

**ORDINANCE NUMBER 1242**

**TO AMEND CHAPTER 15.32 SIGNS**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEADWOOD, TO AMEND CHAPTER 15.32 AS FOLLOWS:

**15.32.130 Disallowed signs.**

The following signs are disallowed:

1. Structurally unsafe signs shall not be allowed.
2. Signs that obscure the vision of motorists shall not be allowed.
3. Signs that obscure necessary traffic signs and warning signs shall not be allowed.
4. Plastic signs shall not be allowed within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)), unless the historical evidence for the location of the sign indicates that plastic is appropriate, pursuant to specific findings as set forth in section 15.32.210. Otherwise, plastic signs may be permitted pursuant to section 15.32.150.
5. Off-premises advertising signs shall not be allowed, with the exception of billboards constructed outside the historic district as established by Ordinance No. 777 prior to January 1, 1992, which shall be permitted to remain. As an alternative to removal of billboards located within the historic district erected prior to January 1, 1992, such signs may be modified to comply with standards established by the sign review commission. Additionally, temporary directional signs which might otherwise be considered off-premises advertising signs may be allowed so long as a permit is obtained pursuant to this chapter, subject to the following limitations:
  - a. no such signs within the historic district as established by Ordinance No. 777;
  - b. outside the historic district as established by Ordinance No. 777, but within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)), so long as such sign is no larger than five (5) square feet and placement of such sign is limited to ninety (90) days; and
  - c. outside the Landmark District so long as such sign is no larger than twelve (12) square feet and placement of such sign is limited to one hundred eighty (180) days.
6. Signs shall not be allowed that have visible moving, revolving, or rotating parts or visible mechanical movements of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, or are designed to move upon being subject to wind

or breeze; nor shall any sign have an optical illusion of movement by means of a design that presents an illusion of motion or changing of copy. Traditional barber poles and clocks shall not be subject to this requirement; however, such devices shall be included in determining the allowable sign area for a building or use.

7. No sign shall have lights or illumination that flashes, moves, rotates, scintillates, blinks, flickers, varies intensity of color or uses intermittent electrical or electronic pulsation; nor shall strings of light bulbs be used in connection with commercial premises for commercial purposes other than traditional holiday decorations.

8. Within the local historic district as established by Ordinance No. 777 and any amendment thereto, no internally illuminated signs shall be allowed. Outside the local historic district, opaque letters or designs set out from a building or sign face and lit by soft white illumination from behind the letters may be allowed on new construction within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). However, no other type of internally illuminated signs shall be allowed within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)), outside of the local historic district as established by Ordinance No. 777 and any amendment thereto. All types of internally illuminated signs may be allowed outside of the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)).

9. Signs shall not be so illuminated by direct illumination such that light spills over onto adjacent properties.

10. Beacons and search lights shall not be allowed.

11. Continuous strings of pennants, flags, fringe or other similar decorations shall not be allowed. Such decorations may, however, be provided in association with the Fourth of July or other such state and local holidays as may be designated by the sign commission on request, and may not be put in place prior to ten (10) days nor remain in place after ten (10) days from the holiday. In particular, the flag of the United States of America represents a living country and is itself considered a living thing. No disrespect should be shown to the flag of the United States of America, which includes being used solely for advertising purposes. The flag of the United States of America shall not be placed to call attention to, decorate, mark, or distinguish the building on which it is placed. One flag of the United States of America is considered patriotic, while a string of flags of the United States of America is considered advertising and disrespectful, unless displayed according to the Fourth of July exception noted above, or pursuant to section 15.32.140(A)(14), below. Please also see United States Code, Title 4, Chapter 1 for a full explanation of the Flag Code.

12. No signs shall incorporate projected images, any sound that is intended to attract attention, or involve the use of live animals, fish or fowl.

13. No signs shall in any way obstruct the view of, be confused with or purport to be, an official traffic sign, signal or device or any other official sign.

14. No sign shall use any words, phrases, symbols or characters implying the existence of danger, or the need for stopping or maneuvering of motor vehicles or create in any other way an unsafe distraction of motor vehicle operators.

15. No signs shall obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive or private driveway, alley or other thoroughfare.

16. No sign shall obstruct free ingress to or egress from required door, window, fire escape or other required exit.

17. No sign shall remain beyond thirty (30) days after the activity, product, business, service or other use that is being advertised has ceased or vacated the premises. This provision shall not apply to signs that are physically designated as landmarks, or to permanent signs to businesses that are open only on a seasonal basis, providing that there is clear intent to continue operation of the business.

18. Roof signs shall not be allowed.

19. Parked vehicles, including but not limited to automobiles, trucks, buses semitrailers, (attached or detached) trailers, mobile homes, boats, vans, etc., shall not be used as signs or sign structures. They shall not be placed where visible from a public right-of-way.

20. Any exterior, portable, freestanding or unattached signs, such as, but not limited to, a sidewalk sign or sandwich board sign shall not be allowed unless placed a minimum of three feet from the public right-of-way or if granted a variance by the sign commission.

21. Murals or supergraphics shall not be allowed.

22. Signs exhibiting phosphorescent or reflective paint shall not be allowed.

23. Signs exhibiting the word "casino" shall not be allowed.

24. Wind signs shall not be allowed.

25. Neon shall not be used to frame any window above the first story. Where used in the first story, the light tube must be shielded from exterior view.

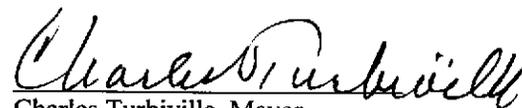
26. Banners are generally not allowed. However, when used in connection with a special or civic event are allowed with a permit, ~~available through the city, at a rate of sixty dollars (\$60.00)~~ at a rate related to fees listed in the city fee schedule, which is set and amended by resolution per business, per banner, per calendar year - multiple banners may be included in one application, however each banner in such application is subject to the fee; provided the event is sponsored by a not-for-profit organization or a governmental agency. Special events shall be designated by the city commission. The permit fee may be waived for a nonprofit organization, provided it obtains a permit from the city. All such banners and signs shall be allowed to be

placed no sooner than seventy-two (72) hours prior to the beginning of the event and removed within forty-eight (48) hours after the termination of the event. All banners displayed under this clause must explicitly and clearly promote the special or civic event or include the promotion of Historic Deadwood by including the following language, "Welcome to Historic Deadwood." A permit must be obtained and issued by the zoning administrator and the building inspector. The banners must be approved by the zoning administrator and the building inspector.

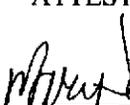
Banners hung pursuant to this section must primarily and principally specify the special or civic event, OR with the text "Welcome to Historic Deadwood" primarily and principally displayed. The banner must be made of water-resistant materials and placed on a building facade during the promoted special or civic event in compliance with the existing sign ordinance. It may not exceed ninety-six (96) square feet in area. No variances to this size limit may be approved by the planning and zoning commission. It shall be a single-piece sign with no attachments or additions, including but not limited to, the addition of any handwritten letters or symbols. Only one (1) banner may be placed on any one (1) side of a building or facade. Banners may be placed on temporary structures, including but not limited to, stages or fences that are constructed for special or civic events. An applicant who wishes to appeal the decision of the zoning administrator and the building inspector may appeal to the planning and zoning commission as provided by statute.

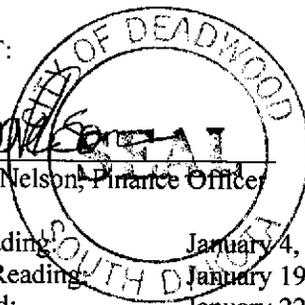
Dated this 19th day of January, 2015

CITY OF DEADWOOD

  
Charles Turbiville, Mayor

ATTEST:

  
Mary Jo Nelson, Finance Officer



First Reading: January 4, 2016  
Second Reading: January 19, 2016  
Published: January 22, 2016  
Adopted: February 11, 2016