

**WATERTOWN CITY COUNCIL  
WORK SESSION AGENDA  
CITY HALL  
23 SECOND STREET NORTHEAST  
WATERTOWN, SOUTH DAKOTA**

**Tuesday, September 5, 2017**

**5:30 PM**

1. Call to Order
2. Discussion of Ordinance No. 17-32 amending Section 21.6303 of the Revised Ordinances of the City of Watertown to allow for less restrictions on loading docks in the I-1 Zoning District
3. Discussion of Ordinance No. 17-33 amending Chapter 21.80 and 21.90 of the Revised Ordinance of the City of Watertown to update the sign code
4. Update on the Storm Shelter Project
5. Adjournment

Rochelle M. Ebbers, CPA  
Finance Officer

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ADA Compliance: The City of Watertown fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

## REQUEST FOR CITY COUNCIL ACTION

**TO:** Watertown City Council

**FROM:** Justin Goetz, City Attorney

**MEETING:** August 21, 2017

**RE:** Resolution 2017-26; Proposed Ordinance 17-32, Amending Section 21.6303 of the Revised Ordinances to allow for less restrictions on loading docks in I-1 zoning districts.

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A business in the I-1 district recently approached the City of Watertown regarding an expansion of its existing facility. While researching the proposed site plan's compliance with local ordinance, City staff discovered that the proposed orientation of the loading dock would place the building in violation of Section 21.6303(1) and (3), which prohibits loading docks from being located on a street frontage and requires all loading docks not in I-2 zoning districts to be screened from the street, respectively.

After reviewing the policy basis for having this ordinance at a City Public Works Meeting, City staff suggested revising the law so that:

- 1) Loading docks could be located on a street frontage in I-1 as well as I-2 zones; and
- 2) Loading berths need only be screened from the view of nearby residential properties, if any.

The rationale for this change is based on a recognition that public safety, aesthetics, and noise were the main drivers of these provisions. From an aesthetic standpoint, many commercial and industrial properties require loading docks. Given that need and ubiquity, the thought was that only residential-zoned districts should be aesthetically "shielded" from the docks. Public safety issues associated with having loading docks directly face a street frontage (and thus, enhancing the risk of traffic issues) are less of a concern in I-1 and I-2 designated areas, given

that truck loading areas are already required to be a key design point for industrial-zoned properties and must be considered by the Plan Commission when recommending plat approval of industrial-zoned properties. *See Revised Ordinance* §§ 21.3201(8) (for I-1 districts); 21.3601(7) (for I-2 districts). Finally, noise concerns are less impactful when other relatively intensive use districts are nearby. Noise concerns are more pronounced for those actually residing in the area, whose exposure to ambient noise is much greater (and whose expectations for quiet enjoyment are also greater). Therefore, the thought is that sounds of equipment backing up, loads being dropped at the dock, and other sounds of sometimes-24-hour operations must be sufficiently buffered from any adjacent residential areas. For other zoned districts, the need is much less.

Accordingly, City staff suggest modifying ordinance regarding loading docks to allow them to face street frontages in I-1 districts and to only require buffer zones for loading areas adjacent to residential zones.

**Recommendation:** The Plan Commission did not recommend approving Ordinance 17-32

**Action:** City Council first reading on Ordinance 17-32 (Ordinance Amendment)

**ORDINANCE NO. 17-32**

**AN ORDINANCE AMENDING SECTION 21.6303 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO ALLOW FOR LESS RESTRICTIONS ON LOADING DOCKS IN I-1 ZONING DISTRICTS**

**BE IT ORDAINED** by the City of Watertown, South Dakota, that Section 21.6303 of the Revised Ordinances of the City of Watertown be amended as follows:

**21.6303: OFF-STREET LOADING MINIMUM REQUIREMENTS** [\(back to Chapter contents\)](#)

1. No open, exterior, loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area) except in I-1 and I-2 zoning districts.
2. Loading areas, parking bays and access drives shall be surfaced with a durable all weather surface material and shall be so graded to dispose of surface water.
3. All ~~berths-loading facilities~~ shall be screened from the view from the street of any adjacent property in a residential zoning district by plant materials, walls, earth berms or fences, ~~except in I-2~~. For purposes of this provision, "adjacent" includes any property separated from loading area by a public right-of-way.

The above and foregoing Ordinance was moved for adoption by Alderperson \_\_\_\_\_, seconded by Alderperson \_\_\_\_\_, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance 17-32 was published in the Watertown Public Opinion, the official newspaper of said City, on this \_\_\_\_ day of \_\_\_\_\_, 2017.

Rochelle M. Ebbers, CPA

First Reading: August 21, 2017  
Second Reading: September 5, 2017  
Published: September 9, 2017  
Effective: September 29, 2017

City of Watertown

Attest:

\_\_\_\_\_  
Rochelle M. Ebbers, CPA  
Finance Officer

\_\_\_\_\_  
Sarah Caron  
Mayor

## REQUEST FOR CITY COUNCIL ACTION

**TO:** Watertown City Commission  
**FROM:** Justin Goetz, City Attorney  
**MEETING:** August 21, 2017  
**RE:** Proposed Ordinance 17-33, Amending chapters 21.80 and 21.90 to revise the City's sign code regulations.

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This is the culmination of a process that officially began in January 2016 with the adoption of the moratorium on permits for off-premise signs in the City of Watertown, per Resolution 16-01. Since that time, approximately nine meetings—half of them involving members of the public—have been held to help revise our sign regulations.

While I was not City Attorney when this discussion began, it is my understanding that two issues spurred this revision:

- 1) The need to look at portable sign regulations (“portable signs” being “any sign not permanently attached to the ground” and “designed to be transported from . . . site to site at periodic intervals”).
- 2) The need to readdress off-premise (billboard) sign regulations.

Informing this discussion was an in-depth analysis of the impact of the recent United States Supreme Court case of *Reed v. Town of Gilbert, AZ*, 135 S. Ct. 2218 (2015). This case brought up questions as to whether regulations could constitutionally distinguish between on- and off-premise signs. As you can see by the inclusion of much of the existing off-premise sign regulations, the group determined that there was not enough guidance from the court to warrant a change there.

Revisions to the ordinance follow three distinct themes:

- 1) To streamline administrative provisions;
- 2) To clarify what constitutes an abandoned sign; and
- 3) To clarify regulations for temporary signs (including portable signs), electronic message centers, and miscellaneous (non-traditional) signs.

The first is reflected in changes brought to Sections 21.8005 through 21.8010. Sections 21.8005, .8006, .8008, and .8009 were condensed by removing redundant provisions. Changes to Section 21.8007 were meant to make an unused sign permit lapse at the same time as nonconforming uses (1 year), and to allow the Building Official or Code Enforcement Officer to summarily enforce regulations against temporary signs. Section 21.8010 is intended to reflect the reality that certain basic signs should not be required to have a licensed sign installer.

Provisions relating to abandoned signs were modified in order to better reflect the underlying rationales for why they are considered nuisances—either because they are no longer accurate, or because they lack maintenance (thereby becoming safety or aesthetic problems). Revisions to §§ 21.8012(5) and the definition of “abandoned sign” in Chapter 21.90 reflect this intention.

The remaining changes generally focus on temporary signs, electronic message centers, and miscellaneous signs such as flags, parasitic signs, and those signs that do not require permits but are required to follow City ordinance.

One key regulation to note—the proposed § 21.8015(18)—would provide that no sign (temporary or permanent) can be placed on a lot that fails to meet the minimum lot area and width requirements of its zoning district, per Revised Ordinance § 21.1003. This is designed to prevent postage-stamp lots from being carved out of large tracts of land in order to place many more signs on the land than would have been permitted on the large tract.

## ORDINANCE NO. 17-33

### AN ORDINANCE AMENDING CHAPTERS 21.80 AND 21.90 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO UPDATE THE SIGN CODE

**BE IT ORDAINED** by the City of Watertown, South Dakota, that Chapter 21.80 of the Revised Ordinances of the City of Watertown be amended as follows:

#### Chapter 21.80 SIGNS AND OUTDOOR ADVERTISING

##### Section

[\(back to Title contents\)](#)

<a href="#">21.8001</a>	<a href="#">Purpose</a>
<a href="#">21.8002</a>	<a href="#">Applicability</a>
<a href="#">21.8003</a>	<a href="#">Reserved</a>
<a href="#">21.8004</a>	<a href="#">Graphic Illustrations</a>
<a href="#">21.8005</a>	<a href="#">Administrative Official</a>
<del><a href="#">21.8006</a></del>	<del><a href="#">Administration</a></del>
<a href="#">21.8007</a>	<a href="#">Sign Permits</a>
<del><a href="#">21.8008</a></del>	<del><a href="#">Sign Code Board of Appeals</a></del>
<del><a href="#">21.8009</a></del>	<del><a href="#">Sign Appeals Process</a></del>
<a href="#">21.8010</a>	<a href="#">Bond and License Required</a>
<a href="#">21.8011</a>	<a href="#">Design and Construction</a>
<a href="#">21.8012</a>	<a href="#">Maintenance of Signs</a>
<a href="#">21.8013</a>	<a href="#">Area and Height Regulations</a>
<a href="#">21.8014</a>	<a href="#">Exempt Signs</a>
<a href="#">21.8015</a>	<a href="#">Prohibited Signs</a>
<a href="#">21.8016</a>	<a href="#">Legally Nonconforming Signs</a>
<a href="#">21.8017</a>	<a href="#">Freestanding Signs</a>
<a href="#">21.8018</a>	<a href="#">Projection of Building Signs Permitted</a>
<a href="#">21.8019</a>	<a href="#">Reserved</a>
<a href="#">21.8020</a>	<a href="#">Limitations on Use of Inflatable Signs</a>
<a href="#">21.8021</a>	<a href="#">Limitations on Use of Banners</a>
<a href="#">21.8022</a>	<del><a href="#">Regulation of Electronic Message Centers</a></del> <del><a href="#">Reserved</a></del>
<a href="#">21.8023</a>	<a href="#">Regulation of Portable Signs</a>
<a href="#">21.8024</a>	<a href="#">Regulation of Off-Premise Signs</a>
<a href="#">21.8025</a>	<a href="#">Reserved</a>
<a href="#">21.8026</a>	<a href="#">Restrictions on Signs Located in the Public Right-of-Way</a>
<a href="#">21.8027</a>	<a href="#">Table 1 – Signs by Type and Zoning District</a>
<a href="#">21.8028</a>	<a href="#">Table 2 – Number, Dimensions and Location of Individual Signs and Maximum Total Sign Area by Zoning District</a>
<a href="#">21.8029</a>	<a href="#">Table 3 – Number and Dimensions of Certain Signs by Type</a>

##### **21.8001: PURPOSE**

The purpose of this chapter is to promote the general safety and welfare of the City by facilitating communication between people through establishment of a comprehensive system regulating signs in the City. The objectives of this code are:

1. To regulate signs which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes;
2. To encourage signs that are readable;
3. To control the number, size, location, and condition of signs;

4. To regulate signs to prevent the obstruction of vision or interference with pedestrian or vehicular traffic.
5. To minimize adverse effects of signs on public and private property;
6. To maintain and enhance the overall aesthetics of the community and ensure fair and consistent enforcement of this chapter.

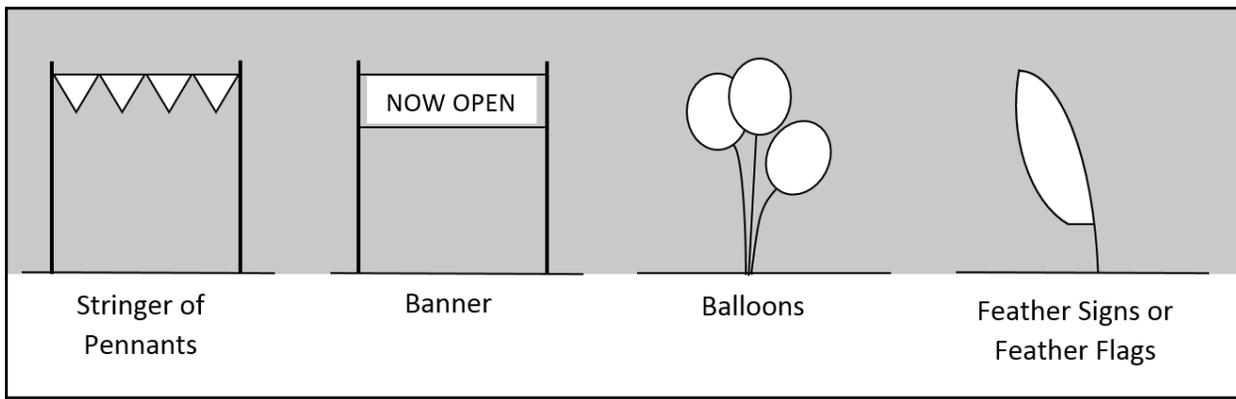
**21.8002: APPLICABILITY**

No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations are applicable to all districts.

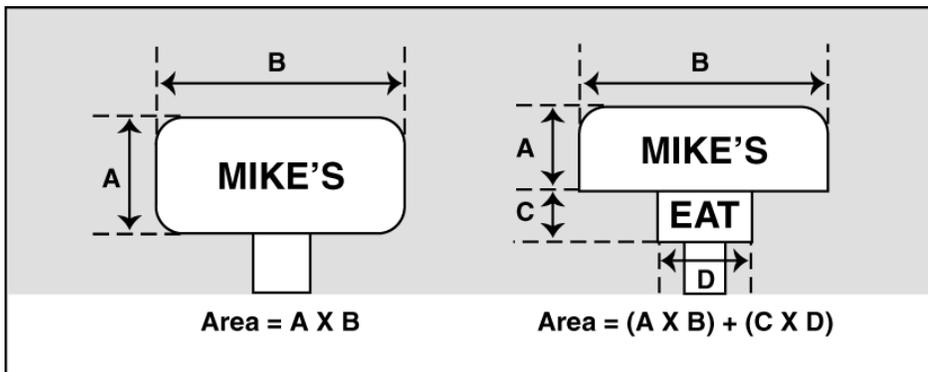
**21.8003: RESERVED**

**21.8004: GRAPHIC ILLUSTRATIONS**

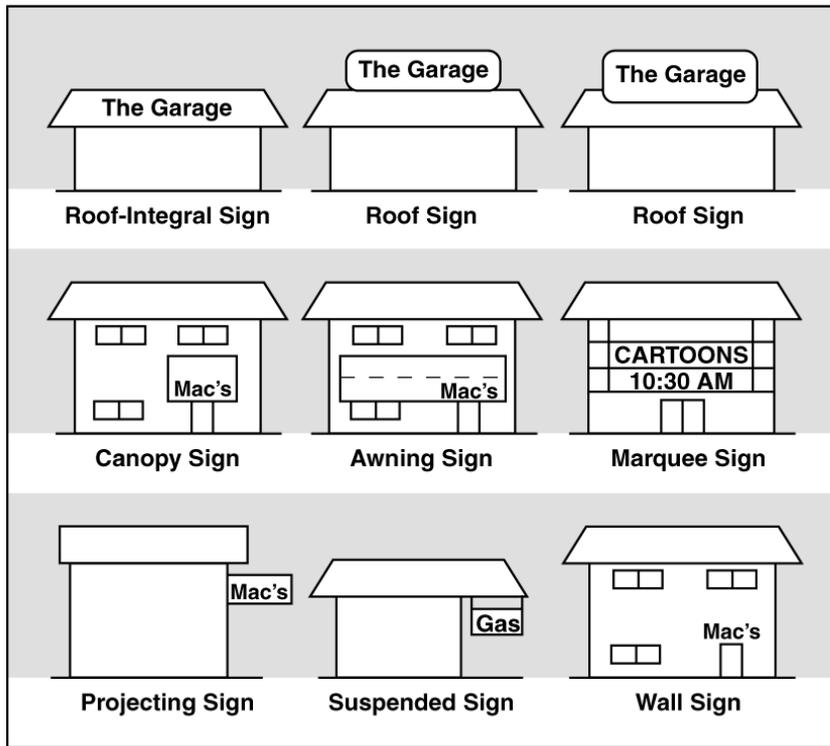
1. Examples of Temporary Signs (not all inclusive)



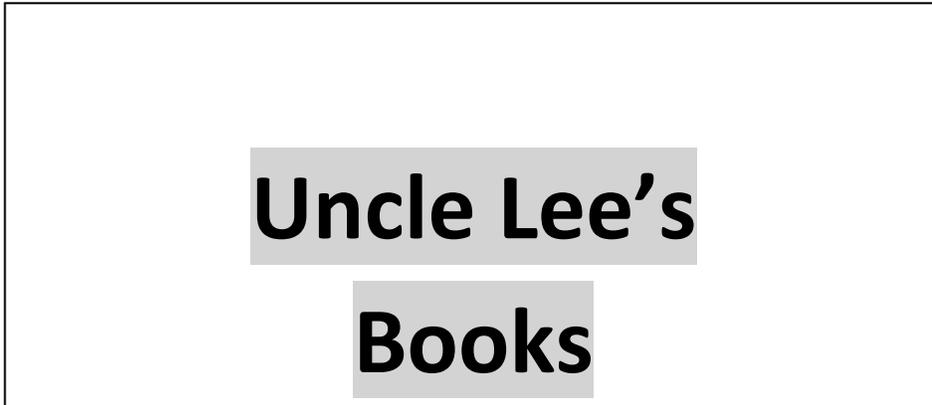
2. Computation of Sign Area



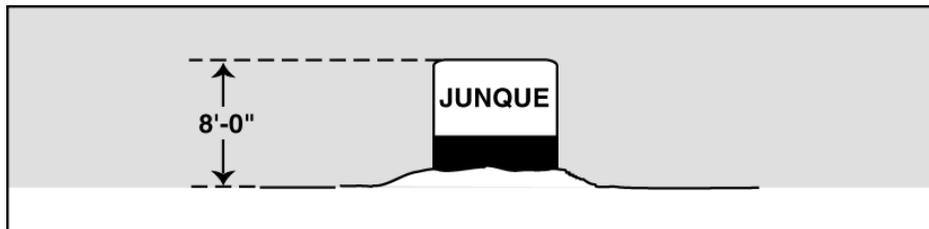
3. **Building Identification Signs (not all inclusive)**



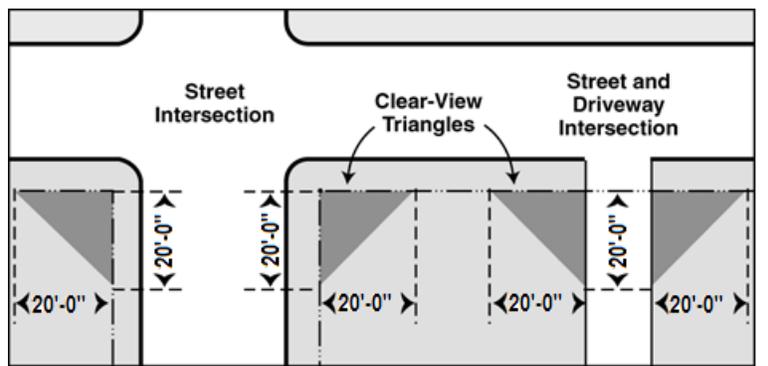
4. Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs



5. Height of Sign with Grade Mounting (See definition of Grade)



6. Clear View Triangle Area Intersection of Streets Intersection of Street and Driveway



**21.8005: ADMINISTRATIVE OFFICIAL**

~~The Administrative Official, or his designee, is authorized to enforce all the provisions of this chapter.~~

The Administrative

1. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter.
2. When necessary to make an inspection to enforce the provisions of this code, or when the Administrative Official has reasonable cause to believe a sign or a condition exists which is contrary to, or in violation of this code, the Administrative Official may enter the premises at a reasonable time to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Administrative Official 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 Administrative Official shall resort to the remedies provided by law to secure entry.

~~Whenever any work regulated under this chapter is being done contrary to its provisions, or other applicable laws or ordinances, the Administrative Official may order such work stopped by notice in writing served on any person performing or permitting such work to be done. Work must then be stopped until authorized by the Administrative Official.~~

4.3. This code shall not be construed to relieve or reduce the responsibility to any person owning, operating or controlling any sign or sign structure liability for any damages to persons or property caused by defects, nor shall the City be deemed to have assumed any liability by reason of any act or omission, including, but not limited to conducting any inspection authorized by this code or any permits issued under this code.

## ~~21.8006: ADMINISTRATION~~

- ~~1. **General.** In the event any portion of this chapter shall be declared invalid or unenforceable for whatever reason, such declaration shall not impair the enforceability of any other provision. In the event a provision of this chapter conflicts with any other ordinance, statute or federal law, the more restrictive law shall apply.~~
- ~~2. **Enforcement.** The Administrative Official or his designee may declare any sign unlawful by reason of inadequate maintenance, improper placement, dilapidation, abandonment, or for having been erected without a permit or by an unlicensed contractor or for violating any other provision of this code or other statute or federal law. The owner of any unlawful sign or sign structure shall have committed an ordinance violation which, upon conviction, is punishable as provided in Section 21.9901. (Ord 16-20; Rev 11-11-16)~~

## 21.8007: SIGN PERMITS

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the Administrative Official.
2. Every sign permit issued by the Administrative Official shall expire by limitation and become null and void if construction does not commence within sixty (60) days from date of permit issuance, and shall expire by limitation in one hundred twenty (120) days from the date of permit issuance. For good cause, the Administrative Official may extend the time of permit validity for an additional one hundred twenty (120) days. Any extension granted shall be accompanied by a fee equal to one-half (1/2) of the original permit fee paid to the City.
3. **Number of Signs.** Any permit issued may authorize one or more signs.
4. **Assignment of Sign Permits.** A current and valid permanent sign permit shall be freely assignable to a successor in interest to the property upon which such permanent sign was originally constructed.
5. **Permit Prohibited.** No permit shall be issued to any lot upon which there exists any illegal sign at the time of making permit application; however, a permit may be issued for both the removal of any illegal sign as well as for the erection of a legally conforming sign.
6. **Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body from time to time by resolution.
7. **Sign Permit Process.** The following procedure shall govern the application for, and issuance of, all sign permits under this chapter:
  - a. **Permanent Signs**
    - (1) All applications for the construction, creation, placement or installation of permanent signs or the modification, excluding the changing of the advertising message or copy of an existing permanent sign, must be accompanied by the following to enable permit issuance:
      - (a) Name and address of owner of the property upon which the sign is to be erected; name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;

- (b) A detailed site plan showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways, size and type of existing signs on the property and other pertinent land and architectural features.
  - (c) An elevation drawing showing the total sign height above the adjacent grade.
  - (d) The total dimensions of the sign facing.
  - (e) The design features of the sign.
  - (f) The type of illumination or other characteristics of the sign (see [Section 21.80287 –Table 2](#)).
  - (g) Completed Sign Permit Application.
- (2) A permitted sign shall be deemed perpetual, and shall not terminate unless:
- (a) The sign has been abandoned as defined hereunder or;
  - (b) The business activity or identified entity which existed at the time the sign permit was issued is discontinued for a period of ~~one hundred eighty~~three hundred sixty-five days (480365) days or more ~~and is not resumed within thirty (30) days of written notice from the City or;~~
  - (c) The type, size, height, location, or illumination is changed, altered or modified.
- b. Temporary Signs

All applications for the construction, creation, placement or installation of certain temporary signs and/or the modification or change of location of such signs, must be accompanied by the following to enable permit issuance:

- (a) Name and address of owner of the property upon which the sign is to be erected, the name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;
- (b) A site plan showing the exact location and orientation of the sign(s) relative to all lot lines.
- (c) A drawing showing the total sign height and facing dimensions.
- (d) The type of illumination or other characteristics of the sign (see [Section 21.8027 –Table 1](#)).
- (e) Completed Sign Permit Application.

## 8. Application Review

The Administrative Official shall review all sign permit applications and render a decision on permit issuance as quickly as possible.

## 9. Removal of Signs

- a. ~~Subject to the following exceptions, U~~Subject to the following exceptions, Upon determining any sign is unlawful, the Administrative Official shall prepare a written notice and order which shall describe the sign and specify the violation involved. The notice and order shall advise that if the sign is not removed or any violation not corrected within thirty (30) calendar days, the sign shall be removed in accordance with the provisions of this chapter with all costs for such removal to be assessed against the real property upon which such unlawful sign exists. Temporary, non-portable signs that are unlawful are not subject to the above process and may be summarily removed and deposited at City Hall by the Administrative Official or his/her designee in order to allow the owner of the sign to reclaim the same.
- b. Service of the notice and order shall be made upon the owner of the property as well as the owner of the sign by mailing such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their last known address. If no address is known, then a copy of the notice and order shall be sent via certified mailed, to the premises where the unlawful sign exists. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section.
- c. Any person having an interest in the sign or the premises may appeal any determination or decision of the Administrative Official, by filling a written notice of appeal to the Administrative Official within thirty (30) days of receipt of the notice. In order for such notice of appeal to be valid, it shall be accompanied by all information required under this chapter to initiate an appeal with the Sign Code Board of Appeals. Failure to appeal the notice and order within the time provided shall constitute a knowing and voluntary waiver of the right to appeal.

## 21.8008: SIGN ~~CODE BOARD OF APPEALS~~

1. The Board of Adjustment shall hear and decide appeals and decisions made by the administrative official under this chapter.

~~1. There is hereby created a Sign Code Board of Appeals to hear and decide appeals and decisions made by the Administrative Official under this chapter which shall consist of the entire membership of the Board of Adjustment.~~

~~2. The sign code board of appeals shall adopt rules in accordance with this code. Meetings of the board shall be called by the chairman and/or Administrative Official and shall be held at a set time and place. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, indicating if absent or failing to vote, and shall keep records of its examinations and other official actions. A majority of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance.~~

~~3. The sign code board of appeals shall have the following powers:~~

~~4. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrative Official or other administrative official in the interpretation or enforcement of this title.~~

~~5. The Sign Code Board of Appeals is empowered to authorize a variance from the strict application of this title when:~~

~~(1) There exists exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific premises not prevalent in the area; and~~

~~(2) Where the strict application of this title will result in unnecessary hardship. For purposes of this section, "unnecessary hardship" shall not include financial disadvantage to the applicant, or when any hardship is self imposed.~~

~~6. Appeals shall not be considered for the following:~~

~~a. Signs that violate some other law or ordinance regulating signs; and~~

~~b. Signs as regulated by Section 21.8015 (Prohibited Signs).~~

#### ~~7. **21.8009: APPEALS PROCESS**~~

~~Sign appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Administrative Official. Such appeals shall be taken within thirty (30) days from the date of the decision by filing with the Administrative Official a notice of appeal specifying the grounds thereof, and by paying the administrative fee for such appeals as established by duly adopted Resolution by the City Council.~~

~~2. The Sign Code Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the official newspaper ten (10) days prior to the hearing. The appellant shall notify, by certified mail, adjacent premises (excluding public and/or private right-of-ways) that an appeal is being made. For the purposes of this section, any property located within one hundred (100) feet of the property line from the location upon which such appeal is being taken shall be deemed adjacent. Such letter shall be provided by the Administrative Official.~~

~~8. Any person or persons, jointly or severally, aggrieved by any decision of the Sign Code Board of Appeals, may appeal such decision to any court of competent jurisdiction on a Writ of Certiorari or other justiciable proceeding.~~

#### **21.8010: BOND AND LICENSE REQUIRED**

1. **Bonding Requirement.** No person shall engage in the business of sign or outdoor advertising in this City by erecting or maintaining or leasing to others ground signs, wall signs, marquee signs or projecting signs until such person shall have filed with the Finance Officer a bond in the sum of ten thousand dollars (\$10,000) with sureties to be approved by the City Council, conditioned for the faithful observance of this chapter and to save and keep harmless this City from all damages, liabilities, losses or judgments that may be recovered

against this City by reason of the negligent erection or maintenance of any such ground sign, projecting sign or marquee sign.

## 2. License Required.

- a. No person shall engage in the business of sign or outdoor advertising by erecting or maintaining or leasing to others ground signs, wall signs, projecting signs or marquee signs in this City without first having procured a license from the City Council to conduct such business. Application for a license shall be made on forms furnished by the Finance Officer and applicant shall file with the Finance Officer the application together with a certificate of standard form contractors public liability insurance, covering bodily injuries, including death, with limits of not less than two hundred fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) for each accident and covering property damage with limit of two hundred fifty thousand dollars (\$250,000) for each accident. Such license shall not be transferable.
- b. **Sign Installer's License:** The license fee for engaging in the commercial billboard or advertising board business by erecting or maintaining ground, wall or other signs on space suitable for billboard display or advertising and the letting of such space to others for a consideration, or the hanging of signs for others, shall be established by resolution of the City Council. Any license issued pursuant to this section shall expire on December 31 of the year of issuance. Signs that meet all of the following criteria do not require the services of a licensed sign installer: (1) a wall sign, (2) that is not self-illuminated, (3) that has a sign area of 32 square feet or less, and (4) that has a flat face. (Ord 12-23; Rev 09-14-12)
- c. This section with reference to first year license fee shall not be applicable to any person who is regularly engaged in the business of sign installing or sign wiring in this City at the time of the effective date of this chapter.

## 21.8011: DESIGN AND CONSTRUCTION

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

- ~~1.~~ All signs shall comply with the applicable provisions governing construction within and for the City, including but not limited to the International Building Code, National Electric Code, and South Dakota Administrative Rules (ARSD) 20:44:22.
- ~~2.1.~~ Any sign constructed at a height not exceeding thirty (30) feet and/or containing two hundred (200) square feet of advertising space shall be constructed in accordance with International Building Code (IBC) Standards as well as all acts amendatory thereto. Any sign constructed at a height exceeding thirty (30) feet and/or containing two hundred (200) square feet of advertising space will require an approved engineered design with the certification of a licensed professional engineer. For the purposes of this section, height shall be deemed to mean that distance as measured from the ground to the top of the pole structure. (Ord 04-16; Rev 05-16-14)
- ~~3.2.~~ All permanent signs shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- ~~4.3.~~ Any sign installed with dimensions exceeding fifty (50) square feet and which requires weldments must be welded by a certified structural welder with minimum welder certification AWS: D1.1 structural steel vertical flat and horizontal up to three-quarters (¾) inch thick mild steel.
- ~~2.~~ Electrical construction requirements:
  - ~~b.~~ Electrical signs shall be constructed in accordance with the provisions of the Administrative Rules of South Dakota (ARSD) 20:44:22 and the National Electrical Code. All electrical signs constructed must be energized by a licensed electrician.
  - ~~c.~~ Electrical signs and outline lighting shall be listed and labeled in accordance with ARSD 10:44:22:02, 20:44:22:03, 20:44:22:04, and the National Electrical Code 600-3.
  - ~~d.~~ Electrical signs and outline lighting shall be marked with the manufacturer's name, voltage input, and input rating. This marking and label of the recognized test shall be located where visible and readable from grade and near the disconnect.
  - ~~e.~~ All metal parts of electrical signs shall be grounded in accordance with the National Electrical Code.

~~f. Each electrical sign or outline lighting system shall have an externally operable disconnect means located within sight of the sign or outline lighting transformer.~~

~~g.4.~~ Electrical signs may be illuminated internally or externally as long as the lighting is directed away from the public right-of-way and adjacent residential areas.

## 21.8012: MAINTENANCE OF SIGNS

1. **Maintenance Required.** All signs and sign support structures, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of maintenance.
2. **Activities Considered Maintenance.** Maintenance shall include activities such as replacing of defective or damaged parts such as lamps, replacing ballast in freestanding signs, or replacing transformers in building identification signs; painting and/or repainting of the pole of freestanding signs or the cabinet of freestanding or building identification signs; replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim, and replacement of sign fasteners, nuts, and washers. A maintained sign structure shall have a sign face. Temporary removal of the sign cabinet for the installation of a new sign face is permitted and will not require that the sign be brought into conformance with this chapter.
3. **Items Not Considered Maintenance.** The following items are not considered maintenance and shall require any sign undergoing the following activities to conform with this chapter.
  - a. Maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.
  - b. Maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.
4. **Legally Established Nonconforming Permanent Signs.**
  - a. Maintenance as defined herein and alterations, including change of the sign face and color, may be performed upon legally established nonconforming permanent signs.
  - b. A legally established nonconforming permanent sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this chapter. A sign shall be brought into conformance with this chapter when it :
    - (1) Is changed structurally as stated in Section 21.8012 above; or
    - (2) Is damaged in excess of fifty percent (50%) of the replacement cost, established by a qualified appraiser; or
    - (3) Is temporarily or permanently removed by any means, including an act of God, excluding the temporary removal for new face. If a sign is damaged by Act of God or other means, in the event of repair, the damaged sign shall be brought into compliance with the provisions of this ordinance. All other signs which remain on the property that was the site of such damage will be allowed to remain until such time as they are required to be replaced.
5. On and off-premise signs shall be removed from the building and property after the business or activity is terminated. However, ~~where the termination is temporary in nature (i.e., a period of time not exceeding one hundred eighty (180) days);~~ the existing sign structures may be used to advertise the sale, lease, or rent of the property, provided that all advertising material related to the previous occupant is removed.

## 21.8013: AREA AND HEIGHT REGULATIONS

Computations. The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or

other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. See Section 21.8004(2) for a graphic illustration of computation of sign area for freestanding signs, and Section 21.8004(4) for a similar illustration of sign area of individually mounted letters or symbols and awning and canopy signs.

2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. See Section 21.8004(2) for a graphic illustration computation of sign area for freestanding signs with more than one face.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. See Section 21.8004(5) for a graphic illustration of computation of sign height with grade mounting. Normal grade shall be construed to be the lower of:
  - a. The existing grade prior to construction
  - b. The newly established grade after construction

#### 21.8014: EXEMPT SIGNS

The following signs are required to conform with this chapter, but are exempt from permitting requirements of this chapter.

1. Any public notice or warning required by any federal, state or local law, regulation or ordinance.
2. Works of art that do not include a commercial message.
3. Holiday lights and decorations with no commercial message.
4. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
5. ~~Signs or graphics on vending machines provided such machines are not part of the principal use of the lot.~~ Incidental signs.
6. Changing of advertising copy or message, painting, maintenance and/or repair of an existing lawful sign, provided no structural changes are made ~~and except when signs placed in a designated National Register Historic District or on a designated National Register building or structure.~~
7. Construction Signs. One sign per contractor shall be allowed per lot. The sign shall not exceed thirty two (32) square feet in area and shall not be erected until a building permit has been issued. A construction sign must be removed within fourteen (14) days after substantial completion of the project;
8. ~~Building markers. Directional signs located entirely on the premises for which the direction is being provided such signs do not exceed ten (10) square feet in area;~~
9. ~~Corporate flags or emblems;~~
10. ~~Banners as defined herein. Flags of any nation or political subdivision.~~
11. ~~“No trespassing” or “no dumping” signs which do not exceed thirty two (32) square feet in area;~~
12. ~~Plaques or name plate signs which do not exceed ten (10) square feet in area and which are fastened directly to the building and do not contain an advertising message;~~
10. Real estate signs, subject to the following restrictions:
  - a. Residentially Zoned Lots or Parcels.
    - (1) Less Than One Acre. One sign per street frontage not to exceed six (6) square feet per sign.

- (2) At Least One Acre but Not Greater Than Five (5) Acres. One sign per street frontage not to exceed thirty two (32) square feet per sign.
- b. All Other Zoned Lots Or Parcels.
  - (1) Less Than One Acre. One sign per street frontage not to exceed sixteen (16) square feet per sign.
  - (2) At Least One Acre but Not Greater Than Five (5) Acres. One sign per street frontage not to exceed thirty two (32) square feet per sign.
- c. Real estate signs must be removed ~~in accordance with state law~~within seven days of the sale of the property advertised by said sign.
- d. Model Complex Signs shall be located on the project site and conform to the following requirements:
  - (1) One sign per complex not to exceed sixty four (64) square feet,
  - (2) One sign per model not to exceed six (6) square feet,
  - (3) Signs are to be removed when complex no longer serves as a model home complex.
- e. Off-Premises Open House Signs are permitted subject to the following criteria:
  - (1) A maximum of four (4) signs are allowed per open house,
  - (2) Signs may be put up five (5) consecutive days before opening and must be removed one (1) day after closing the open house and are not permitted to remain any longer than ten (10) days,
  - (3) Landowner permission is required before any off-premise sign may be placed on their property, and
  - (4) Signs may not be placed in the public rights of way or medians.
- 11. Window signs covering up to seventy five percent (75%) of the area per window;
- 12. ~~Temporary p~~Political signs: ~~May not to be located within a required clear view triangle, or a required parking stall or parking area.~~ Such temporary signs are limited to a maximum size of thirty two (32) square feet. ~~Temporary p~~Political signs may be placed not more than sixty (60) days prior to an election and shall be removed within five (5) days after the election;
- 13. Identifying logos which do not advertise a product or service on municipally owned water storage reservoirs, when directed by the City Council.
- 14. Balloons with a diameter of less than twenty four (24) inches.
- 15. The following temporary signs:
 

Public or ~~private-nonprofit~~ institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural; religious or recreational in nature, may display temporary on-premises or off-premises signs. The following requirements shall apply:

  - a. The size shall not exceed sixty thirty two (32) square feet after January 1, 2018; (Ord 15-16; Rev 07-10-15)
  - b. The height of the sign shall not exceed eight (8) feet;
  - c. Portable signs shall be properly anchored with approved materials;
  - d. Signs shall not be placed within a required clear view triangle or a required parking area;
  - e. Electric signs shall comply with [Section 21.8011\(5\)](#).
  - f. Banners shall be secured to a building at all times.
  - g. Signs may be placed fifteen (15) days prior to an event and shall be removed within five (5) days of the termination of the event.
- ~~16. Banners as defined herein.~~
- 16. Any on-premise portable sandwich board sign less than ten (10) square feet in area may remain on display to the public only during the hours of business operation.
- 17. Any traditional flag not carrying a commercial advertising message, including a single corporate flag or emblem.

## 21.8015: PROHIBITED SIGNS

The following types of signs are expressly prohibited, except as otherwise provided by this code:

1. ~~Animated, flashing, or blinking or any other such lighting not providing constant illumination, but not including electronic message centers.~~
2. Any sign or portion of a sign which moves or assumes any motion constituting a nonstationary position, except barber poles and signs attached to or placed upon a motor vehicle;
3. Abandoned signs or unlawful signs;
4. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is actually and actively used in the regular course of a business; ~~This prohibition shall not be deemed to include trailer-mounted signs on private property when the gross weight of the sign and the trailer is less than one thousand (1,000) pounds;~~
5. Search lights, streamer, twirling signs, sandwich board signs (~~when allowed or~~ except as provided for in Section 21.8014(~~2160~~), sidewalk or curb signs, balloons exceeding twenty four (24) inches in diameter, and inflated figures shall not be used except when permitted for the opening of a new business, not to exceed fifteen (15) days;
6. Flags, both feather-type and traditional, that displaying an advertising message, except one traditional flag ~~flags of any nation, state, political subdivision, or bearing a single corporate flag logo or emblem;~~
7. ~~Off and on-premises~~ Roof signs;
8. Signs ~~depicting~~ advertising words or pictures of obscene or pornographic material, or any other matter not in keeping with the contemporary community standards;
9. Signs that emit sound, odor, or visible matter;
10. Signs which are similar to traffic control signs or signals and which advertise words such as “Stop,” “Go,” “Danger,” “Warning”;
11. Signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;
12. Signs attached to trees, telephone poles, public benches, street lights, street signs or placed on any public property or public right-of-way;:-
13. Signs, with the exception of signs declared exempt per Section 21.8014(1) & (4),-which are placed within or encroach upon ~~obstruct~~ the clear view triangle defined in this chapter ~~of any required egress from a building or structure;~~

~~Where otherwise allowed in the setback, no ground sign or sign structures taller than three (3) feet shall be located within a clear view triangle area.~~

  - b.—On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points twentyfive (~~2045~~) feet from the intersection of such street right-of-way lines extended. See [Section 21.8004 \(6\)](#) for graphic illustration;:-
    - a.
    - b. On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line connecting points fifteen-twenty (~~2045~~) feet from the intersection of the street right-of-way line and driveway. See [Section 21.8004 \(6\)](#) for graphic illustration;:-
- ~~14.~~ 14. Off-premises wall signs, with the exception of historic signs in the C-1 Community Commercial zoning district;:-
15. ~~Pennant~~ Stringer of pennants signs;:-
16. Flags containing a commercial advertising message;
17. Parasitic signs; and

18. Any sign that is located on a lot that at any time fails to meet the minimum lot area and width for its zoning district, as provided in Sections 21.1001 and 21.1003.

#### **21.8016: LEGALLY NONCONFORMING SIGNS**

Any sign existing upon the date of adoption of this chapter which does not conform to the provisions of this chapter shall be deemed a legal nonconforming sign and may remain except for:

1. Any abandoned sign;
2. Any sign declared unlawful by the Administrative Official; or any sign that does not comply with the provisions of this code or International Building Code (IBC) as well as all acts amendatory thereto. (Ord 04-16; Rev 05-16-14)
3. Any sign in which the type, size, height, or location ~~or illumination~~ is changed;
4. Any sign which has been moved, removed, relocated or damaged by more than fifty percent (50%) of the value of the sign at the time of such damage;

#### **21.8017: FREESTANDING SIGNS**

1. Lots which are allowed more than one freestanding sign shall space each sign not less than fifty (50) feet apart. Minimum spacing is to be determined by measuring the closest distance between the two outermost points of each individual sign.
2. No freestanding sign shall be located within a clear view triangle.
3. Freestanding signs shall not employ any moving parts.

#### **21.8018: PROJECTION OF BUILDING SIGNS PERMITTED**

Projecting, awning, canopy, marquee and wall signs may project over public property where the building was constructed at/on the front property line except for State highway rights-of-way.

#### **21.8019: RESERVED**

#### **21.8020: LIMITATIONS ON USE OF INFLATABLE SIGNS**

Inflatable signs, excluding balloons smaller than twenty four (24) inches in diameter, may be displayed under the following conditions:

1. They do not interfere with utility lines, antennas or towers.
2. No cabling, tie-downs or tether lines are located on or across public property.
3. They are not located in any airport approach zone.
4. Inflatable signs may be displayed on a lot for forty five (45) days per calendar year. A permit may be issued for fifteen (15) consecutive days with not less than thirty (30) calendar days between permit expiration and issuance of a new permit.

#### **21.8021: LIMITATIONS ON USE OF BANNERS**

1. Banners are allowed in commercial and industrial zoning districts, and only for institutional uses in residential zoning districts;
2. Banners are not permitted to be placed on any property that does not have a principle structure;
3. Banners may not be used for off-premise advertising

4. In the event a property has only one side which abuts a street or public way, one banner will be allowed provided said banner does not exceed twenty four (24) square feet.
5. In the event a property abuts two or more streets or public ways, no more than two (2) banners will be allowed and not more than one (1) banner will be allowed to face any such street or public way provided no banner exceeds twenty four (24) square feet.
6. In the event a property contains more than one building, only one banner will be allowed to face each street or public way.
7. In the event a property does not abut any street or public way, no banner will be allowed.
8. Any banner must be securely fastened to a building or secured to a permanent foundation minimally consisting of a four (4) inch nominal diameter post concreted in the ground to a depth of thirty (30) inches.
9. A banner may contain one greeting message and/or one commercial message. (Ord 08-09; Rev 06-12-08)
10. Shopping mall or strip malls shall be allowed one (1) banner per business.

**21.8022: ~~RESERVED~~REGULATION OF ELECTRONIC MESSAGE CENTERS**

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade, scrolling, or traveling. However, sudden movement is prohibited, including, but not limited to, blinking and flashing.
2. Where permitted, signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed by various modes, such as fade, dissolve, scrolling, and traveling.
4. All electronic message centers shall come equipped with automatic dimming controls that automatically adjust the signs brightness in direct correlation with ambient light conditions.
- 4.5. No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a preset distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (E.g., using a twelve (12) square foot sign: Square root of (12x100) = 34.6 feet measuring distance.)

**21.8023: REGULATION OF PORTABLE SIGNS**

1. A property owner may display one (1) portable sign for a maximum of sixty (60) days per calendar year. Permits shall be issued for a maximum of fifteen (15) consecutive days; upon expiration of any permit period, the sign structure shall be removed from public view, and not less than forty five (45) days shall pass before a new permit may be issued at the same location. (Ord 15-16; Rev 07-10-15)
2. Portable signs are prohibited from being located within the right of way and within ten (10) feet of a curb. Portable signs used for off premises advertising is prohibited. (Ord 15-16; Add 07-10-15)
3. Portable signs shall be secured against overturning.
4. Prior to January 1, 2018, portable signs shall not exceed sixty (60) square feet. After January 1, 2018, portable sign structures shall not exceed thirty two (32) square feet. The transport structure (wheels and frame) is excluded from the allowed thirty two (32) square feet. (Ord 15-16; Add 07-10-15)
5. Portable signs must be set back ~~ten~~ twenty (±20) feet from any abutting property line, unless the owner of any such abutting properties consent in writing. (Ord 15-16; Add 07-10-15)
6. Electric signs shall comply with ~~Section 21.8011(5)~~all applicable sign code regulations, including any regulations of electronic message centers. (Ord 15-16; Add 07-10-15)
7. Portable signs shall be separated by not less than two hundred (200) feet from any other portable sign.

6.8. Failure to obtain a portable sign permit before it is installed shall result in a doubling of the permit fee.

**21.8024: REGULATION OF OFF-PREMISES SIGNS**

~~Off-premises advertising~~

~~on portable signs is prohibited. (Ord 15-16; Add 07-10-15)~~

1. Off-premises ground signs shall have no more than one visible structural support or pole.
2. Off-premises sign support structure shall be of neutral, nonmetallic tone.
3. Off-premises signs shall be limited to two hundred eighty eight (288) square feet in size and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. ~~In the C-3 "Highway Commercial District", Off-premises signs may be permitted, by conditional use obtained from the Sign Code Board of Appeals, to a maximum area of six hundred seventy two (672) square feet.~~
4. Off-premise signs shall be located not nearer than five hundred (500) feet from any other off-premise sign. The distance between off-premise signs shall be measured from the two nearest points of each sign in all directions.
5. Off-premise signs shall have no more than two faces.
6. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another.
7. Off-premises signs shall not be located within any clear view triangle.
8. Off-premise signs shall be separated by not less than fifty (50) feet from any on-premises sign.
9. Off-premise sign permits shall not be issued for any property without the Administrative Official having first been provided written consent of the property owner or their agent.
10. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not emit lighting directly on any adjoining property, nor shall the source of illumination produce a glare clearly visible beyond a property line, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral.
11. No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals.

**21.8025: RESERVED**

**21.8026: RESTRICTIONS ON SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY**

No sign shall be erected in the public right-of-way except:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
2. Informational signs by a public utility regarding poles, lines, pipes or facilities.
3. Awning, canopy, marquee, projecting and suspended signs in conformity with all other applicable sections of this ordinance.
4. "Area Identification Signs" which are used to identify residential subdivisions or homeowners associations. Such signs shall be limited to a maximum area of one hundred (100) square feet. The Building Official shall refer all such applications to the City Council, which may impose conditions. Any decision by the City Council shall be final. (Ord 12-12; Add 05-11-12)

**21.8027: TABLE 1 - SIGNS BY TYPE AND ZONING DISTRICT**

Permitted Signs shall be allowed on private property in accordance with Table 1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by a "P" shall be allowed only if it conforms to all other applicable requirements of this ordinance.

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
<b>FREE STANDING</b>									
Ground (Monument)	P	P	P	P	P	P	P	P	P
Pole	P	P	P	P	P	P	P	P	P
Off-Premises Sign	N	N	P	N	P	N	P	P	N
<b>BUILDING</b>									
Canopy/Awning/Awning - Electric	N	P	P	P	P	P	P	N	P
Building Marker (b)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Identification (d)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marquee	N	N	P	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Suspended	N	N	P	P	P	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P
Window	P	P	Y	Y	Y	P	P	P	N
Off-Premises Sign	N	N	P	N	P	N	P	P	N
<b>MISCELLANEOUS</b>									
Banner (d)	N	N	Y	Y	Y	Y	Y	N	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y	Y
Inflatable (c)	N	N	P	P	P	N	N	N	Y
Pennant	N	N	N	N	N	N	N	N	N
Portable (e)	N	N	P	P	P	P	P	N	Y
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>CHARACTERISTICS</b>									
Changeable Copy	P	P	P	P	P	P	P	N	P
Electronic Message Center	P	P	P	P	P	P	P	P	P
Illuminated – External (f)	P	P	P	P	P	P	P	P	P
Illuminated-Internal	P	P	P	P	P	P	P	P	P
Indexing	N	N	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	P	N
Non-Illuminated	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reflective	N	N	Y	Y	Y	Y	Y	Y	N

Y=Allowed w/o sign permit      P=Allowed only with sign permit      N=Not allowed

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include, hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) May include only building name, date of construction or historical data on historic site.
- (c) Permitted only in accordance with [Section 21.8011.20](#)
- (d) Permitted only in accordance with [Section 21.8011.21](#)
- (e) Permitted only in accordance with [Section 21.8011.23](#)
- (f) Any surface lighting involving motion shall be prohibited.
- (g) Signs shall be illuminated so as not to emit lighting directly on any adjoining property. No sign shall include a source of illumination that produces glare clearly visible beyond a property line.

**21.8028: TABLE 2 - NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS AND  
MAXIMUM TOTAL SIGN AREA BY ZONING DISTRICT**

Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this table.

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
<b>FREE STANDING</b>									
Number Permitted per Lot	NA	NA		NA	NA	NA	NA		
Number Permitted Per Feet Of Street Frontage (d)	NA	NA	1 for each Business with up to 200' of Frontage; <del>over 200' to 400'</del> of Frontage is <del>a</del> Allowed one <del>A</del> additional <del>S</del> sign	1 for each 200' of Frontage	1 for each Business with up to 200' of Frontage; <del>over 200' to 400'</del> of Frontage is <del>A</del> allowed one <del>A</del> additional <del>S</del> sign	1 for each 500' of Frontage; <del>501' to 1000'</del> over 500' of frontage is allowed one additional sign	1 for each 500' of Frontage; <del>501' to 1000'</del> over 500' of frontage is allowed one additional sign	1 for each 500' of Frontage; <del>over 500' to 1000'</del> of frontage is allowed one additional sign	1 for each Frontage; <del>over 500' to 1000'</del> of frontage is allowed one additional sign
Setback From Right-of-Way (Feet) (c)	NA	NA	0	0	0	10	10	10	0
Maximum Area (Sq. Ft)	NA	NA	1 SF for each 2 LF of Frontage Or 75 SF whichever is Less	75	2 SF for each 1 LF of Frontage Or 300 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less
Maximum Height (Feet)	NA	NA	20 *b	16 *b	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (b)(f)	20	20
Minimum Clearance (Feet) (i)	NA	NA	10	6	6	10	10	10	6
<b>BUILDING</b>									
Area (Sq. Ft)	3	3	NA	NA	NA	NA	NA	NA	NA
Wall Area (%) (e)	NA	NA	15	10	20	7.5	7.5	10	7.5
<b>MAXIMUM TOTAL SIGN AREA (g)(h)</b>									
Maximum Total SF - Single Frontage	16	16	400	200	800	800	600	750	200
Maximum Total SF For Lots With 2 Or More Frontage	NA	NA	600	300	1000	1000	NA	1,000	800

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for \*f.
- (c) No part of any sign shall protrude into the horizontal or vertical setback line.
- (d) Lots with two or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on one frontage in excess of that allowed for lots with only one street frontage.

- (e) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.
  - (f) An on-premises sign may have a maximum height of one hundred (100) feet if the sign is located within one thousand (1,000) feet of the center median of Interstate 29.
  - (g) Lots with buildings that function as malls or shopping centers and contain more than five (5) businesses shall be allowed fifty (50) square feet of additional signage for each additional business, over five (5) businesses, located within said building.
  - (h) Window signs shall not count toward MAXIMUM TOTAL SIGN AREA.
  - (i) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.
1. In the case where two or more buildings reside on a lot with an identical legal description, the buildings will share in an apportioned amount of signage contingent upon the amount of building frontage.
  2. Refer to [Section 21.8024](#) for regulation of off-premise signs.
  3. The existence of a legally nonconforming free-standing sign will not prohibit a sign permit being issued at the same location for a legally conforming wall (building) sign, however, if the square footage allotted to any property or applicant is exceeded for any reason, then the property or applicant is not eligible to make application for variance or conditional use for any additional signage. (Ord 07-17, Rev 06-15-07)
  4. Religious Institutions will be allowed two (2) off-premise, directional, non-illuminated signs, which are not to exceed four (4) square feet and not placed in the right-of-way.

[\(back to Chapter contents\)](#)

**21.8029: TABLE 3 - NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE**

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
<b>BUILDING</b>				
Awning (a)			8	2
Awning, Electric (a)			8	2
Building Marker	1 per building	4		
Canopy (a)			8	2
Identification	1 per building			
Marquee (a)			8	2
Projecting (b)	1 per bldg face	48	10	2
Roof				
Suspended	1 per entrance		8	
Wall (a)				
<b>MISCELLANEOUS</b>				
Banner (d)	2	24 SF /banner		2
Flag			8	2
Inflatable (c)	1	100		
Portable (e)	1	60		
Temporary	1	32		

- (a) Sign area for this sign shall be applied to the maximum allowable wall area from Table 2.
- (b) One sign shall be permitted for each building face fronting a public street.
- (c) Permitted only in accordance with [Section 21.8020](#)
- (d) Permitted only in accordance with [Section 21.8021](#)
- (e) Permitted only in accordance with [Section 21.8023](#)  
(Ord 08-09; Rev 06-12-08) (Ord 09-07; Rev 06-12-09)

**BE IT FURTHER ORDAINED** by the City of Watertown, South Dakota, that Chapter 21.90 of the Revised Ordinances of the City of Watertown be amended as follows:

**Chapter 21.90  
DEFINITIONS**

For the purpose of this title and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**Abandoned Sign:** a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, products or activity conducted or product available on the premises where such sign is displayed. A blank sign that otherwise shows no reasonable indication of a lack of maintenance is not an abandoned sign.

....

**Electronic Message Center:** a sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display messages, advertising, or animation, any of which can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

1. Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
3. Frame: A complete, static display screen on an electronic message display.
4. Frame effect: A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Scroll: A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
6. Transition: A visual effect used on an electronic message display to change from one message to another.
7. Travel: A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.

....

**Incidental Sign:** Signs that are intended primarily for the information, convenience and safety of the public, depicting directives such as "no parking," "entrance," and "loading only."

....

**Off-premises Sign:** any sign identifying or advertising a business, person, activity, goods, products or services at a location other than where such sign has been erected, with the exception of nonprofit activities.

....

**Parasitic Sign:** A non-exempt sign without a permit that is:

1. Attached to a permitted sign, or
2. Affixed to a permanent supporting structure which is in addition to signs specifically designed for said supporting structure, or

3. Attached to a bollard, canopy support, or other rigid structure with a primary purpose other than the support of signage.

....

**Real Estate Sign:** a sign placed upon property while the property is available for ~~the purpose of advertising the~~ sale, lease, or ~~availability for rent of property.~~

....

**Temporary Sign:** any sign used for varying periods of time which is not permanently attached to the ground or other permanent structure and is readily removable and transportable.

The above and foregoing Ordinance was moved for adoption by Alderperson \_\_\_\_\_, seconded by Alderperson \_\_\_\_\_, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance 17-33 was published in the Watertown Public Opinion, the official newspaper of said City, on this \_\_\_\_ day of \_\_\_\_\_, 2017.

Rochelle M. Ebbers, CPA

First Reading: August 21, 2017  
Second Reading: September 5, 2017  
Published: September 9, 2017  
Effective: September 29, 2017

City of Watertown

Attest:

\_\_\_\_\_  
Rochelle M. Ebbers, CPA  
Finance Officer

\_\_\_\_\_  
Sarah Caron  
Mayor