

Ordinance No. 24

Placement of Signs & Billboards

Revised and Adopted April 14th, 2020

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 ordinance 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.

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 not advertising message or public service announcement and does not have a white painted sign face in good condition.

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.

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.

ATTENTION-ATTRACTING DEVICE: Any streamer, pennant, propeller, inflatable sign, tethered balloon, (10' 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 OR CANOPY SIGN: A roof-like cover designed and intended to provide protection from the weather or as a decorative embellishment for a business, and which projects from a wall or roof over a window, walk, or door. Awning or Canopy Sign must maintain a minimum vertical clearance of 9'.

BANNER: A sign composed of lightweight material enclosed or unenclosed in a rigid frame, secured or mounted 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 that directs attention to a business, profession, product, service, or entertainment which is not sold or offered upon the premises where such sign is located.

BILLBOARD LOT: An approved platted lot for the placement of a billboard. Such lot shall be a platted lot of one acre or greater in size and have a depth of greater than two hundred linear feet and a width greater than two hundred linear feet. The billboard 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.

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 current version of the 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).

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: Signs not more than 12 square feet in area, stating the names of contractors, engineers or architects. This type of sign is considered temporary and will only be permitted 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

DANGER, WARNING OR HAZARD SIGN: Indicates a hazardous situation that, if not avoided, could result in death or serious injury.

DIRECTIONAL SIGNS: See Off-Premise Directional Signs

DIRECTORY (GUIDE) 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 two-sided sign (back to back), constructed to display its message on the outer surfaces of two identical and opposite planes at an angle of forty-five degrees or less.

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.

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 OR STREET: A roadway or street 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.

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.

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.

HOME BASED BUSINESS: A business whose primary office is in the owner's home.

HIGHWAY BEAUTIFICATION AREA: Areas of landscaping and control of the usage of the land along state/federal highways. Section 131 of Title 23, United States Code.

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.

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 SIGN: A hood or permanent construction that projects from the wall of a building, usually above the entrance as a sign attached to, in any manner, or made a part of a marquee. A Marquee Sign must maintain a minimum vertical clearance of 9'.

MEADE COUNTY GOVERNING BOARD: The Meade County Board of Commissioners or Commission to interpret and administer the procedures and principles of this ordinance.

MULTI-FACED: A two-sided sign (back to back), 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 75% 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 Commission 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 Commission. 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 Commission 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. See attached map.

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.

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

OFF-PREMISE 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.

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. Temporary Sign.
3. Portable Temporary Sign (placed by the County).

ON-PREMISE SIGN: A sign that advertises goods or services available at the site of a business. On-Premise sign size shall be a maximum of 64 square feet unless it is off a state highway or interstate highway-see below.

ON-PREMISE HIGHWAY ACCESS SIGNS: A sign greater than 64 square feet 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. See Section 5.02.

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.

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

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

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, cannot exceed the temporary sign sizing requirement.

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 5 or more buildable platted lots.

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

RURAL COMMUNITY: 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), may be used as a temporary sign and must meet the definition of a portable 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 designed to advise, identify, or convey information, with exceptions of window displays.

SIGN/BILLBOARD LOCATION: 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 another Meade County approved map datum.

TEMPORARY SIGN: 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.

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, but does not include license plates, license plate frames or vehicle brand.

WALL SIGN: A sign attached to the wall of a building or structure.

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 BILLBOARDS

Section 3.01 Billboard Regulations

- 1) Billboards may only be placed on approved Sign/Billboard leased or 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 or leased area 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' radius from any residential areas or dwelling lots. Billboards within

1,500' of a Rural Community may have a described lease area of one acre in lieu of a platted lot.

- 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' 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' in height and a maximum of 40' in width, with an overall height not to exceed 35' (from the nearest road surface). This will be referred to as "bulletin size". (480 square feet). Billboards proposed off of a Controlled Access Primary Highway or any State or Local Roads, must be approved by the South Dakota Department of Transportation and be approved by the Commission.
 - 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 is 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' sight triangle at intersections or within a 25' 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' sight triangle at intersections or within a 25' setback from a public right-of-way of any county road.
- 7) Billboard density for four lane roads or highways and controlled access primary highways shall be set at a minimum of 1,500' 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' 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 lane roads located in Meade County shall be set at a minimum of 1,200' 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' of a Rural Community may be spaced at 750', sign face to sign face. Billboards placed on two lane roads within Meade County shall not exceed 240 square feet in surface area and shall not be placed greater than 25' in height, from the road surface.

9) Billboard construction 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 the current version of the International Building Code. Billboard Support Structures must be constructed of quality steel and in accordance with the current version of the International Building Code.

- 10) Any Billboard or Sign will be considered abandoned if any one of the following conditions exists for a period of 90 days:
- A. Not properly maintained.
 - B. Declared unlawful by Meade County.
 - C. Displays no advertising message or public service announcement and does not have a white painted sign face in good condition.

Any Abandoned Billboard or sign must be completely removed.

11) Application requirements for billboards

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

- A. Name and address of owner of the billboard and contractor.
- B. Name and address of owner or the person in possession of the premises where the billboard is located or to be located.
- C. Signature of property owner giving permission or a copy of current lease allowing billboards.
- D. Clear and legible drawings or artwork 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.
- E. Site plan of premises, including the 1,500' radius of surrounding property labeled with ownership.
- F. Evidence of return receipt of certified mail of property owners within 1,500' radius of legal description of property applied for billboard.
- G. Other such data and information deemed necessary by the Meade County Planning Official.

H. GPS coordinates for the proposed billboard.

12) Mail Notification to Adjoining Property Owners and Official Newspaper Publication

- A. Written notification shall be mailed 14 calendar days prior to the Commission hearing scheduled to review the application for all new billboards. The applicant shall notify all property owners within 1,500' 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 landowners 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.
- B. Proof of notification must be presented to the Commission prior to any board action.
- C. The applicant must also publish in the official newspaper within Meade County a notification of the Public Hearing before the Commission 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.)

13) Commission Hearing on all Billboard Applications

- A. The Commission 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 from the official county newspaper showing dates of published notification. The Commission shall consider all things pertinent. If the Commission 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.)

14) Routine Maintenance, Modifications and Alterations

- A. 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".

- B. The following shall be considered routine sign maintenance:
 - 1. Changing advertising message.
 - 2. Replacing light bulbs.
 - 3. Painting structures.
 - 4. Replacing broken or rotted lumber.
 - 5. Spot welding.
 - 6. Replacing loose or worn wiring.
 - C. Routine maintenance may not exceed more than 50% of sign cost or 50% of sign structure.
 - D. The following shall be considered substantial alteration or modification or otherwise non-routine maintenance:
 - 1. More than 50% of the sign altered or modified.
 - 2. The cost of alteration or modification exceeds 50% of the sign cost.
 - 3. Increasing the sign face display area over 10% of original size.
 - 4. 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. A new application must be made for a new conforming sign or billboard and must meet the complete requirements of this ordinance.
- 15) Exceptions for the downsizing of height, width, or number of billboards/signs
- A. Meade County recognizes that there are many older or aging billboards and signs which were installed before the enactment of this Ordinance. The Commission 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.

Article IV OFF-PREMISE SIGNS

Section 4.01 Off-Premise Signs

- A. Application is required with drawings or artwork for the proposed sign. The only type of Off-Premise sign listed below requires a sign permit. Off-Premises signs are not billboards.
- B. The application fee is set by the Commission by Resolution, for the installation of each sign. Signs will state the name of the business with direction, and logos permitted.
 - 1. The application must be approved by the Planning Official.
- C. Not more than one off-premise sign with a maximum of two sign faces back to back, per platted lot or business. Sign faces shall not exceed 9 square feet per sign face, directing the public to a business location.
- D. Condition for permitting the off-premise sign:
 - 1. The property of the business and the structure that houses the business or office of the business cannot be seen from a public road. The Off-Premise sign must be placed as close as possible to the entrance to the property business except for Bench Signs.
 - 2. Off-Premise signs cannot be installed in the County public rights-of-way.
 - 3. Bench signs are considered Off-Premise signs and require a permit.
 - 4. Municipalities may have an off-premise monument type sign (for identifying the municipality), 150 square feet of sign face or less, outside of the municipal boundary, which must be spaced a minimum of 500' from an existing billboard. Must be approved by the Planning Official.

Section 4.02 Signs Exempt from this Off-Premises Sign

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

Article V ON-PREMISE SIGNS

Section 5.01 On-Premise Sign Regulations

- A. Application is required with drawings or artwork for the proposed sign. 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:
1. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
 2. 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.
 3. Other such data and information deemed necessary by the Meade County Planning Official.
- B. On-Premise Business Signs shall be up to a maximum of 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 cannot be used however, in deemed Highway Beautification Areas Natural Attraction, Scenic Beauty or Historical Interest Areas designated within the County.
- C. 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. Time and Temperature Signs are included in this sub-section. Additional requirements may apply at the discretion of the Meade County Planning Official.
- D. 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. Awning Sign must maintain a minimum vertical clearance of 9'.
- E. Changeable Copy Signs or signs with Channel Letters will be considered as an On-Premise Business Sign when installed on the property of the business.
- F. 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.
- G. 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.

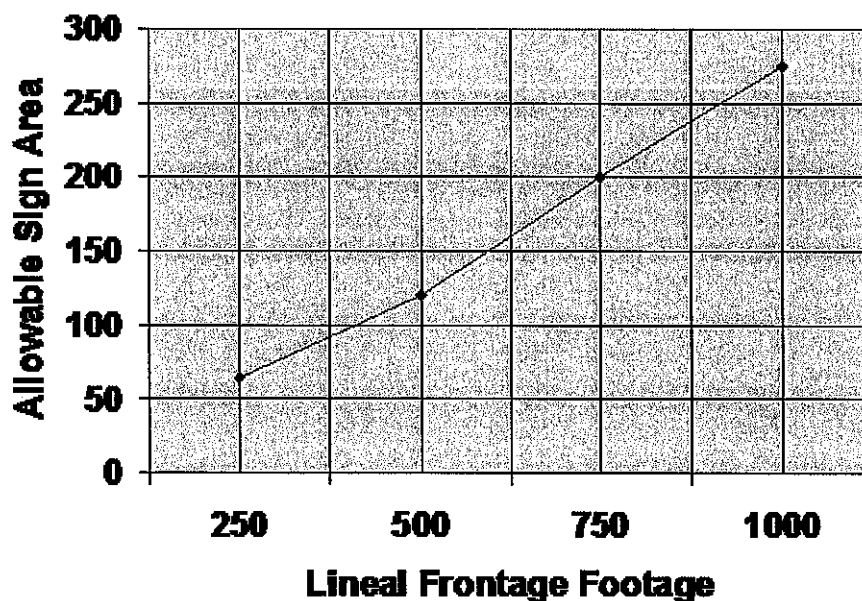
Complete details of the sign including a graphic representation of the sign and a sight map must be submitted and will also require the approval of the Commission. Electronic Reader Boards or Animated Signs, which have moving characters or figures, and that do not give a static message for a minimum of 6 seconds, shall not be allowed off of a four lane highway or a controlled access primary highway such as I-90. All Electronic Reader Board Signs must be 250' from a residence in any direction.

- H. On-Premise businesses standard guide signs such as Building Markers, Directory Signs, Flags, Hazardous Signs, Parking Signs, Street Signs, Service Signs and Vehicle Signs, will not require a permit.
- I. Small home-based business signs, not to exceed 3 square feet in a High or Modified Density subdivision; not to exceed 5 square feet in a Medium Density Subdivision; and not to exceed 8 square feet in a Rural Density Subdivision.
- J. The application fee is set by the Commission by Resolution for the installation of each sign.

Section 5.02 Allowable Sign Area off a State Highway or Interstate

FIGURE 1

Allowable Sign Area off of a State Highway



- A. Allowable sign Height for On-Premise signs off of an Interstate State Highway or road shall not exceed 18' 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 5.03 Natural Attraction, Scenic Beauty or Historical Interest Areas

- A. No billboard or Off-Premise Sign shall be permitted in any area designated by the Commission as one of Natural Attraction, Scenic Beauty or Historical Interest. Exemption for placing signs in a Natural Attraction, Scenic Beauty or Historic Interest area is for official governmental business only.
- B. Natural Attraction, Scenic Beauty, or Historical Interest areas shall be approved by the Commission 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 Commission, which may add or delete roads from the Natural Attraction, Scenic Beauty or Historical Interest areas designation. (See map on page 20.)

ARTICLE VI TEMPORARY SIGNAGE

Section 6.01 Temporary Signs and Attention Attracting Devices

Temporary signs are future tenant sign, political or campaign signs, portable temporary signs, real estate signs, semi-trailer signs, temporary grand opening signs and garage/yard sale signs, pennants, portable temporary signs, rally signs.

- A. 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 equal to or less than 16 square feet do not require a permit, temporary signs greater than 16 square feet must have a permit.
- B. All temporary signs can be erected 10 days prior to the special event and must be removed within 10 days after the completion of the special event.
- C. Construction/Development Sign on a lot under construction cannot be more than 16 square feet in area and is considered temporary, stating the names of contractors, engineers or architects. This type of sign is allowed during the time that construction or development is actively underway. Upon completing the construction project, the sign must be removed.
- D. Attention attracting devices such as large Air Balloons or Zeppelins 10' or greater in diameter or a Beacon/Search Beacons which may be used for special events will require the approval of the Commission. These types of devices if

permitted, are limited to 30 days maximum, and must meet all State and Federal Laws for usage.

- E. Other Attention-Attracting Devices used for an on-premise business such as grand opening sign, temporary future tenant signs, pennants shall be 16 feet square feet or less and will not require a permit. The time limit stated in Section 6.01 (B) applies.
- F. All temporary signs must meet a 25' sight triangle at intersections of driveways and roads.

ARTICLE VII BILLBOARD AND SIGNAGE APPLICATION FEES

Section 7.01 Signs requiring an Application Fee

- A. 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 when deemed appropriate. The application fees shall apply to the following sign applications:
 - 1. On-Premise
 - 2. Electronic Reader Board or Animation Signs
 - 3. Billboards - Standard
 - 4. Billboards within 1500' of a Rural Community
 - 5. Off-Premise Directional Signs-initially and for replacement signs
 - 6. Annual Maintenance fee per Off-Premise Directional Sign
 - 7. Beacon or Search Beacon (Temporary Use)
 - 8. Large Air Balloons or Zeppelin's 10' or greater in diameter (Temporary Use)
 - 9. Temporary Signs greater than 16 square feet.
- B. Unauthorized erection of a sign will be two times the cost for the applicable sign.

Article VIII Penalties, Remedies, Appeals & Variances

Section 8.01 Signs Prohibited

- A. Any non-governmental sign which resemble a public safety warning or traffic sign.
- B. Signs, whether temporary or permanent, within any street or highway right-of-way, except for those signs approved by the government with road maintenance responsibility.

- C. 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.
- D. Signs located on or attached to the roof of a structure.
- E. 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.

Section 8.02 Penalties for Violations of this Ordinance

- A. The provisions of this ordinance shall be administered and enforced by a County Ordinance Enforcement Officer appointed by the 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.
- B. The County Ordinance Enforcement Officer shall have the power to appoint deputies to assist in his duties. Such deputies are to be approved by the Commission.
- C. 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 at discretion of such officer, the following:
 - 1. The date of violation.
 - 2. The nature of violation.
 - 3. The amount of penalty or fine associated with the violation.
 - 4. The date the individual is required to appear in court unless the designated fine is paid prior thereto; and
 - 5. The signature, or noted refusal to sign, of the violator.
- D. An ordinance violation notice issued under authority of this ordinance shall be enforced as a civil proceeding before a magistrate court.
- E. Violations of this ordinance may also be subject to an action for injunctive relief brought by Meade County. Signs erected or maintained in violation of this Ordinance are declared unlawful.
- F. In addition to the criminal penalty set forth above, the Commission 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 Commission.

Section 8.03 Appeal Process

- A. 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 Commission 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.

Article IX VARIANCES

Section 9.01 Variance Conditions

- A. The Commission shall have the authority to give a Variance. The person claiming the Variance has the burden of showing that the granting 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.
 - 3. That by granting the Variance, substantial justice will be done.

Section 9.02 Application Required

- A. 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. Application Fee.
 - 1. Applicants shall pay a fee which shall be set forth by Resolution by the Commission for each variance application when the application is submitted to the Equalization & Planning Department.

Section 9.03 Notification

- A. Proper Notification for variances has been given to all impacted landowners and adjacent landowners, or landowners within 1,500' for billboards. 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 Planning Staff prior to mailing.

ARTICLE X SEVERABILITY AND SEPARABILITY

Section 10.01 Severability and Separability

- A. 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 10.02 First Amendment Protection

- A. 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 XI 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 14th day of April 2020.

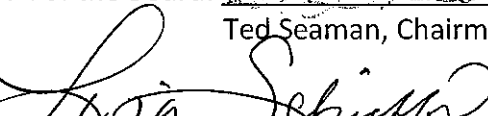
Dated at Sturgis, South Dakota, this 14th day of April 2020.

Commission Chairman of the Board:



Ted Seaman, 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:
 Effective Date:

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

2020 Revision:
 First Reading: February 25th, 2020
 Second Reading: April 14th, 2020
 Adoption Date: April 14th, 2020
 Published Dates: April 22nd & 29th, 2020
 Effective Date: May 20th, 2020

Natural Attraction, Scenic Beauty, or Historical Interest Areas Map

