

**CITY OF BOX ELDER**

**SIGN AND ADVERTISING  
REGULATIONS**

**ORDINANCE #466**

**REVISED BY ORDINANCE #493**

**EFFECTIVE 8/20/2010**

**REVISED BY ORDINANCE #508**

**EFFECTIVE 4/15/2011**

CITY OF BOX ELDER ORDINANCE #466  
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**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BOX ELDER AS FOLLOWS:**

**ARTICLE I – AUTHORITY AND ADMINISTRATION**

**SECTION 1 – PURPOSE AND REPEAL OF ORDINANCE #385.**

Ordinance #466 is an ordinance regulating signs and advertising within the jurisdiction of the City of Box Elder. The Common Council of the City of Box Elder has deemed these regulations and controls to be reasonable and reasonably related to the needs of the business community to adequately and properly advertise its goods and services of benefit to the traveling public and to the health and safety of the residents of the community. Therefore, Ordinance #385 of the Box Elder Municipal Code is hereby repealed in its entirety.

**SECTION 2 – JURISDICTION.**

This Ordinance shall govern all territory within the corporate limits and within one mile of the corporate limits of the City of Box Elder, South Dakota (except those lands within the corporate limits of Rapid City) for the purpose of promoting the health, safety, morals, and general welfare of the community.

**SECTION 3 – SEVERABILITY AND SEPARABILITY.**

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

**ARTICLE II – DEFINITIONS**

For the purposes of this Ordinance, 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 hereafter. 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 term "shall" is always mandatory and not discretionary; and the word "may" is permissive.

**ABANDONED SIGN:** A sign face that is blank, missing, obliterated, or displays obsolete advertising material for a period in excess of three continuous months.

**ADVERTISING AREA:** The area of the sign face bearing advertising copy.

**ALTERATION:** Any change, modification, or other alteration whatsoever to a sign structure. This definition does not include such activities unrelated to a sign structure such as changing the advertising copy, painting, or changing light bulbs on a sign.

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**AWNING:** A shelter supported entirely from the exterior wall of a building. (Awnings shall be subject to the adopted Building Code of the City, which provides minimum requirements for construction, projection, and clearances.)

**BANNER:** A sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

**BLANK SIGN:** A sign face that is void of an advertising message.

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

**CITY:** The City of Box Elder, South Dakota.

**COMMISSION:** The Planning and Zoning Commission of the City of Box Elder, South Dakota.

**COPY:** The message on a sign face, either in permanent, temporary, or removable form.

**COUNCIL:** The Common Council of the City of Box Elder, South Dakota.

**EARTH TONE:** A flat, natural color such as black, tan, or light brown.

**ERECT:** To attach, alter, build, construct, reconstruct, enlarge, or move, and shall include the painting of building signs, but does not include copy changes on any sign face.

**FLAG:** A piece of cloth or other material, usually rectangular, of distinctive color and design that is used as a symbol, a standard, a signal, or an emblem.

**GROUND SIGN:** An on-premise sign erected on a foundation, free-standing frame, mast, or pole and not attached to any building.

**HEIGHT:** The vertical distance from the top of a sign face to the lowest level of the ground directly below the sign structure.

**LEGAL NONCONFORMING SIGN:** A sign or sign structure existing at the time of enactment of this Ordinance which does not comply with all provisions of this Ordinance, but which was legally constructed prior to the enactment of this Ordinance.

**MAINTAIN:** To allow a sign to exist or remain, or to refurbish a sign in order to prevent decay, deterioration, or structural dilapidation.

**MARQUEE:** A permanent structure attached to and supported by a roof or a wall of a building. (Marquees shall be subject to the adopted Building Code of the City, which provides minimum standards for construction, projection, and clearances.)

**MARQUEE SIGN:** Any sign face attached to, or erected in or on, a marquee.

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- MESSAGE:** A communication through written words, symbols, signals, or pictures.
- MURAL:** A work of art, such as a painting, which is applied directly to an exterior wall or structural surface. For the purposes of this Ordinance, murals are not considered to be signs and are, therefore, exempt from the regulations of this Ordinance.
- OBLITERATED SIGN:** A sign face that is totally or partially painted out or otherwise obscured so as to not identify a particular product, service, or facility.
- OBSOLETE ADVERTISING MATERIAL:** Material advertising a product or service no longer in use or available.
- OFF-PREMISE SIGN:** A sign which directs attention to a business, person, activity, goods, product, service, place, institution, opinion, or solicitation not located or available on the property upon which the sign is located.
- ON-PREMISE SIGN:** A sign identifying an establishment's activities, products, or services conducted or available on the property upon which the sign is located.
- OWNER:** Any person, agent, firm, or corporation having a legal or equitable interest in the property or premise.
- PENNANT:** A tapering flag, often triangular, with or without a logo which is strung with other pennants on a rope, line, or cable. For the purposes of this Ordinance, pennants are not considered to be signs and are, therefore, exempt from the regulations of this Ordinance.
- PLANNING COORDINATOR:** The authority charged with the administration and enforcement of this Ordinance, as designated by the Council. The Council hereby designates the Chairman of the Commission and the Planning and Zoning Coordinator, or their designee(s), to have such authority.
- POLITICAL SIGN:** Any sign having a message supporting, opposing, displaying an image of, or commenting upon a candidate for any public office or upon any ballot issue.
- SIGN:** Any identification, description, illustration, or device, illuminated or non-illuminated, which directs attention to a product, service, place, activity, person, institution, business, opinion, or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, billboard, pennant, placard, or temporary structure designed to advise, identify, or convey information.
- SIGN FACE:** The area of a sign, supported by a sign structure, used to display an advertising message.
- SIGN STRUCTURE:** Any structure that supports, has supported, or is capable of supporting a sign face or faces, including any decorative apron or cover.
- STREET:** A public thoroughfare which affords the principal means of access to abutting property.

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**STRUCTURAL CHANGE:** See the definition for ALTERATION.

**TEMPORARY SIGN:** A sign that is temporary in nature, used in conjunction with a specific event, and that is placed, moved onto, or erected in such a manner to be easily removed from the property and is not permanently affixed.

**UNLAWFUL SIGN:** A sign or sign structure that is installed without a sign permit or by an installer that has not been issued a contractor's license by the City or that is abandoned, blank, damaged, dilapidated, or inadequately maintained.

**UNLAWFUL SIGN LEASE:** The landowner who leases a site for a sign or sign structure in a location that violates the regulations set forth in this Ordinance or who renews or extends an existing lease for a legal nonconforming sign or an unlawful sign.

**USE:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**WALL:** Any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater from the horizontal plane.

**ARTICLE III – GENERAL REQUIREMENTS**

The following general requirements for signs and advertising are hereby established:

- A. The Planning Coordinator is authorized and directed to enforce all provisions of this Ordinance. For such purposes, the Planning Coordinator shall have the powers of a law enforcement officer.
- B. The Commission shall have the power to render interpretations of this Ordinance 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 Ordinance and are subject to appeal to the Council.
- C. The Planning Coordinator may deputize inspectors or employees as necessary to carry out the functions of a code enforcement agency.
- D. All signs and sign structures shall be subject to inspection by the Planning Coordinator.
- E. When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the Planning Coordinator has reasonable cause to believe that there exists a sign or a condition which is contrary to, or in violation of, this Ordinance, the inspector may enter the property at reasonable times to inspect or to perform duties imposed by this Ordinance, provided credentials be presented to the occupant and entry requested if the premises are occupied. If the premises are unoccupied the inspector shall make a reasonable effort to locate the owner and request entry. If entry is refused, the inspector shall have any and all remedies provided by law to secure entry.

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- F. Whenever work is being done contrary to the provisions of this Ordinance, other pertinent laws, or ordinances implemented through enforcement of this Ordinance, the Planning Coordinator may order the work stopped by personal delivery of a written cease and desist order served on any persons engaged in doing or causing such work to be done. Work must then be stopped until otherwise authorized by the Planning Coordinator or the Commission.
- G. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any sign or sign structure for any damages to persons or property caused by defects, nor shall the City be held liable by reason of the inspections authorized by this Ordinance or any permits or licenses issued under this Ordinance.
- H. No person shall erect or maintain any building, fence, sign, or structure upon any public right-of-way or upon any public property. This Section shall not apply to mailboxes or to buildings, fences, signs, traffic control signs/devices, directional signs, or structures erected or maintained for public purposes by the City or under its authority.
- I. Supports for signs and sign structures shall be erected in conformance with the requirements of the Building Code adopted by the City for wind, snow, seismic, ice and/or other loads.
- J. Signs shall be erected in a safe and workmanlike manner to a minimum standard of quality to prevent combustibility, structural failure, smoke or fume generation, and blinding or distraction from lighting or reflection of sunlight.
- K. No sign shall: advertise or display words or pictures of obscene or pornographic material; emit sound, odor, or visible matter; appear similar to traffic control signs or signals and/or display words such as "Stop", "Go", "Danger", or "Warning"; or obstruct the view of traffic or of traffic control signs, signals, or lights in a public right-of-way.
- L. Signs containing electrical components shall be erected following the provisions of the Administrative Rules of South Dakota (ARSD) 20:44:22 and the National Electrical Code. Signs constructed in a UL-approved shop must be energized by a licensed electrician; otherwise, wiring and energizing must be done by a licensed electrician. All metal parts of outdoor signs containing electrical components shall be grounded in accordance with the National Electrical Code. Such signs shall have an externally operable means of disconnection located within sight of the sign.

**ARTICLE IV – SIGN CLASSES AND CLASS-SPECIFIC REGULATIONS**

The following classes of signs and the regulations specific to each class are hereby established:

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**SECTION 1 – OFF-PREMISE SIGNS.**

- A. Off-premise signs shall be located solely on land within commercial or industrial zoning districts that has a City-approved Conditional Use Permit which grants approval (and may impose conditions upon the approval) for the installation of the off-premise sign.
- B. No portion of an off-premise sign or its sign structure having a sign face larger than thirty-two (32) square feet shall be allowed to be constructed within the City's jurisdiction.
- C. No off-premise sign structure shall support more than two (2) sign faces.
- D. Off-premise sign structure surfaces shall be painted or coated in earth-tone colors.
- E. No portion of any off-premise sign shall be located closer than six hundred feet (600') to any portion of any other off-premise sign located on the same side of the street or highway. The distance between off-premise signs shall be measured from the edge of each sign or sign structure closest to the adjoining sign.
- F. Off-premise sign faces shall be mounted to the sign structure so the sign faces are no more than thirty degrees (30°) from parallel to one another.
- G. The upper edge of an off-premise sign face that is square or whose face has its longest side in a non-vertical plane shall be no more than twenty-four feet (24') above the lowest undisturbed pre-construction ground level beneath the sign face.
- H. No portion of any off-premise sign shall be closer than one hundred feet (100') to any portion of any on-premise sign at the time of construction of the off-premise sign.
- I. Each off-premise sign shall be identified by a label, nameplate, or trademark identifying the owner of the sign.
- J. Off-premise signs shall not be placed on any property without the written consent of the property owner or the owner's authorized agent.
- K. The light from any light source intended to illuminate an off-premise sign face shall be so shaded, shielded, and directed so that the light is focused solely upon the sign face and the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas or aircraft overhead. Such lighting shall be installed in accordance with the National Electrical Code by a licensed electrical contractor.
- L. Off-premise wall signs are prohibited.
- M. Off-premise signs shall be subject to the Permit and, if having a sign face larger than thirty-two (32) square feet, to the License requirements of Article V of this Ordinance.



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- N. Off-premise sign faces or structures shall not have animated or moving parts, flashing, blinking, or traveling lights, or any other such lighting not providing constant illumination of the sign face, or have digital or electronic message display faces.

**SECTION 2 – ON-PREMISE SIGNS.**

On-premise signs shall be located solely on land within residential, commercial, or industrial zoning districts and, in the case of ground signs or signs on land within a residential zoning district, that has a Conditional Use Permit (also known as a Use on Review) which grants approval (and may impose conditions upon the approval) for the installation of the on-premise sign(s). On-premise signs allowed in residential zoning districts are intended for use by home-occupation businesses and shall have more restrictive requirements than on-premise signs allowed in commercial or industrial zoning districts.

On-premise ground sign faces or structures which are more than seventy-five feet (75') away from a public street intersection may have animated or moving parts, flashing, blinking, or traveling lights, or any other such lighting not providing constant illumination of the sign face, or may have digital or electronic message display faces. Digital or electronic message display faces shall not be used as a political sign or to display advertisements for off-premise businesses or services but may display public service and community event advertisements.

The class of signs defined as on-premise signs shall consist of three subclasses of signs: ground signs, building signs, and temporary signs.

**A. Ground signs.**

1. Ground signs shall have no more than two (2) major faces and no more than four (4) minor faces that shall each have a sign face area which is no larger than forty percent (40%) of the area of the smallest major sign face.
2. The area of each major sign face of a ground sign shall not exceed one hundred and fifty (150) square feet. The Commission may grant an exception to this size limitation in those instances where the applicant provides adequate proof of franchise requirements for a larger major sign face. The exception shall only allow the smallest possible area necessary to meet the franchise requirement.
3. The height of the top of each sign face or sign structure, whichever is higher, of a ground sign shall not exceed twenty-four feet (24'). The Commission may grant an exception to this height limitation in those instances where the applicant provides adequate proof of franchise requirements for a taller sign height. The exception shall only allow the minimum sign height necessary to meet the franchise requirement.
4. No portion of any ground sign shall be closer than fifty feet (50') to any portion of any other ground sign on the same premise.
5. No portion of any ground sign shall be less than one foot (1') from a public right-of-way. There shall be a minimum elevation distance of twelve feet (12') between the

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lowest edge of a sign face, or its associated sign structure, and any sidewalk or other pedestrian way beneath the sign.

6. Ground signs are subject to the Permit requirements of Article V of this Ordinance. Ground signs are exempt from the License requirements of Article V of this Ordinance.

**B. Building signs.**

1. Building signs may be displayed on any side of a building or structure and shall not project above or more than six inches (6") beyond the plane of the building wall to which the sign is attached.
2. The total area of building signs for all business entities on the premise shall be no larger than seventy-five percent (75%) of the wall area on the side of the building where the building sign is displayed
3. An additional category of on-premise building signs, window signs, may be displayed on any window or door of a building, provided the window sign does not project more than one inch (1") beyond the exterior window or door surface.
4. An additional category of on-premise building signs, marquee signs, may be erected on any wall or roof of the building, provided the marquee sign does not project above the peak, or highest point, of the building roof.
5. Building signs are exempt from the Permit and License requirements of Article V of this Ordinance except that awnings and marquee signs shall be subject to the Permit requirements to ensure that Building Code minimum requirements are met.

**C. Temporary signs.**

1. Temporary signs shall be placed, built, erected, inflated, installed, or moved onto a premise in such a manner to withstand the effects of wind, snow, or rain and to be easily removed from the premise.
2. No more than twelve (12) temporary signs are allowed within the City up to fourteen (14) days prior to the event or promotion that is being advertised by the temporary sign(s) and shall be removed within four (4) days following the conclusion of the event or promotion.
3. Temporary signs shall have sign faces no larger than thirty-two (32) square feet.
4. Temporary signs shall have no more than two sign faces.
5. Temporary signs shall have a height of no more than ten feet (10').
6. Temporary signs are exempt from the Permit and License requirements of Article V of this Ordinance.

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**D. Conversion of on-premise signs prohibited.**

1. No on-premise sign shall be converted to or temporarily used as an off-premise sign, except as provided in Section 2.C.2. (above).

**SECTION 3 – DIRECTIONAL SIGNS.**

- A. Directional signs, as defined in the Manual on Uniform Traffic Control Devices (2009 Edition) chapter on Tourist-Oriented Directional Signs, are intended to be used to direct the traveling public to business locations within the City. Such signs shall be allowed on collector or arterial streets as an exception to the MUTCD standard.
- B. Directional signs shall be installed in the public right-of-way of arterial or collector streets under the direction of the Public Works Director and the Planning Coordinator.
- C. Directional signs shall have faces no larger than two feet by four feet (2' x 4').
- D. Directional signs may have several sign faces on one directional sign structure.
- E. Directional signs shall be exempt from the Permit and License requirements of Article V of this Ordinance but shall be subject to a Directional Sign Installation Fee that shall be established by a resolution of the Council. The cost of the directional sign shall be borne by the business requesting the sign.

**SECTION 4 – SPECIAL USE SIGNS.**

The following types of special use signs, with their attendant requirements, are hereby allowed and shall be exempt from the Permit and License requirements of Article V of this Ordinance.

- A. Construction: One (1) sign, with no more than two (2) sign faces each no larger than thirty-two (32) square feet, on a construction site outside of a public right-of-way to advertise the names of the contractor, engineer, or architect, and the project while the construction or development of the site is occurring and for no more than sixty days before commencement or after completion of construction.
- B. Interior Signs: Interior signs are allowed inside any building.
- C. On-Premise Direction: Each on-premise direction sign shall have no more than two (2) sign faces each no larger than four (4) square feet.
- D. Parking: One (1) sign, with one (1) sign face no larger than four (4) square feet, at each entrance or exit of parking areas having a capacity of more than four (4) cars and one (1) parking sign, with one (1) sign face no larger than sixteen (16) square feet, identifying or designating the conditions of use for the parking area.
- E. Plaques: One (1) plaque (or name plate sign), with one (1) sign face no larger than two (2) square feet, may be fastened directly to a building.

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- F. **Property Management:** One (1) property management sign, with no more than two (2) sign faces each no larger than thirty-two (32) square feet, is allowed to advertise the sale, rental, or lease of the premise where the sign is placed. All property management signs must be removed no more than four (4) days after the sale, rental, or leasing of the premise.
- G. **Residential:** Permanent residential signs, each with no more than one (1) sign face no larger than four (4) square feet, to display such messages as "beware of dog", "no trespassing", "for sale by owner", "no dumping" or "garage sale" are allowed. The use of vehicle tires to display such messages is prohibited.
- H. **Sign Benches:** Sign benches displaying off-premise advertising may be located on property zoned as Commercial or Industrial. The display area on any sign bench shall not exceed ten (10) square feet. No more than two (2) sign benches shall be located on any premise.
- I. **Subdivision:** One (1) subdivision sign, with no more than two (2) faces each no larger than thirty-two (32) square feet, shall be allowed per subdivision entrance to advertise the subdivision.
- J. **Temporary Informational Signs:** Temporary informational signs, such as "garage sale", "home for sale", "rummage sale", "open house", "reunion →", "day care grand opening", etc., with no more than two (2) faces, each no larger than four (4) square feet, may be temporarily placed in public rights-of-way but shall not be allowed to be attached to traffic control sign structures or utility poles. Such signs shall have their sign face no less than one foot (1') nor no more than three feet (3') above ground level at the sign site. Temporary informational signs shall be allowed in a public right-of-way for no more than four (4) days. Any temporary informational sign that does not comply with the requirements of this Section shall be deemed an unlawful sign subject to immediate removal, without notice, by the Planning Coordinator. Such removal shall not be subject to the requirements of Article VI, Section 5 of this Ordinance.
- K. **Special Event Banners:** Special Event Banners may be displayed to advertise civic or community events and are allowed up to thirty (30) days prior to the event that is being advertised by the banner and shall be removed within four (4) days following the conclusion of the event. Special Event Banners may not be used as political signs.
- L. **City Pride Signs:** These permanent or semi-permanent signs, such as Tree City USA Community, South Dakota Gold Community, Horizons Community, etc., are intended to promote the community and inform the traveling public about features of community pride and are typically located in public rights-of-way at or near the City boundaries. The installation of such signs shall be at the discretion of the Council.

**SECTION 5 – POLITICAL SIGNS.**

Political (or campaign) signs are hereby allowed and shall be exempt from the Permit and License requirements of Article V of this Ordinance. Political signs are subject to the following regulations:

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- A. Each political sign shall have no more than two (2) sign faces that shall each be no larger than thirty-two (32) square feet.
- B. Political signs shall only be located on private property and with the permission of the landowner.
- C. Political signs shall not be erected as building signs.
- D. Owners of political signs shall provide to the Planning Coordinator with a list of political sign locations with the landowner's name, address, and phone number within 24 hours of placement of such signs.
- E. Political signs shall not: obstruct the vision of a driver at or within an intersection; obstruct the view of traffic or of any traffic control sign or device; be attached to any traffic control sign or device; or be attached to any light or utility pole.
- F. Political signs shall be constructed of plywood, paper, or poster material.
- G. Political signs shall not be located within a public right-of-way or upon public property.
- H. No part of any political sign shall be more than eight feet (8') above ground level.
- I. Each political sign face shall display the name of the owner of the sign (paid for by...).
- J. All political signs shall be removed within four (4) days after Election Day. No political sign, in the case of municipal, school board, or fire district elections, shall be erected or placed more than seventeen (17) days before Election Day.
- K. Political signs shall not be placed within a required parking stall or parking area.
- L. Political sign copy shall not contain any untrue or slanderous message.
- M. Any person, association, or corporation who desires to advertise during the campaign process shall comply with the political sign requirements of this Ordinance.
- N. Any political sign, erected within thirty-six (36) hours of an election, which does not comply with the requirements of this Ordinance shall be deemed an unlawful sign subject to immediate removal, without notice, by the Planning Coordinator. Otherwise, the Planning Coordinator shall give a written notice by first class mail of the violation to the candidate or owner of the sign before removing the same. If the violation is not corrected within forty-eight (48) hours of said mailing then the sign may be removed. Neither form of removal shall be subject to the requirements of Article VI, Section 5 of this Ordinance.

**ARTICLE V – PERMITS, LICENSES, AND FEES**

**SECTION 1 – REQUIREMENT FOR THE ERECTION OF SIGNS.**

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- A. No person shall commence the erection of any sign within the jurisdiction of the City without first obtaining an approved Contractor's License from the City.

**SECTION 2 – SIGN PERMITS.**

- A. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to alter, erect, or convert any sign or sign structure in the jurisdiction of the City, or cause the same to be done, without first obtaining a sign permit approved by the Commission for each such sign or sign structure.
- B. A sign permit is not required to change the advertising copy or message on a sign face nor is a sign permit required to paint or maintain an existing sign structure.
- C. A sign permit is required to repair an existing sign face or sign structure where the damage, either by natural or man-made causes, to the sign face or sign structure exceeds more than twenty percent (20%) of the sign face or sign structure area. When a sign permit is not required to repair such damage, the damage shall be repaired within thirty (30) days of being damaged or the sign shall be deemed an unlawful sign.
- D. Any sign permit approved by the Commission shall expire and become void if the alteration, erection, or conversion of the sign or sign structure does not commence within ninety (90) days from date of approval of the sign permit, and shall expire and become void if the alteration, erection, or conversion of the sign or sign structure is not completed within one hundred and twenty (120) days from the date of approval of the sign permit. The Commission may, upon showing of good cause, extend the time limitation for up to an additional one hundred and twenty (120) days. Any request for such an extension shall be accompanied by a Sign Permit Extension Application Fee equal to one-half of the original Sign Permit Application Fee paid to the City.

**SECTION 3 – SIGN PERMIT APPLICATION REQUIREMENTS.**

Application for a sign permit shall be made in writing upon a form furnished by the Planning Coordinator. The following information shall be provided:

- A. Name, address, and phone number of the owner, or the person in possession, of the site where the sign is located or will be located;
- B. Name, address, and phone number of the owner of the sign;
- C. Name, address, and phone number of the contractor installing the sign;
- D. The date of the submission of the application form to the Planning Coordinator.
- E. The legal description of the property where the sign site will be, or is, located.
- F. A scaled and dimensioned site plan of the property containing the sign site, with the property boundaries, north arrow, scale, building locations, and sign location clearly indicated.

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- G. A scaled and dimensioned elevation and design plan of the sign structure and sign faces to be erected or altered.
- H. An engineered design shall be provided for all signs in accordance with adopted building codes.
- I. Other such data and information as may reasonably be required by the Commission.
- J. The Application Fee and, if necessary, a Late Application Fee.

Upon receipt of the completed application, the Planning Coordinator shall notify the applicant of the time, date, and place of the next regular meeting of the Commission that is more than seven (7) days (inclusive) after the application submission date. The Commission shall review the application at said meeting and shall approve the sign permit if the application is complete and correct and the proposed sign meets the requirements of this Ordinance.

**SECTION 4 – SIGN PERMIT APPLICATION FEE.**

- A. The amount of the Application Fee and the Late Application Fee for a sign permit required under this Ordinance shall be established by resolution of the Council. The Application Fee is due at the time of submission of the application to the Planning Coordinator and is non-refundable.

**SECTION 5 – SIGN LICENSE.**

- A. Every sign, except as otherwise provided in this Ordinance, shall have a sign license, issued by the Planning Coordinator to the sign owner.
- B. The Planning Coordinator shall cause a sign license to be issued to the sign permit applicant within thirty (30) days of written notification of completion of the alteration, conversion, or erection of a permitted sign.

**SECTION 6 – SIGN LICENSE INSPECTION AND COMPLIANCE FEE.**

- A. There is hereby established a sign license inspection and compliance fee to be paid by the owner of each sign that is required to display a sign license. The purpose of this fee is to provide a fund to reimburse the City for the costs of inspection and of compliance enforcement for signs within the jurisdiction of the City, including the costs of abatement, removal, legal fees, and any other associated costs.
- B. The sign license inspection and compliance fee is due and payable to the City within sixty (60) days after the sign license is issued by the Planning Coordinator and annually thereafter by January 31. Failure to pay said fee by the due date shall cause the sign license to become void and the sign to which it is attached to become an unlawful sign.
- C. The Council hereby establishes a restricted sign enterprise fund for the deposit of all sign license inspection and compliance fees. Fees deposited in the sign enterprise fund

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shall not revert to the City's general fund at year's end but shall accumulate until expended by the Council for the purposes of this Ordinance.

- D. The annual sign license inspection and compliance fee shall be thirty cents (\$0.30) per square foot of sign face for each sign required to display a sign license.

**ARTICLE VI – MAINTENANCE AND REMOVAL OF SIGNS**

**SECTION 1 – MAINTENANCE.**

- A. All signs and sign structures shall be maintained in a safe and workmanlike manner.

**SECTION 2 – ALTERATION OF EXISTING SIGNS.**

- A. Any legal non-conforming sign that exists on the effective date of this Ordinance, or falls within the jurisdiction of this Ordinance on the effective date of a subsequent annexation, may be altered or moved to become a sign that conforms to this Ordinance without a permit, provided that the alteration or move is completed within one hundred and eighty (180) days of said effective date.
- B. Any legal non-conforming sign that exists on the effective date of this Ordinance, or falls within the jurisdiction of this Ordinance on the effective date of a subsequent annexation, that cannot be altered or moved to become a sign that conforms to this Ordinance shall cease to be grand-fathered if the sign is substantially altered, removed, or not used for advertising for a period of ninety (90) consecutive days. Thereafter, said sign shall comply with this Ordinance or shall be deemed an unlawful sign.
- C. Any legal conforming sign that exists on the effective date of this Ordinance, or falls within the jurisdiction of this Ordinance on the effective date of a subsequent annexation, shall not be altered to become non-conforming. Any sign so altered shall be deemed an unlawful sign.

**SECTION 3 – DETERMINATION OF UNLAWFUL SIGNS.**

- A. The Commission may declare any sign unlawful due to one or more of the following reasons: abandonment; commencement of erection without a required sign permit; damage; dilapidation; erection by an unlicensed contractor; failure to pay the annual sign license inspection and compliance fee; improper alteration; improper placement; inadequate maintenance; renewal of a sign lease for a non-conforming sign; or violation of any other provision of this Ordinance or any other state or federal law. The Planning Coordinator may without notice remove or cause to have removed, any unlawful sign found within a public right-of-way or upon public property.

**SECTION 4 – ADVERTISING MESSAGE REQUIRED.**



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- A. All on- and off-premise signs shall display an advertising message. If any such sign fails to display a full-face advertising message for sixty (60) consecutive days, the Planning Coordinator shall notify the owner that the sign is in violation of this Section, and that if the violation is not corrected within thirty (30) days of the notice, the sign shall be determined to be an unlawful sign.

**SECTION 5 – REMOVAL OF UNLAWFUL SIGNS.**

- A. Upon determining that a sign is unlawful, the Planning Coordinator shall prepare a written Notice which shall describe the sign, specify the violation involved, and set forth the time, date, and place of the next regular meeting of the Commission at which the determination will be reviewed.
- B. Upon review of the determination, the Commission may declare said sign to be unlawful. The Planning Coordinator shall then prepare an Order stating that if the unlawful sign is not removed or the violation is not corrected within fourteen (14) calendar days (exclusive) of said declaration, the sign shall be removed in accordance with the provisions of this Ordinance at cost to the sign owner for the removal.
- C. Service of the Notice or Order shall be made upon all persons entitled thereto (the owner of the sign or, if different, the owner of the property on which the sign exists) either personally or by mailing a copy of such Notice or Order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last property assessment roll of the County or as known to the Planning Coordinator. If no address of any such person so appears or is known to the Planning Coordinator, then a copy of the Notice or Order shall be mailed, addressed to such person, at the address of the premise involved in the proceedings. The failure of any such person to receive such Notice or Order shall not affect the validity of any proceedings taken under this Ordinance. Service by certified mail in the manner herein provided shall be effective upon receipt of the mailing.
- D. Any person having an interest in the sign or the premises may appeal the determination of the Commission by filing a written Notice of Appeal to the Council within ten (10) days of receipt of the Notice or Order. Failure by any person to appeal the Notice or Order within that time period shall constitute a waiver of the right to an administrative hearing. The Council will determine any appeal at its next regularly scheduled meeting if the Notice of Appeal was received at least two (2) business days prior to said meeting or, if not received in a timely manner, then at the next regularly scheduled meeting or at a special meeting duly held.

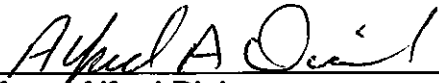
**ARTICLE VII – VIOLATIONS AND PENALTIES**

A violation of any provision of this Ordinance or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

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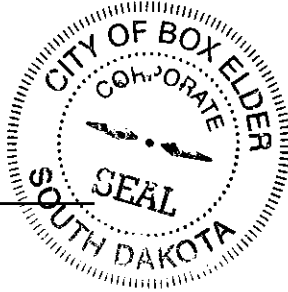
BE IT FURTHER ORDAINED by the Common Council of the City of Box Elder that this Ordinance shall become effective on January 5, 2009.

CITY OF BOX ELDER

  
\_\_\_\_\_  
Mayor Alfred Dial

ATTEST:

  
\_\_\_\_\_  
Finance Officer Debbie Knapp



(SEAL)

First Reading: May 6, 2008  
Second Reading: November 18, 2008  
Published: December 16, 2008  
Effective: January 5, 2009  
Revised by Ordinance #493, effective: August 20, 2010  
Revised by Ordinance #508, effective: April 15, 2011