A sign construction permit will expire one hundred and eighty (180) days after its issuance. The sign must be erected within this time. Erecting a sign after the expiration date of the permit will result in the erection of a sign in violation of this Title. See also subsection 30.04.05 of this Title.

30.02.03 PERMIT DURATIONS

To obtain a permit, the applicant shall make application to the Building Inspector or designee as required by subsection 30.02.02.

- A. It is not necessary to obtain a permit before completing general maintenance to a sign such as painting, repainting, cleaning or minor repairs provided no structural changes or alteration is made.
- B. Any sign construction permit shall expire one hundred and eighty days (180) days after its issuance. The sign must be erected within this time. Erecting a sign after the expiration date of the permit shall be a violation of the provisions of this Title.
- C. Billboard and Off-premises sign inventory permits expire on December 31 of the year in which the permit is issued.
- D. Any billboard or off-premises sign that does not have an off-premises or billboard inventory permit by February 1 of any year is an unlawful sign as defined under this code and is subject to removal under the provisions of this title and subject to enforcement under Title 36.

- E. No billboard or off-premises inventory permit shall be issued for a new off-premises sign if the owner has unpaid fees, assessments, fines or other charges owing to the City.

30.02.04: DESIGN AND CONSTRUCTION STANDARDS

Sign and sign structure design shall be reviewed and inspected by the Building Inspector or Code Enforcement officer or designee for compliance with this Title and the City's adopted Building Code. The design and construction requirements for all signs for which a permit is required are as follows:

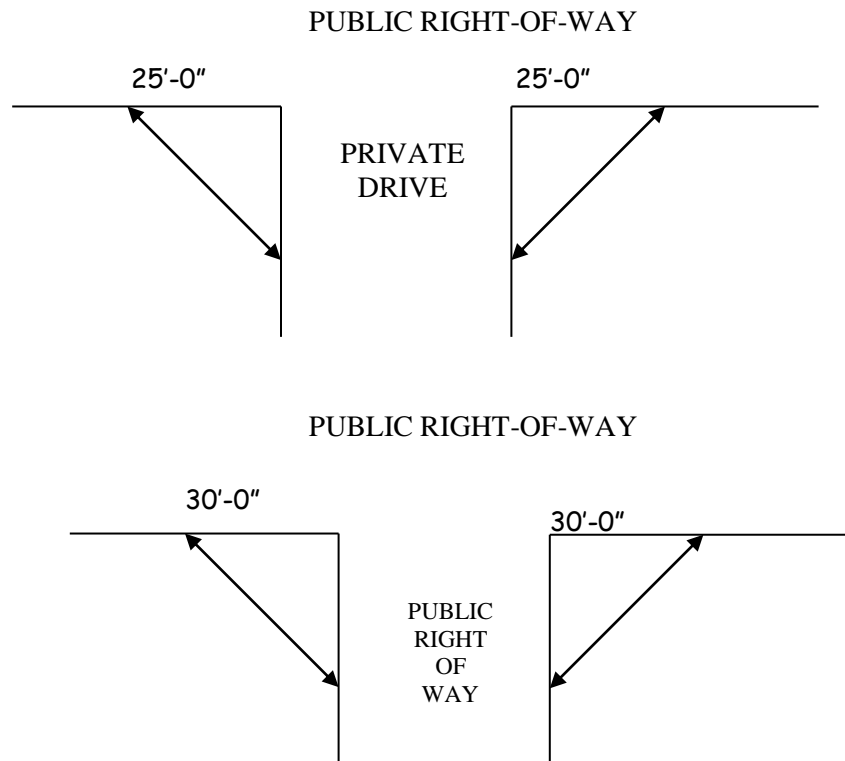
- A. All exterior mounting hardware, brackets, and related supporting elements (except for freestanding support poles/posts) shall not be visible. If concealment is not possible, supporting hardware shall be painted a color to blend with the surrounding structure.
- B. A footing design shall be submitted for free standing signs that are taller than fifteen (15) feet measured from grade at the bottom of the support, to the highest part of the sign. The footing design may require a professional engineer's design, at the discretion of the Building Official or his or her designee.
- C. Flexible banner material installed as a permanent sign must be installed to be legible and without any sagging, folds or wrinkles, and must be attached to an exterior building wall so that the banner is flush with the wall, or if not attached to a building, must be attached to a freestanding structure designed specifically to hold the banner.
- D. Any person engaged in the activity or business of constructing or placing signs shall be required to obtain the required contractor license(s) issued by the Building Inspector or designee.
- E. Supports for signs and all sign structures shall be built to conform to the requirements of the current building codes as adopted by the City for wind loads, seismic loads, and other combined loads.
- F. All signs using electrical power 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 Code.
- G. 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.
- H. All signs shall display a message. If any sign fails to display a full face message for 30 consecutive days, the Building Official shall notify the owner of the sign that the sign is in violation of this section, and penalties for a violation may result.
- I. 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 acceptable automatic dimming technology.

30.02.05: CLEARANCE, SIZE, HEIGHT AND PROJECTION

The following provisions shall apply to all signs, whether exempt or non-exempt, on premises or off premises, located within the City:

- A. No part of any wall or projection sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign design and construction are approved in writing by an architect or engineer qualified to make said approval. In no event; shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district;
- B. No sign shall be located closer than five (5) feet to any public right of way and ~~are~~ shall be subject to the visual restrictions set forth herein;
- C. Signs attached to awnings, canopies or marquees shall maintain a minimum vertical clearance of seven (7) feet;
- D. No roof signs shall project above the roofline upon which they are attached, unless the building and sign design and construction are approved in writing by an architect or engineer. In no event; however, shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district;
- E. Any sign located in the General Commercial District may extend over a public sidewalk a distance equal to two-thirds ($2/3$) the width of the sidewalk, but in no case shall the sign extend more than ten (10) feet over the public sidewalk. All signs within said district must maintain a minimum vertical clearance of seven (7) feet above the sidewalk;
- F. Any sign located in the General Commercial District, Retail Commercial District, Highway Service District, and Office Commercial Single Family Residential District shall be placed at least five (5) feet from any property line and are subject to the visibility restrictions set forth herein;
- G. No sign shall obstruct visibility within the first six (6) feet of vertical height within a traffic site triangle. A twenty-five (25) foot site triangle is required on both sides of an access-way formed by the intersection of the access-way and a public right-of-way. A thirty (30) foot site triangle is required at a corner formed by the intersection of two or more public right-of-ways;
- H. Inflatable signage cannot be erected within ten (10) feet of the public right-of-way and must be tethered securely with cables, tie downs or tether lines, which shall not be located within, on or across any public right of way or public property. Such signs shall be secured in such a manner if deflated that no part of the sign will be within any public right of way or public property, nor in any manner interfere with the use and operation of utility lines, antennas, or towers.
- I. Signs located within twenty-five (25) feet of a public street intersection shall not exceed two and one half (2.5) feet tall if the sign rests directly on the ground or is attached to a foundation on the ground. If supported by a post(s) or pole(s) it shall have a minimum vertical clearance of ten (10) feet above the crown of the roadway, per Figure 3.
- J. Signs and awnings that extend out from an exterior wall over a public sidewalk shall maintain a minimum vertical clearance of seven (7) feet, and shall not materially impede adjacent parking or street traffic.
- K. The height of a sign that is not attached to a building shall not exceed thirty-five (35) feet above grade to the highest portion of the sign and shall not include filled grade beneath the sign to increase sign height.

Examples:



30.02.06: PROHIBITED SIGNS IN GENERAL

The following signs, whether intended as permanent or temporary are prohibited within the limits of the City, except as otherwise provided by this Ordinance.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, and other unapproved supporting structures;
- B. Signs located within or encroaching on a public-right-of-way, including signs extending beyond a property line;
- C. Signs that constitute pedestrian or vehicular traffic hazard;
- D. Off-premises signs not located within the areas identified in 30.04.04;
- E. Signs that could be confused with any governmental regulatory, directional or warning sign;
- F. Abandoned signs;
- G. Obliterated signs;
- H. Signs advertising obsolete advertising material;
- I. Signs not in compliance with this ordinance;
- J. A home occupation sign not authorized a by the Use on Review for that home occupation;

- K. Signs attached to any public property or utility infrastructure without permission, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building;
- L. Signs that interfere with traffic signs or signals;
- M. Permanent signs attached to or supported by a vehicle;
- N. Blank signs;
- O. Portable Reader Boards;
- P. Tethered, airborne devices that may be blown or moved or located within the required setback;
- Q. Signs incorporating noise, blasts, vibration or dust;
- R. Any sign or portion of a sign which moves or assumes any motion constituting a non-stationary position, except barber poles and signs attached to or placed upon a motor vehicle;
- S. A non-transit sign attached to, or painted on, a motor vehicle, the principal purpose of which is to serve as a stationary advertising device without permit from the City as authorized by City policy. A logo or business name on a motor vehicle or on equipment shall not be prohibited unless the motor vehicle or equipment is being used as a stationary advertising device;
- T. Projecting signs, except pedestrian-oriented signs that do not exceed 8 square feet;
- U. On premises roof signs;
- V. Signs advertising words or pictures of obscene or pornographic material, signs that emit sound, odor, visible matter or which are similar to traffic control signs or signals and which advertise words such as "Stop," "Go," "Danger," "Warning"; or signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way.

30.02.07: SIGNS PROHIBITED IN CERTAIN DISTRICTS

In addition to the general prohibitions contained in subsection 30.02.06 of this Title, electronic signs or digital billboards shall be prohibited in all zoning districts except the following districts:

- A. General Commercial
- B. Highway Service
- C. Billboard Overlay Districts (i.e. BB-1, BB-2)

Any LED or video sign within the allowed districts shall be subject to the restrictions and regulations set forth within this title.

No sign may contain any pornographic or sexually explicit language or image, or contain any flashing, intermittent or moving lights, unless otherwise permitted by this Title.

30.02.08: NONCONFORMING SIGNS

The following regulations shall govern nonconforming signs in the City for the purpose of eventual compliance of all signage and eliminating such non-conforming use within the corporate limits of the city.

- A. No changes shall be allowed to modify the overall height, shape, illumination, square footage, location, or support structure of the signage;
- B. No changes shall be allowed for maintenance, repair or replacement of any part of the sign structure, including labor and materials, which exceed fifty (50) percent of the sign value, as determined by the Building Inspector or by an appraisal;
- C. No changes shall be allowed to add additional support, fasteners, parts, support structures or a new sign face to extend the useful life of the sign;
- D. The sign shall be removed if it is determined to not be structurally sound by the City Building Inspector or designee during periods of both active use and non-use;
- E. No changes shall be allowed if the use of the property changes to a different permitted use as described by the list of uses allowed by the zoning district in which the sign is located;
- F. Prior to September 1, 2024, all signs not complying with the regulations of the sign provisions of the Zoning Ordinance shall be modified to comply with the terms of the sign regulations; thereafter signs not in compliance with the requirements of this ordinance shall be subject to all enforcement and penalty provisions of this ordinance.

30.02.09: TEMPORARY SIGNS

Any person wishing to erect a temporary sign, not within the definition of an exempt sign as defined in subsection 30.02.01 herein, shall submit a temporary sign permit application to the Building Inspector or designee. The Building Inspector or designee shall be informed of the time period for which said sign will be displayed. The time period, location and design of the sign, including the size, weight and condition must be approved by the Building Inspector or designee, and the Building Inspector or designee shall have authority to deny approval of the erection of a temporary sign based thereon. The time period for which a temporary sign may be permitted must correspond with the purpose for the sign, such as a special sale or event, but the period shall not exceed thirty (30) days.

If any temporary sign is erected without the authority of the Building Inspector or designee, has expired, or otherwise is in violation of any of the provisions of this Title, it shall be removed immediately upon written or verbal notice from the Building Inspector or designee. In the event, the sign is not removed by the owner within twenty four (24) hours of notice being received, the Building Inspector or his or her designee may remove the sign at the cost of the owner. The owner(s) of the property, building, and/or structure shall be jointly and severally liable to the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Temporary Video signs and LED signs shall only be allowed as specifically authorized by this Title. The location, placement or installation of any temporary sign shall not be located on the following:

1. A utility box/cabinet, transformer, and similar utility installation;
2. A support pole for a traffic signal, street light, power, cables, phone lines, etc.;
3. A support pole for street signage.

30.02.10 RALLY PERIOD TEMPORARY SIGNS

A temporary sign, put up during the period beginning on July 15th and ending at noon on the Friday following the last official day of the annual Rally, does not require that the Temporary Sign permit application described subsection 30.02.09 be submitted to the City. However, any such temporary sign shall still be subject to all other requirements of Title 30 applicable to temporary signs, including but not limited to the Building Code requirements of Title 2, Design and Construction requirements, Clearance, Size, Height and Projection requirements, On Premises and other location requirements, and provisions for Prohibited Signs, together with all maintenance, repair and removal requirements of Title 30. All such Temporary signs shall also be installed and secured so as to remain in place during windy conditions and must be set back a minimum of five (5) feet from any curb or any public street (or alley) right of way.

- A. Any temporary signs as described in this subsection shall be taken down or removed no later than noon on the Friday following the last official day of the annual Rally. Any such temporary sign which has not been removed or taken down by the end of that period shall then be removed or taken down by the owner of the property on which it is located.
- B. If the property owner fails to remove the sign by that date, a citation for a violation of this ordinance may be issued or the sign may be removed by the City. If removed by the City, the owner(s) of the property, the building, the structure and/or the premises upon which the sign is located, together with the owner(s) of the sign itself, shall be jointly and severally liable to the City for all direct and indirect costs incurred by the City in removing the sign.

30.02.11: BANNERS OVER PUBLIC RIGHT OF WAY

Banners may not be suspended over any public right-of-way between July 1 and August 31 without a marketing agreement or Sponsorship Agreement with the City. An application for such use shall include the dates upon which it is desired the banner be displayed, the location, and the size and contents of the banner, and all other information needed to the Rally and Events Department.

30.02 12: COMMUNITY EVENTS

Signs advertising or displaying information regarding a community event may be allowed within or over public City rights-of-way upon approval of the City Manager or other designee. The written request for the proposed sign shall include the dates upon which it is desired the sign(s) be displayed, the location, and the size and contents of the sign and all other information needed to meet all Rally and Events Department requirements.

30.02.13: VIDEO SIGNS

Permanent video signs shall be subject to applicable requirements of this ordinance, and shall only be permitted in General Commercial and Highway Service Districts. Permanent video signs shall only be used as on premise signs which would allow for advertising of products or services available at that location.

In determining whether to issue a permit pursuant to this Section, the City Manager or designee shall consider traffic safety, the general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City Manager or designee shall have

the authority to demand removal of any approved temporary or permanent video sign that is determined by the Chief of Police or Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No application shall be considered pursuant to this Section until the applicant has paid a permit fee of One Hundred Fifty Dollars (\$150.00). In the case of removal of the temporary video sign by the City, said fee shall not be refunded.

30.02.14: LED SIGNS

Permanent LED signs shall be subject to applicable requirements of this ordinance, and shall only be permitted in General Commercial and Highway Service Districts. Permanent LED signs shall only be used as on premise signs and are subject to the restrictions and regulations set forth within this Title.

No LED sign shall exceed a maximum of one hundred (100) square feet for each face or a total of two hundred (200) square feet for the entire sign and the sign shall contain a maximum of two (2) faces.

Any person may apply for a permit to be issued by the Building Inspector or designee for use of an LED sign as a temporary sign in connection with a special event, including the Sturgis© Motorcycle Rally™. Said permit shall be requested in writing to the Planning & Permitting Office prior to the first day of the Sturgis© Motorcycle Rally™ or other special event. Temporary LED signs may be conditionally allowed during the Sturgis© Motorcycle Rally™ or other special event in General Commercial, Retail Commercial and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section for a temporary LED sign, the Building Inspector or designee shall consider traffic safety, general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City Manager shall have the authority to demand removal of any approved temporary LED sign that after the permit is issued is determined by the Chief of Police or the Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit application shall be considered for a temporary LED sign to be used during the Sturgis© Motorcycle Rally™ until the applicant has paid a permit fee of Three Hundred Dollars (\$300.00). In the case of removal of a temporary LED sign by the City, due to violation of this Title, said fee shall not be refunded.

30.02.15: STANDARDS FOR ALL ILLUMINATED AND ELECTRONIC MESSAGE SIGNS

The following are the standards for illuminated and electronic message signs:

- A. No such illuminated sign shall interfere with the traveled way of streets or obscure traffic signs or devices.
- B. All electronic message signs shall revert immediately to a black screen if the sign malfunctions.
- C. All electronic message signs shall automatically adjust in brightness in direct correlation with ambient light conditions.

30.02.16: COMMERCIAL ADVERTISING UPON VEHICLES PURSUANT TO

No Chapter or Section of Title 30 shall be construed to disallow the use of commercial advertisements upon vehicles as set forth in Section 16.02.26. Advertisements relating to the business for which a vehicle is used may be placed upon a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising; and buses and taxi cabs operated for the transportation of the public for hire or buses operated for transportation of the elderly or disabled whether for hire or at no charge and law enforcement and emergency vehicles may display commercial advertisements on the exterior surface areas of said vehicles.

CHAPTER 30.03 ON PREMISES SIGNS

SECTIONS:

- 30.03.01: Application
- 30.03.02: Maintenance, Removal and Repair Responsibility
- 30.03.03: On-Premises Signage Requirements
- 30.03.04: Portable “Daily Specials” Signs
- 30.03.05: Enforcement of On Premise Sign Regulations

30.03.01: APPLICATION

The following provisions shall apply in addition to the Permit application requirements of subsection 30.01.04 to all on premise signs located in all zoned districts except those signs specifically exempted, and only if such exemption specifically states that it only applies to signs located in a specific zoned district.

30.03.02: MAINTENANCE, REMOVAL AND REPAIR RESPONSIBILITY

All signs must be kept in good and safe repair. If a sign is not maintained in good and safe repair, the Building Inspector may notify the owner thereof and order him to repair the sign within a specified period of time not less than fifteen (15) calendar days. If the sign is not repaired within the time specified in the repair notice, the Building Inspector shall notify the owner of the sign and the property owner on which the sign is located to remove the sign within a specified period of time. The owner of the sign and the owner of the property upon which it is located shall be jointly and severally liable for keeping a sign in good and safe repair and properly maintained; or for the removal of a sign if ordered by the Building Inspector or designee. The owners of the sign and the owner of the property upon which it is located shall have joint and several, responsibility for keeping a sign in safe repair and properly maintained, or for the removal of a sign if and when it is abandoned, no longer functional, unsafe, or not maintained.

Projection, clearance and height:

- A. Subject to the requirements of subsection 30.02.05(G), Signs located within twenty-five (25) feet of a public street intersection shall not exceed two and one half (2.5) feet tall if the sign rests directly on the ground or is attached to a foundation on the ground. If supported by a post(s) or pole(s) it shall have a minimum vertical clearance of ten (10) feet above the crown of the roadway.
- B. Signs and awnings that extend out from an exterior wall over a public sidewalk shall maintain a minimum vertical clearance of seven (7) feet, and shall not materially impede adjacent parking or street traffic.

- C. The height of a sign that is not attached to a building shall not exceed the maximum building height allowed in that district under the authority of Title 18 of this code, and which shall include filled grade beneath the sign intended to raise the maximum sign height.

30.03.03: ON-PREMISES SIGNAGE REQUIREMENTS

- A. On-premises signs, where permitted, shall be regulated by the requirements of this section and of the City Ordinances.
- B. The owner of an on-premises sign may not, unless otherwise prescribed by this Title, sell advertising on such sign or otherwise enter into contracts which allow the sale of advertising of products or services not available for purchase on the parcel in which the sign is located.
- C. A property where an on-premises sign is permitted may have both on-premises ground and on-premises wall signs.

Electronic message centers incorporating varying message display technology:

- D. On-premises electronic message centers, reader boards and other signs that allow for the display of varying messages through either manual means, or by the use of a digital, plasma, or LCD display, or other similar technology are allowed.
- E. The maximum area of an on-premises sign authorized by subsection 30.03.03 is 800 square feet unless otherwise indicated within this title.

30.03.04: PORTABLE “DAILY SPECIAL” SIGNS

Business shall be allowed portable signs in the form of a sandwich board or other similar design, but not a portable reader board, to be used for advertisement of daily specials, events or services of the business. Said sign may be set out each day upon the opening of the business and shall be removed from the outside of the premises upon the end of business hours each day. Any sign used pursuant to this Section shall be approved by the Building Inspector or designee and shall comply with all of the following:

- A. The sign shall be no more than sixteen (16) square feet in size, unless located within the General Commercial District;
- B. The sign shall be of a sufficient weight and structure to assure it will stay in place and not be moved by the wind or other natural element;
- C. In General Commercial District only, where the setback makes it impossible for a business to place the sign on the property of the business, one portable sign may be placed in the public right away subject to the Building Inspector or designee's authority to control the specific location within the public right away to assure pedestrian and vehicular safety. Said sign shall be a maximum of nine (9) square feet in size.

Due to the increase in pedestrian traffic during the Sturgis© Motorcycle Rally™, any sign authorized by this Section to be within the public right of way shall not be used seven days prior to the official start of the Sturgis© Motorcycle Rally™ or during the Sturgis© Motorcycle each year.

30.03.05: ENFORCEMENT OF ON PREMISE SIGN REGULATIONS

Unless otherwise specified in this Title, in the case of noncompliance with the requirements of this Title, the Building Inspector or designee shall provide written notice to the owner(s) of the violating sign and to the owner(s) of the building, structure, premises or property upon which it is located. This written notice shall state the reason(s) such sign is in violation and set forth a period of time within which the sign must be made compliant or be removed. In the event that compliance is not made within the time period set forth, in addition to all other penalty and enforcement provisions of this Title the sign shall be removed in accordance with the provisions of this Title at cost to the owner of the building, structure, premises, or sign.

The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Service of the notice of violation upon the owners may / shall be by mailing a copy of the notice by Priority Mail with USPS tracking to each person at their address as it appears on the last equalized assessment role of the County or as known to the Building Inspections Office. If no address of any such person so appears or is known, then a copy of the notice shall be mailed, addressed to the person, at the address of the premises involved in the proceedings. The failure of any such person to receive the notice shall not affect the validity of the proceedings taken under this Title. Service by Priority Mail with USPS tracking in the manner herein provided shall be effective upon receipt of mailing.

CHAPTER 30.04 BILLBOARDS AND OFF PREMISES SIGNS

SECTIONS:

- 30.04.01: Application
- 30.04.02: Inventory List
- 30.04.03: Billboards Permitted Only in Billboard Overlay District
- 30.04.04: Digital off Premises Billboards
- 30.04.05: Off-Premises Signs
- 30.04.06: Billboard and Off-Premises Permits
- 30.04.07: Billboard and Off Premises Sign Fee Schedule
- 30.04.08: Billboard Inventory and Color Restrictions
- 30.04.09: Size and Distance Restrictions
- 30.04.10: Maintenance
- 30.04.11: Alterations or Relocations
- 30.04.12: Annual Inventory Fee
- 30.04.13: Enforcement for Billboards and Off-Premises Sign

30.04.01: APPLICATION

The provisions of this chapter shall apply to all billboards (including digital billboards) and off premises signs.

30.04.02: INVENTORY LIST

An authorized list or inventory of existing billboards and off premise signs shall be prepared and kept updated by the Building Inspector and shall be placed on file in the Office of the Building Inspector.

30.04.03: BILLBOARDS PERMITTED ONLY IN BILLBOARD OVERLAY DISTRICT

Billboards shall only be allowed by permit in the areas of the City shown as Billboard Overlay District. BB-1 Billboard Overlay District and BB-2 Billboard Overlay District shall be in the area located within the City as identified on Zoning Map on file at the City Finance Office.

30.04.04: DIGITAL OFF PREMISES BILLBOARDS

New digital billboards may be permitted and conforming static billboards may be converted to digital billboards for use in those billboard overlay districts where billboards are permitted, subject to all applicable regulations pertaining to billboards. All digital billboards (new or converted) shall also conform to the following additional regulations:

- A. Digital billboards shall display static images for a period of at least six (6) seconds before instantaneously transitioning to another static image.
- B. All digital off premises billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- C. No digital off premises billboard shall exceed a brightness level of 0.3 foot-candle above ambient lights as measured using a foot-candle meter or similar device at the present distance depending on sign area, measured as follows:

Dimensions (Feet)	Measurement Distance (Feet)
11 x 22	150
10.5 x 36	200
14 x 48	250
20 x 60	350

30.04.05: OFF-PREMISES SIGNS

This type of sign is to meet a standard to preserve and protect overall landscape quality as well as scenically sensitive areas and promote the safety of those using the public right of ways. Off premises signs must follow the same rules as governmental and regulatory signs. An off-premises sign may only include the name of the destination, logo and directions. No commercial advertising message shall be allowed. Prohibited off-premise signage includes roof tops, projecting and hanging signs, awnings and under canopies. Each sign may have a maximum of three square feet per business included on the sign with a sign maximum of twelve square feet in size and signs with more than one sign face per direction may be allowed only with a use on review. No part of the off-premises sign face or structure will be allowed to exist in or overlap into the required side or rear yard setbacks.

A conditional use permit is required for each off-premises sign, in addition to a sign permit and prior to a sign permit or any building permit being issued, approval of the conditional use permit must be obtained:

- A. Approval of a conditional use permit is required any time a new off-premises sign is erected or a structural alteration as defined by this code is made to an existing off-premises sign prior to a sign permit being issued.
- B. Approval of a conditional use permit is required for the conversion of an on-premises sign to an off-premises sign and prior to issuance of a sign permit
- C. Off-premises signs for for-profit entities shall only be allowed within Highway Service and General Commercial zones or within one block of an interstate exit or other highway entrance into the City
- D. Off-premises signs for non-profit, educational or institutional businesses or services shall be allowed within any zone at the discretion of the Planning and Zoning Commission and the City Council.
- E. A maximum of two off-premise signs per block are allowable.

Size, height and spacing regulations for off-premises signage shall meet the requirements of subsection 30.02.05 as well as the applicable provision of Building Code.

The conditional use permit shall be approved by the Planning Commission and is reviewed annually by the Planning Commission.

30.04.06: BILLBOARD AND OFF-PREMISES PERMITS

The following provisions shall apply in addition to the Permit application requirements of subsection 30.02.02 to all billboard and legal off-premises signs located in all zoned districts except those signs specifically exempted, and only if such exemption applies specifically to the location identified in the permit application.

- A. Any sign construction Permit shall expire one hundred and eighty days (180) days after its issuance. The sign must be erected within this time. Erecting a sign after the expiration date of the permit shall be a violation of the provisions of this Title.
- B. Billboard and Off-premises sign inventory permits expire on December 31 of the year in which the permit is issued.
- C. Any Billboard or Off-premises sign that does not have an off-premises sign or billboard inventory permit by February 1 of any year is an unlawful sign as defined under this code and is subject to removal under the provisions of this Title.
- D. No Billboard or Off-premises sign inventory permit may be issued for any off-premises sign if the owner has unpaid fees, fines, assessments or other charges of any kind owing to the City. No sign construction or inventory permit for billboard or off-premises sign alterations will be issued if the owner has unpaid fees, fines, assessments or other charges of any kind owing to the City.

30.04.07: BILLBOARD AND OFF PREMISES SIGN FEE SCHEDULE

The cost of a sign permit for construction or alteration of a Billboard or Off-Premise Sign shall be based upon the value of the billboard and/or sign. The cost shall be based on the most recent building code fee tables and shall be paid at the time the permit application is submitted.

30.04.08: BILLBOARD INVENTORY: BASE COLOR RESTRICTIONS

The Planning & Permitting Office shall keep an inventory of all billboards located within the City. The inventory shall include billboards located within and outside of the BB Zoned areas. Pursuant to this Chapter, the owner of each billboard located within the City shall obtain a billboard inventory permit for each billboard face capable of providing a separate message. The permit shall refer to the location, size, height, and degree of conformity to this Title. Only inventoried billboards may be subsequently issued sign permits for billboard alterations.

The base of any and all billboards shall be black or brown.

30.04.09: SIZE AND DISTANCE RESTRICTIONS

Any billboard located within the BB-1 Billboard Overlay District shall not be erected to exceed ten feet six inches (10' 6") by thirty-six feet (36') with a maximum height of forty-five feet (45'), including all supports and aprons. Any billboard located within the BB-2 Billboard Overlay District shall not be erected to exceed fourteen feet (14') by forty-eight feet (48') with a maximum height of forty-five feet (45'), including all supports and aprons. There shall be a maximum of four billboard faces allowed for each structure, each face not to exceed the size and height restrictions in this section. Said faces must be placed opposite of each other at the same height facing opposite directions.

A billboard shall not be erected within a minimum of five hundred (500) foot radius of an existing billboard. Five hundred (500) feet is the minimum distance that must exist between signs. Said distance must exist between signs in all directions. A longer distance may be required based upon safety factors related to the size and/or density of the signs. An Off-premises sign as permitted under this Title shall not be subject to these distance requirements.

Whenever dimensions of a sign are specified, they shall include panels, frames, supporting structures and all parts of the sign. In cases where parts of the advertisement extend beyond the rectangular or other shaped face of the sign, the method of measuring shall be to enclose the entire sign into the closest geometric shape and the measurements of that shape shall constitute the average square footage of the sign.

30.04.10: MAINTENANCE

All authorized, existing billboards must be kept in good and safe repair. If a billboard on the authorized list is not maintained in good and safe repair, the Building Inspector or designee shall notify the owner thereof and order him or her to repair the billboard within a specified period of time not less than 30 calendar days. If the Building Inspector or designee finds that the billboard is not repaired within the time specified in the repair notice, the Building Inspector shall notify the owner of the billboard and the owner of the real property on which the billboard is located to remove the billboard from the property within a specified period of time. All billboards ordered to be removed shall be stricken from the inventory when the time limit set in the removal notice ends.

No permit is needed for general maintenance, but no existing billboard shall be structurally altered without first obtaining an alteration permit from the Building Inspector or designee for that purpose. A separate permit shall be required for each billboard.

30.04.11: ALTERATIONS OR RELOCATION

A billboard shall not be altered with regard to size, shape, or height without the prior issuance of a sign construction permit for billboard alterations. All such permits shall require full compliance

with this Title. Relocation of an existing billboard shall be considered a new billboard requiring a sign construction and billboard permit.

30.04.12: ANNUAL INVENTORY FEE

An annual inventory fee shall be assessed against all existing billboards and off-premises signs. Said fee shall be assessed each January following the effective date of this Title. The amount of said fee shall be fifty dollars (\$50.00) per billboard face or per off-premises sign. Failure to pay said fee in a timely manner shall result in the Building Inspector or designee notifying the owner of the billboard or off-premises sign and the real property that the billboard or off-premises sign in violation shall be removed within a specified period of time. After said time period, the billboard in violation shall be removed from the authorized inventory.

Off-premises signs that are for a governmentally recognized non-profit, education or institutional businesses or services shall be exempt from this fee.

30.04.13: ENFORCEMENT FOR BILLBOARDS AND OFF-PREMISES SIGNS

Unless otherwise specified in this Title, and in addition to the provisions of subsection 30.01.06 herein, in the case of noncompliance with the requirements of this Title, the Building Inspector shall provide written notice to the owner of the violating billboard and the owner of the property upon which it is located, which notice shall state the reason(s) such billboard is in violation and set forth a period of fifteen (15) days for compliance or removal of the billboard. In the event that compliance is not made within the fifteen (15) days, and in addition to all other penalty and enforcement provisions of this Title the billboard shall may be removed in accordance with the provisions of this Title at cost to the owner of the building, structure, premises, or billboard.

The owner(s) of the property, building, structure or premises upon which the billboard sits and the owner(s) of the billboard shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating billboard and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Service of the notice of violation upon the owners shall either personally or by mailing a copy of the notice by Priority Mail with USPS tracking to each person at their address as it appears on the last equalized assessment role of the County or as known to the Building Inspections Office. If no address of any such person so appears or is known, then a copy of the notice shall be mailed, addressed to the person, at the address of the premises involved in the proceedings. The failure of any such person to receive the notice shall not affect the validity of the proceedings taken under this Title. Service by Priority Mail with USPS tracking in the manner herein provided shall be effective upon receipt of mailing.

**CHAPTER 30.05
APPEAL PROCESS**

SECTIONS:

30.05.01: Filing an Appeal

30.05.01: FILING AN APPEAL

Any person who has received a citation issued by a code enforcement officer or designee under this Title may appeal said citation to the City Manager and City Council by following all of the procedural requirements set forth in Title 36. Before filing an appeal with the Finance Office, the aggrieved person shall meet with the City Manager to discuss why the person believes the citation was issued in error. If unresolved, the appeal may be commenced.

Appeals shall be commenced by filing a notice of appeal with the Finance Officer. There shall be a One Hundred Dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the Finance Office at the time of filing the notice of appeal. The notice of appeal shall include a statement of the action complained of, why the same should be modified or rescinded, address where the appellant can be mailed notice of hearings, and a copy of the citation issued. The Finance Officer shall deliver a copy of the appeal notice and all filed documents to the City Attorney. In all other respects the Appeal herein shall be conducted as provided for in Title 36 of Sturgis City Ordinances.

Dated this 17th day of April, 2017.

First reading: 04-03-2017
Second reading: 04-17-2017
Adopted: 04-17-2017
Published: 04-26-2017
Effective: 05-17-2017

Motion by Crane, second by Martinson and carried with Carstensen, Anderson, Bradley, Crane, Dargatz, Keszler, Martinson and Waterland voting yes, Bachand voting no, to approve first reading of Ordinance 2017-04 – Title 2 – Contractor Licensing & Construction Regulation.

Motion by Anderson, second by Martinson and carried with Carstensen, Anderson, Bradley, Crane, Dargatz, Keszler, Martinson and Waterland voting yes, Bachand voting no, to approve first reading of Ordinance 2017-05 – Title 31 – Licensing of Temporary Business.

Any other business:

Marv Nival and Liz Grubl had concerns on the development of the Francis Case property. There were questions about who owned the property and donated it to the school in the past. The number of structures being built and quality, street parking and no green space.

With the meeting starting early, Mr. Mark Beauvis came in after the motion had been made on his setback request for a carport. Mr. Beauvis explained to the Council why he wants a carport for his property.

Motion by Martinson, second by Crane and carried with Carstensen, Anderson, Bradley, Crane, Keszler, Martinson and Waterland voting yes, Bachand and Dargatz voting nay, to reconsider the side setback variance for Mark Beauvais.

Motion by Dargatz, second by Martinson and carried with all members voting yes to table any decisions on this setback until the May 15th Council meeting.

Motion by Crane, second by Anderson and carried with all members present voting yes to go into executive session for two legal cases and two contracts at 7:07 pm.

Motion by Dargatz, second by Waterland to return to regular session at 7:32 pm.

Motion by Waterland, seconded by Dargatz and carried with all members present voting yes to adjourn the meeting at 7:33 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$