

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, June 6, 2018 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of April 16, 2018 Minutes
3. Sign Review Commission
57 Sherman Street – Peter and Linda Christeleit – Add valance sign in conjunction with recovering the awning
Action Required:
 - a. Approval/ Denial by Sign Review Commission
566 Main Street – Jordan Dahl – Install Wall Sign
Action Required:
 - a. Approval/ Denial by Sign Review Commission
4. Planning and Zoning Commission and Board of Adjustments
Temporary Vending Application –Todd Weber – The Lucky Horse Co. – Rally Vending
Action Required:
Approval/Denial of the vendor license for The Lucky Horse Co.

Review Proposed Sign Ordinance Changes
No action to be taken
5. Items from Staff
 - a. Cadillac Jacks
 - b. City Pavilion
 - c. CPAW
 - d. Vacation Rentals
6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, May 16, 2018

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, April 18, 2018, at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

Planning and Zoning Commission Present: Tony Biesiot, Jim Shedd, John Martinisko, Bill Rich and Brett Runge

Absent:

Board of Adjustments Present: Dave Ruth Jr.

Staff Present:

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

Approval of April 18, 2018 Minutes:

It was moved by Mr. Shedd and seconded by Mr. Martinisko to approve the April 18, 2018 meeting minutes as presented. Aye – All. Motion carried.

Sign Review Commission:

28 Lincoln – Robert and Donna Nelson – Plaque Approval

Mr. Mohr stated the applicant is requesting approval of a bronze plaque. Historic Preservation has given their approval. There is no permit required for this plaque. *It was moved by Mrs. Runge and seconded by Mr. Rich to approve the plaque as submitted. Aye – All. Motion carried.*

54 Sherman Street – Adams Museum – Install New Freestanding Sign in Place of Existing Sign

Mr. Mohr stated Deadwood History Inc. is requesting permission to replace the current sign with a new sign at 54 Sherman Street, Adams Museum. The new sign does require a variance for the square footage and height of the new sign. This sign will provide better visibility to the public. The existing sign is at a similar height. *It was moved by Mr. Rich and seconded by Mr. Shedd to approve the new freestanding sign at the Adams Museum and allow the variances. Aye – All. Motion carried.*

Planning and Zoning Commission and Board of Adjustments:

Consolidate Parcels for Development – 555-579 Main Street – Blue Sky Gaming, Inc., Deadwood Parking Lots LLC

Mr. Nelson Jr. stated this is a final plat submitted by Blue Sky Gaming. They are consolidating parcels for a development in the location of 555 and 579 Main Street. Legally described as Lots 1 and 2 of Four Points Subdivision (Formerly all of Lot 2 of Block 12, a portion of vacated Rypkema Street, and Lots 63, 65, and 67, all in Block 14 of the Original Town, City of Deadwood; all of Tract B-1 of Block 14 of the Original Town, City of Deadwood and all of Martindale Tract of Block 12 of the P.L. Rogers Map of the City of Deadwood) located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. It is zoned C-1 Commercial. The lots are legal conforming to size and located in the 500 year flood plain. Plans are to construct a hotel at this location. *It was moved by Mr. Rich and seconded by Mr. Martinisko to approve the final plat as submitted by Blue Sky Gaming. Aye – All. Motion carried.*

Mr. Nelson Jr. stated this item will go before the Board of Adjustments on May 21, 2018.

Items From Staff (no action taken)

- Cadillac Jacks: Mr. Mohr stated the TIF work is on hold until June 1. RCS Construction has done some of the grading. Tru Hotel work is progressing, looking at mid-July for completion.
- City Pavilion: Mr. Nelson Jr. stated the project is moving faster than anticipated. Storm sewer is being installed. Beginning grade for the retaining wall construction along Shirlene Joseph's property.
- CPAW: Mr. Nelson Jr. stated he and Mike Runge have completed the grant portion for our policies. The final recommendation will be implemented into the Comp Plan.
- Vacation Rentals: Mr. Nelson Jr. stated the city is testing the ordinance on 15 Washington Street. The attorney has subpoenaed the owner with a summons. The owner lives in Arizona. Staff is still working with other violators to get them to comply.

- Speed Limit Reduction Request: Mr. Nelson Jr. stated the speed limit reduction was approved for Wells Fargo to the Welcome Center. Waiting to hear on Welcome Center to where 14A and 85 split. Staff is not recommending reducing it but there are plans to do a traffic study. Mr. Ruth asked if there is consideration from Wells Fargo to Broken Boot. Mr. Nelson Jr. stated both ends are being re-evaluated.
- McKinley Traffic Signal: The Mayor met with DOT yesterday and has not heard the results.
- Board Walk RTP Grant: Mr. Nelson Jr. stated a grant has been submitted for the boardwalk near the Welcome Center. GFP did an onsite visit and it sounds very optimistic we will get the grant. Bonny Anfinson wrote the grant.

Adjournment:

It was moved by Mr. Shedd and seconded by Mrs. Runge to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye – All. Motion carried.

There being no further business, the Planning and Zoning Commission adjourned at 5:10 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Meghan Wittmis, Planning & Zoning Office/Recording Secretary

SIGN PERMIT STAFF REPORT

Sign Review Commission
June 6, 2018

Applicant: Peter and Linda Christeleit

Address: PO Box 265 Lingle, WY 82223

Site Address of Proposed Signage: 57 Sherman Street (Butch Cassidy & Sundance Kid Suites)

Computation of Sign Area

Building Frontage: 41 Feet

Total Available Signage: 82 Square Feet

Existing Signage: One Projecting Sign (20 Square Feet) and one shadowbox (6 Square Feet – not counted against total)

Remaining Available Signage Area: 62 Square Feet

Proposed Sign Project: Add valance sign in conjunction with recovering the awning. (4.5 Square Feet – not counted against total allowed).

Proposed Building Materials: Fabric. (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a photograph showing the current awning.

Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant wishes to replace fabric covering for the awning and add valances with lettering to better advertise the existing business. The lettering on the main valance requires a sign permit.

The proposed sign and its location are compliant with the sign ordinance.

Variances

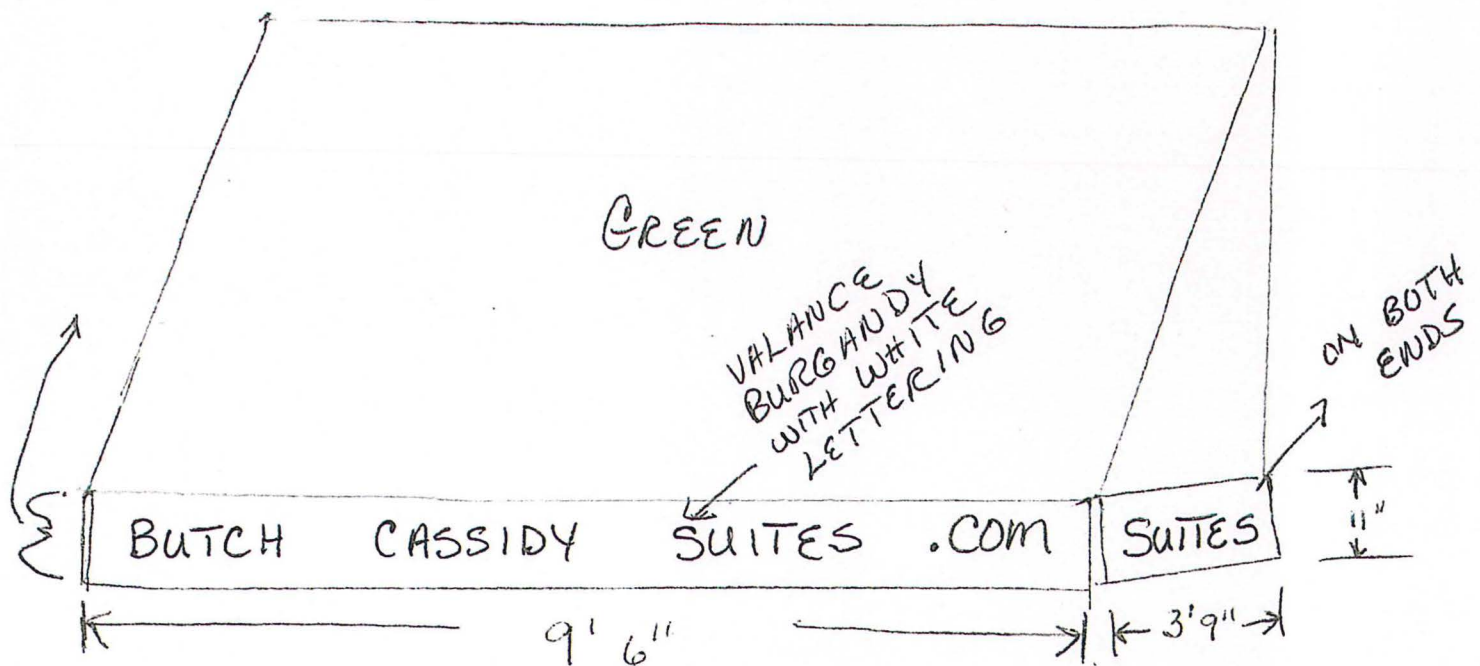
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

Motion to approve permit for valance sign at 57 Sherman Street

OR

Motion to deny proposed sign permit application as submitted.



Existing awning colors to remain the same - green + burgandy.

We are only requesting to add white lettering to the valance.

(Our current valance is torn from the wind and needs replacing)



SIGN PERMIT STAFF REPORT

Sign Review Commission
June 6, 2018

Applicant: Jordan Dahl

Address: 566 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 566 Main Street (Dahl's Chainsaw Art)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: None.

Remaining Available Signage Area: 50 Square Feet

Proposed Sign Project: Install wall sign (16 Square Feet) on proposed structure.

Proposed Building Materials: Wood . (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a photograph showing the proposed structure and location of the sign.

Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant wishes to erect a structure in which the live carving demonstrations would take place. On this structure he wishes to place a sign advertising his new business.

The proposed sign and its location are compliant with the sign ordinance.

Variances

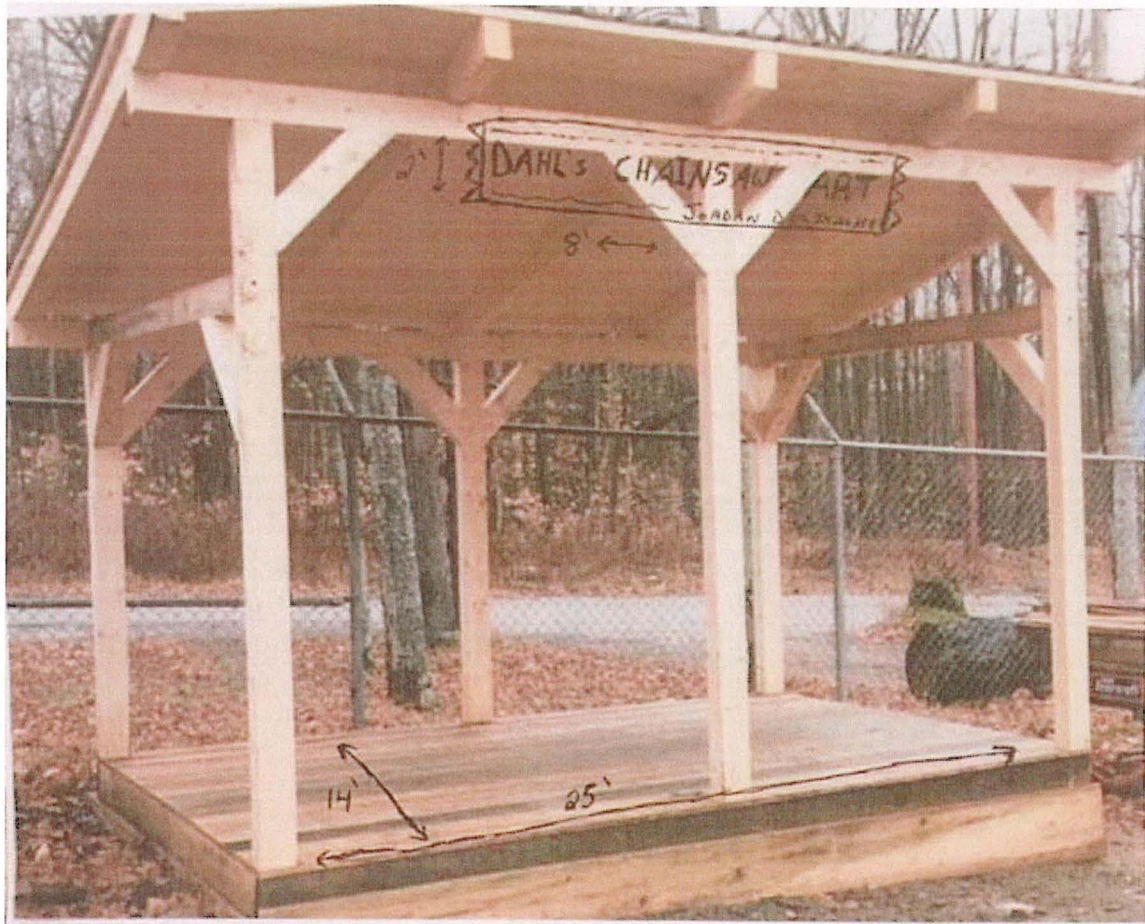
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

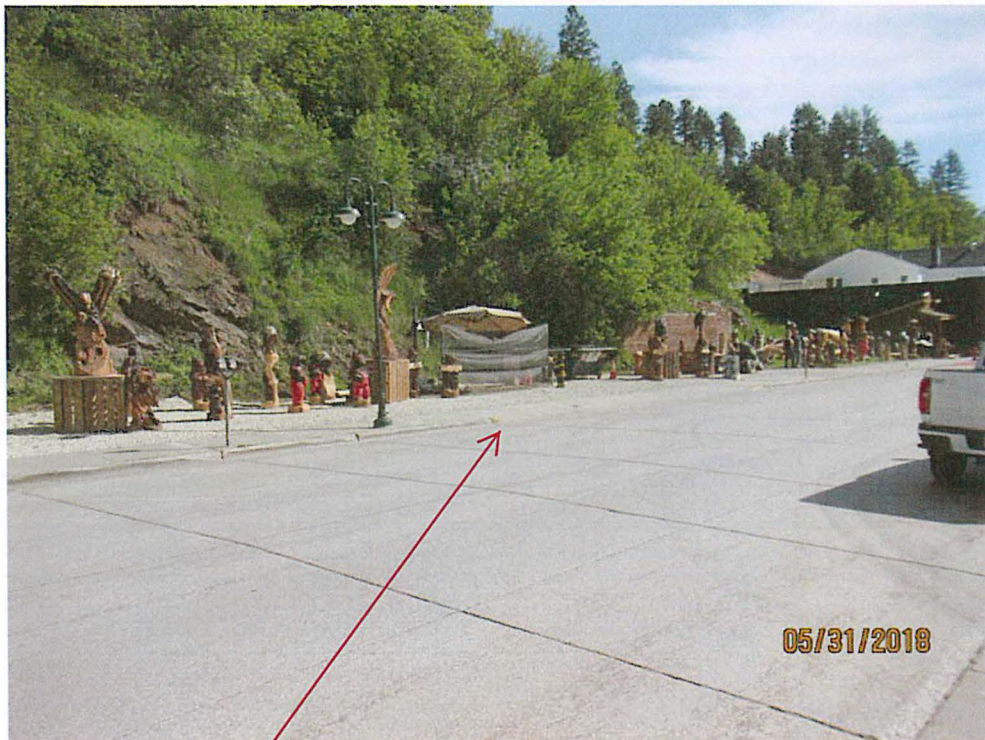
Motion to approve permit for new wall sign at 566 Main Street

OR

Motion to deny proposed sign permit application as submitted.



Proposed location of the structure





"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

VENDOR APPLICATION

Date: May 5, 2018
To: Planning and Zoning Commission
From: Robert E. Nelson, Jr., Zoning Administrator
Re: Rally Vending

The vendor permit before you has met the conditions of temporary vending within the city limits of Deadwood. The application was received before the review deadline, payment for the permit was received, and the vending is to be outdoors. Lucky Horse Company has not been a vendor in Deadwood, however has done business in South Dakota and has reported sales tax to the state in the past. They do have a current sales tax number with the State Revenue Office and they are locally owned in Deadwood. The location is to be at 623 Main Street (Celebrity Hotel). Staff recommends approval of the vendor permit for Todd Weber dba The Lucky Horse Co.

Merchandise: Horseshoe Art and Western Merchandise

Action:

Approval /denial of the vendor license for The Lucky Horse Co.

Application Date: 5/14/18
Payment Received: 5/14/18

Application for Temporary Vendors License

The Deadwood Zoning Administrator and Planning & Zoning Commission review all applications.

Applicant: Todd Weber

Name of Business: The Lucky Horse Co

Applicant's mailing address: 562 Williams, Deadwood SD

Telephone: (702) 580-8526 Cell: (702) 580-8526

Please select your type of vending:

- | | | |
|---|--|-------------------|
| * | Outside of a structure – \$750.00 | <u>X</u> |
| * | Inside of an existing structure – \$250.00 | <u> </u> |

For a period of fourteen (14) days: Beginning: Aug 2, 2018
Ending: Aug 14, 2018

South Dakota Sales Tax Number:

Physical street address of vending location: Celebrity Hotel Parking lot

Contact Name and phone number of property owners: our contact is Ken Grienger,
General Manager

Complete description of goods and/or services: Hand decorated Horseshoe artwork,
Key chains, welded artwork, Lucky Tokens

I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold, shall result in immediate revocation of this license and forfeiture of the right to operate within the City Limits of Deadwood. It is further understood that payment of applicable state and city sales tax is made a provision of this license.

Applicant's signature: [Signature] Date submitted: 5/14/18

Chapter 15.32

SIGNS

Sections:

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- 15.32.020 Historical accuracy and integrity.
- 15.32.030 Purpose.
- 15.32.040 Jurisdiction.
- 15.32.050 Application of chapter.
- 15.32.060 Rules of language.
- 15.32.070 Compliance.
- 15.32.080 Appeals and variance.
- 15.32.090 Approvals necessary for sign alteration or erection.
- 15.32.100 Definitions.
- 15.32.110 Classes of signs.
- 15.32.120 Types of signs.

Article II. Disallowed Signs, Allowed Signs Not Subject to Permit, and Allowed Signs Subject to Permit

- 15.32.130 Disallowed signs.
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- 15.32.150 Allowed signs subject to permit.

Article III. Administration--Permits--Enforcement

- 15.32.160 Sign review commission.
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- 15.32.180 Enforcement--Violation--Penalty.
- 15.32.190 Submittals.

Article IV. Design Considerations and Requirements

- 15.32.200 Illumination.
- 15.32.210 Materials.
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- 15.32.230 Height.
- 15.32.240 Obstruction.
- 15.32.250 Freestanding signs.
- 15.32.260 Wall and fence signs.
- 15.32.270 Repairs and maintenance.
- 15.32.280 Computation of sign area.

Article V. Sign Area, Type and Quantity Allowed

- 15.32.290 Purpose of article.
- 15.32.300 Historic district.
- 15.32.310 Areas of the city outside the locally-designated historic district, but within the landmark district.
- 15.32.315 Areas of the city outside the landmark district.

Article VI. Historic Landmark Signs

- 15.32.320 Existing landmark signs.
- 15.32.330 Replication of landmark signs advertising business names.
- 15.32.340 Replication of landmark signs other than business names.
- 15.32.350 Documentation.

Article I. General Provisions

15.32.010 Title.

The ordinance codified in this chapter shall be known as the “sign ordinance of the city of Deadwood” and will be referred to herein as “this chapter.” (Prior code § 26-100)

15.32.020 Historical accuracy and integrity.

A. On July 4, 1961, the city was designated a National Historic Landmark. On October 16, 1966, the city was listed on the National Register of Historic Places. These designations have served to protect the historic integrity of Deadwood’s architectural and cultural heritage. As a result, the health, safety and the general welfare of resident and nonresident property owners in Deadwood has improved. With the advent of legalized limited gambling in 1989, Deadwood moved into a new period of development. This new industry and the commercial growth it fosters must be nurtured, yet efforts to preserve this community’s architectural and cultural heritage cannot be compromised.

B. The prohibition on the construction of any additional off-premise signs and the amortized elimination or remodeling of existing billboards within the historic district as established by Ordinance No. 777 is a critical part of this effort. Such signs are inconsistent with and detract from the historic character of this community. Other such inconsistencies include plastic signs, moving signs and roof signs. ~~Recognizing that historical accuracy is a primary goal of this chapter, provisions must be made for incentives to create signage that is historically accurate.~~

(Prior code § 26-101)

15.32.030 Purpose.

It is the purpose of this chapter to make provisions to allow individual establishments to identify the nature of their enterprise, the products provided, the services provided and their name. Further specifications of this chapter are:

A. To require signs to respect the historic architectural styles of the community, and more specifically, the style of the structure on which the sign will be placed. ~~The city has adopted a set of design guidelines for use within the historic district and they are referenced by this section.~~

B. To protect the public from hazardous conditions by requiring signs to conform with building, electrical and life safety codes, and by prohibiting signs that obscure the vision of motorists or compete or conflict with traffic or warning signs.

C. To provide for good visual communication to the public, whether they are traveling by foot or vehicle, so that the public may easily know the location of individual establishments.

D. To provide a reasonable balance between the need of the business owner to identify the enterprise, and the need of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs.

E. To recognize that the required size of a sign that provides adequate identification in pedestrian-oriented business areas is less than that required for signs in automobile-oriented areas.

F. To carry out the elimination of nonconforming signs.

~~G. To protect and improve the public health, safety, and general welfare by preventing adverse impacts to historic resources and assuring that new signs are in keeping with the city's historic character.~~

(Ord. 1170 (part), 2012; prior code § 26-200)

15.32.040 Jurisdiction.

This chapter shall apply to all land within the corporate limits of the city.

(Prior code § 26-201)

15.32.050 Application of chapter.

A. The provisions of this chapter shall apply to the display, construction, erection, alteration, use, location, and repairs and maintenance of all signs within the city.

(Ord. 1170 (part), 2012; prior code § 26-202)

15.32.060 Rules of language.

As used in this chapter:

- A. “Shall” is mandatory;
- B. “May” is discretionary;
- C. The masculine includes the feminine;
- D. “City” means the city of Deadwood;
- E. Where there is conflict between the text and any graphic illustration, the text shall prevail.

(Prior code § 26-803)

15.32.070 Compliance.

A. All new sign construction shall be in compliance with this chapter.
B. Any sign erected prior to April 1, 2012, may remain in place and shall be permitted to remain in place as a nonconforming use until any one of the following events occurs or so long as all the following criteria remain constant:

1. Title to the real estate on which the sign is located does not change;
2. The sign is not moved or changed/alterd in any way (does not include normal repairs and maintenance which do not change, enlarge, move or structurally alter the original nonconforming use - see definitions); and
3. The sales tax licensee does not change.

Should any of the above occur, or any of the criteria not remain constant, the sign must be brought into conformance with this chapter or removed from the premises (unless landmark status has been granted pursuant to Article VI of this chapter).

Further, when a nonconforming use is discontinued for a period of one (1) year, it shall not be continued unless in conformance with the requirements of this chapter.

(Ord. 1170 (part), 2012; Ord. 1020 (part), 2004; prior code § 26-800)

15.32.080 Appeals and variance.

A. All decisions of the sign review commission may be appealed to the circuit court for Lawrence County.

B. In the case of a request for a variance to the sign commission the procedures followed shall be those set forth in this chapter, except that the sign commission shall not grant a variance from any requirement or regulation of this chapter regarding signs unless it finds there are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area.

C. Conditioning of Variance. The sign commission may make any variance subject to any conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the other purposes of this chapter.

D. Expiration of Unused Variance. All variances shall expire six months from the date of issuance if not used within that time period.

(Prior code § 26-801)

15.32.090 Approvals necessary for sign alteration or erection.

A. Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign. Enforcement of this Chapter is set forth in section 15.32.180, below.

B. Every sign hereafter erected, constructed or maintained, for which a permit is required under this Chapter shall be plainly marked with ~~the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof~~ the permit number issued for said sign or other method of identification approved by the building Code official.

(Ord. 1170 (part), 2012; prior code § 26-203)

15.32.100 Definitions.

As used in this chapter:

“Accessory” means subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership, as the building or use being identified or advertised.

“Alley” means a street or way within a block set apart for public use, vehicular travel, and local convenience to provide access to the rear or side of the abutting lots or buildings.

“Awning” means a movable shelter, primarily of fabric, supported entirely from the exterior wall of a building and of a type that can be retracted, folded, or collapsed against the face of the supporting building or may be permanently extended out from the exterior wall of the building. Permanent awnings may be supported by columns, poles, or braces extended from the ground see permanent awnings.

Comment [RNJ1]: Will we be able to enforce this? Billboards Included?

"Banner" means a long strip of flexible material, or machine-printed sign, of distinctive design displaying a decoration, slogan, advertising, etc., especially one suspended between two points, generally temporary in nature.

"Billboard" means a freestanding off-premises sign.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Business" means all activities in which a person engages or in which such person causes another to be engaged with the object of gain, benefit, or advantage, whether direct or indirect.

"Canopy" See "Awning, portable or collapsible awnings, and permanent awnings" means a ~~permanently-roofed shelter covering a sidewalk, driveway or other similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extended from the ground.~~

Frontage, Building. "Building frontage" means the horizontal, linear dimension area of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either a main window display of the enterprise or a public entrance to the building; in commercial industrial zone districts, a building side with an entrance open to employees is a building frontage; where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use is considered to have its own building frontage, which is the front width of the building occupied by that use.

Frontage, Street. "Street frontage" means the linear frontage of a lot or parcel abutting a private or public street that provides principal access to or visibility of the premises.

"Grade" means the average elevation of the finished ground level at the center of all walls of a building. When walls are parallel to and within five feet of a sidewalk, "grade" means the sidewalk level.

"Height of a sign" means the vertical distance measured from the elevation of the nearest sidewalk or, if there is no sidewalk within twenty-five (25) feet, from the lowest point of the finished grade on the lot on which the sign is located and within twenty-five (25) feet of the sign, to the uppermost point of the sign or the sign structure.

"Home occupation" means an occupation carried out in-residence, of a commercial nature, which has no employees other than family members and takes up no more than twenty-five (25) percent of the total floor area.

Illumination, Direct. "Direct illumination" means lighting by means of an unshielded light source, including neon tubing, which is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, Indirect. "Indirect illumination" means lighting of the surface by light source that is directed at the reflected surface in such a way as to illuminate the entire building facade on which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination of a sign.

Illumination, Internal. "Internal illumination" means lighting by means of a light source that is within a sign having translucent foreground or background and silhouettes opaque letters or designs or that is within letters or designs that are themselves made of translucent material. This term shall also extend to and include opaque letters or designs set out from a building or sign face and lit by illumination from behind the letters.

"Marquee" means a permanently roofed structure attached to and supported by a building and projecting from the building.

"Mural" means a decorative or figurative painting or decoration, usually oversized, applied directly to a wall or ceiling. "Mural" shall also include supergraphic.

"Neon" means an electrically-charged gas contained within an enclosed transparent tube.

"Public entrance" means an entrance to a building or premises that is customarily used or intended for use by the general public. Examples of private entrances not intended for use by the general public are fire exits, special employee entrances, and loading dock entrances.

"Repairs and maintenance" means to renew, revitalize or to restore a sign to its former good, sound, proper condition, working order, original state or operational soundness after injury, wear or tear; to fix; to mend; upkeep; put back together; correction of a failure; replacement of missing, lost, broken or unserviceable parts; all action taken to retain materials or to restore to original condition; routine recurring work required to keep a sign in such condition that it may be continuously utilized at its original design, for its intended

purpose; preserving a sign in its original condition; to prolong a sign's useful life [Examples include, but are not limited to: replacing letters that have fallen off is a repair; painting letters that have faded is maintenance; mending a sign that was broken in half by some accident with an exact duplicate is a repair; applying new stain to a wooden sign is maintenance; however, replacing a sign for a new business name is a change or alteration, NOT repair or maintenance; replacing a sign with the same business name, but new design for that business is a change or alteration, NOT repair or maintenance.]

"Permanent awning" means any structure erected for shade or shelter and which is completely open on at least two sides and fastened to an existing permanent structure.

"Portable or demountable awning" means any prefabricated structure erected for shade or shelter which is designed to be readily assembled and disassembled and adapted to ready transportation.

"Roof" means the cover of any building, including the eaves and similar projections.

"Roof line" means the highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

"Sign" means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag or banner or any other figure of similar character that:

1. Is a structure or any part thereof (including, the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, or vehicle or upon any material, object, or device whatsoever; and
3. By reason of its form, color, wording, symbol, design, illumination, or motion, attracts and is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement.

"Sign face" means the surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign, Nonconforming. "Nonconforming sign" means any sign that was erected and maintained prior to April 1, 2012, and that does not conform to all the applicable regulations and restrictions of such code and any sign located in an area annexed to the city since the enactment of such code.

"Sign structure" means any supports, uprights, braces, or framework of a sign.

"Window" means the transparent or translucent portion of an opening in the exterior wall of a structure. (Ord. 1170 (part), 2012; Ord. 1105 (part), 2008; Ord. 1082 (part), 2007; Ord. 1041 (part), 2005; prior code § 26-204)

15.32.110 Classes of signs.

The following terms define the classes of signs covered by this chapter:

"Freestanding sign" means a sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of the building, structure, or other sign; the term includes a "pole sign," "pedestal sign," and "ground sign."

"Landmark sign" means a sign so certified by the historic preservation officer of the city in accordance with Article VI of this chapter.

"Marquee sign" means a sign depicted upon, attached to, or supported by a marquee.

"Projecting sign" means a sign attached to a building or extending in whole or in part eight inches or more horizontally beyond the surface of the building to which the sign is attached, but does not include a "marquee sign."

"Roof sign" means a sign painted on the roof of a building, supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building, but does not include a sign projecting from or attached to a wall.

"Suspended sign" means a sign suspended from the ceiling of a marquee or canopy.

"Vehicle-mounted sign" means a sign displayed upon or against a trailer, van, truck, automobile, bus, railroad car, tractor, semitrailer or other vehicle, whether or not such vehicle is in operating condition.

"Wall sign" means a sign displayed upon or against the wall of an enclosed building, where the exposed face of the sign is in a plane parallel to the plane of the wall and extends not more than eight inches horizontally from the face of the wall.

"Wind sign" means a sign consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

"Window sign" means a sign that is painted on, applied or attached to the interior or exterior of a window and that can be seen through the window from the exterior of the structure, ~~but excludes merchandise or gaming devices included in a window display.~~
(Ord. 1170 (part), 2012; prior code § 26-205)

15.32.120 Types of signs.

The following terms define the types of signs covered by this chapter:

"Bulletin boards" means a sign used for the purpose of notification to the public of an event or occurrence of public interest, including without limitation, church services, political rallies, civic meetings or other similar events.

"Business sign" means a sign that identifies or directs attention to the business, profession, commodities, services, entertainment or activities conducted, sold, displayed, offered or stored on the premises where the sign is located.

"Commercial sign" means a sign whose principal purpose is to identify a business or induce a purchase of a good or service, including, without limitation, any sign naming a brand of good or service.

"Construction sign" means a temporary sign announcing subdivision, development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a "real estate sign."

"Identification sign" means:

1. A nameplate that establishes the identity of an occupant by listing name and business or professional title;

2. A sign that establishes the identity of a building or a building complex by name or symbol only;

3. A sign that indicates street address or combines nameplate and street address;

4. A sign that identifies an area in the city that, by reason of development, natural features, historical occurrences or common reference, has or will become a landmark in the city; or

5. A commemorative sign, such as a cornerstone, memorial or plaque, placed into a masonry surface or constructed of bronze or other incombustible material and made an integral part of the structure.

"Joint identification sign" means a sign that serves as a common or collective identification for two or more businesses or industrial uses on the same lot and that may contain a directory to the uses and an integral part thereof or may serve as a general identification only for such developments as shopping centers, industrial parks, and similar uses.

"Noncommercial sign" means a sign whose principal purpose is the display of a political, theological or ideological message that is not a commercial sign.

"Off-premises advertising sign" means any off-premises sign, including without limitation, a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot or within the same building on which such sign is located.

"Reader board sign" means an informational message board that can be updated daily with schedules of events, specials, pricing, etc., that a business may be featuring.

"Real estate sign" means a sign indicating that availability for sale, rent or lease of the specific lot, building or portion of a building on which the sign is erected or displayed.

"Time-temperature-date sign" means a sign that plays the current time, outdoor temperature, date of the month or any combination of that information.

(Ord. 1170 (part), 2012; prior code § 26-206)

Article II. Disallowed Signs, Allowed Signs Not Subject to Permit, and Allowed Signs Subject to Permit

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.

Comment [RNJ2]: Would like the opinion of HP to relax illumination outside of the local historic district to reduce variances, this is a result of multiple requests for the internal illumination

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 except when used in accordance with paragraph twelve of 15.32.140.

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 entirely on private property and not on a public sidewalk, roadway, or right-of-way. Any exterior, portable, freestanding or unattached signs in existence on January 1, 2019 shall be removed from public sidewalks, roadways, or right-of-ways, 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, 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.~~

(Ord. 1242, 2016; Ord. 1237, 2015; Ord. 1175 (part), 2012; Ord. 1170 (part), 2012; Ord. 1126, 2009; Ord. 992 (part), 2002; prior code § 26-300)

Comment [RNJ3]: How important is this prohibition?

15.32.140 Allowed signs not subject to permit.

A. The following signs are allowed within the city boundaries without being required to have a permit. All applicable provisions of this chapter shall apply other than the requirement for the sign permit and the sign permit fee. These signs shall not be counted against the total allowable sign area or total number of signs permitted for the premises.

1. Temporary, nonilluminated signs indicating the availability for sale, rent or lease of the specific lot, building or portion of a building on which the sign is displayed, provided that such signs do not exceed five square feet in area and four feet in height, and are limited to one such sign per lot, building, dwelling or business unit are allowed without a permit. Such signs shall not remain in place more than seven days after sale or rental of the subject property.

2. Signs required or specifically authorized for a public purpose by any law, statute or ordinance are allowed without a permit; such signs may be of any type, number, area, height above grade, location or illumination required or authorized by law, statute or ordinance under which such signs are required. No such sign shall be placed in a public right-of-way unless specifically required or authorized by law, statute or ordinance, and except for warning or informational signs or barricades of a temporary nature, such signs shall be permanently affixed to the ground, a building or other structure. Such signs shall not exceed the minimum number required to accomplish the purpose.

3. Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located are allowed without a permit provided that each such sign does not exceed one square foot in total area, is not directly illuminated, and contains no advertising.

This category shall be interpreted to include such signs as "no smoking," "rest rooms," "no solicitors," "self-service," "vacancy," "fire exit," and similar information signs.

4. Credit card advertisements or trade association emblems that are displayed together are allowed without permit, provided that the total area of all such signs combined does not exceed one square foot; such signs shall be displayed floating on window or door surfaces.

5. Signs erected by a federal, state, or local government agency directing persons to a building site or activity of historical significance are allowed without permit, provided that each such sign shall not exceed four square feet in area and shall not exceed six feet above grade in height. Such signs may be erected in a public right-of-way, with approval of the [building-inspector code official](#), or on private property, with the permission of the property owner.

6. An alarm device sign used to identify the company, person, representative, or agency to be contacted in case of activation is allowed without permit provided the area of each such sign shall be limited to one square foot.

7. Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off a lot or within a lot are allowed without permit, provided that the area of each such sign does not exceed three square feet per sign face in area and six feet above grade in height, the sign does not contain any advertising or trade name identification and the sign is not illuminated or is indirectly illuminated. The erector of such signs shall be certain to consider pedestrian and vehicular clearances in placement of all signs.

8. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specially designed to permit changes of text or copy thereof, provided that no structural changes are made to the sign, and provided that the name of the business, letter style, colors and materials are not changed.

9. Signs that are not visible beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or right-of-way are allowed without permit, except that such signs shall be subject to the safety regulations of the [Uniform Building Code adopted by the City](#) and the Electrical Code [adopted by the City](#) adopted and enforced by the city.

10. Official government notices and notices posted by government officers in the performance of their duties, and government signs to control traffic, identify streets, warn of danger or perform other regulatory purposes are allowed without permit. Identification or bulletin board signs accessory to government buildings or other facilities shall not be exempt from the provisions of this chapter.

11. Temporary or permanent signs erected by the city, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices are allowed without permit.

12. Signs displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business, which are located on delivery trucks,

rental trucks and the like are allowed without permit, ~~provided that the primary purpose of such vehicles is not for the display of signs, and~~ provided that the vehicles are parked or stored in areas appropriate to their use as vehicles. Stored vehicles cannot be illuminated.

13. Cornerstones, commemorative tablets, and the like, when carved into stone, concrete, bronze, or other permanent material and made an integral part of a building or structure, provided that such markers have been approved by the Historic Preservation planning and zoning commission are allowed without permit, ~~but must be approved by the appropriate commission.~~

14. Flags, when the following criteria are met:

a. One flag per each twenty-five (25) lineal feet of primary frontage. Corner buildings shall count one, not both, street frontages;

b. There shall be a maximum of one flag per pole unless allowed per US Flag Code;

~~c. Flags flown shall only be the official flag of a current country, state of the United States, and city. A flag of the United States of America from 1876 to present day may be substituted for any of the allowed flags;~~

d. Any other flag shall require a sign permit when for a commercial use. ~~will be considered a wind sign, and therefore not permitted;~~

e. Flagpoles may be mounted on fronts of buildings as an outrigger pole, not to exceed a forty-five (45) degree angle from vertical (pointed upward), and ten (10) feet in length, with a maximum flag size of four feet in width and six feet in length;

Flag poles may, as an alternative to an outrigger pole, be mounted on a roof or parapet-mounted flagpole. Such flagpole shall not be greater in length than twenty (20) feet or two-thirds the height of the building as measured from sidewalk to roof, whichever is less. Flag size shall follow the chart below.

Ground-mounted flagpoles shall not exceed the length as indicated in the chart below, nor shall flag size.

Height of Building	Height of Pole	Size of Flag
1 to 2 stories	20'-0"	4' wide, 6' long
3 to 5 stories	25'-0"	4' wide, 6' long

f. Publicly owned properties shall be exempt from the provisions of this subsection.

15. Signs advertising a candidate for public office, or signs advertising issues in a public election are allowed without a permit providing that the sign be displayed no sooner than thirty (30) days before the election and the sign shall be removed seven days following the election. Signs may not be displayed on public property and shall be compliant with City of Deadwood ordinance 2.04.015 Campaign Finance Requirements. A sign shall not exceed three square feet in area, and shall not exceed four feet in height. The materials for the sign may be wood, pasteboard, metal or other like materials. Neon, light strings, pennants, reflective paint or anything disallowed in Section 15.32.130 may not be used for such signs. (Ord. 1170 (part), 2012; Ord. 1105 (part), 2008; Ord. 1082 (part), 2007; Ord. 992 (part), 2002; Ord. 964, 2000; prior code § 26-301)

15.32.150 Allowed signs subject to permit.

All other signs shall require a permit. Alteration of such sign shall also require an alteration of the permit by securing prior approval of the issuing agency. A written record of such approval shall be entered upon the original permit application and maintained in the files of the sign commission at the city. No alteration certificate shall be required when wording is the only alteration to a sign. Any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. (Ord. 1170 (part), 2012; prior code § 26-302)

Banners are allowed only with an approved permit and when used in connection with a special or civic event sponsored by a not-for-profit organization or a government agency. A permit is available through the City, at a rate related to fees listed in the city fee schedule. A permit and fee applies to each banner, per calendar year - each banner shall require an application, each banner is subject to fee.

(a.) Special events shall be designated by the city commission annually by resolution.

- (b.) The permit fee may be waived for a nonprofit organization, provided it obtains a permit from the city.
- (c.) Banners 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.
- (d.) Applicants are encouraged to include the City of Deadwood's logo on all banners to promote the branding of Deadwood.
- (e.) A permit must be reviewed and approved by the Zoning Administrator and the Code Official or their designee. Permits are not guaranteed to receive same day approval.
- (f.) All approved banners are issued permit stickers which must be displayed on the banner at all times.
- (g.) Banners shall not exceed ninety-six (96) square feet in area. No variances to this size limit may be approved by the planning and zoning commission.
- (h.) Banners shall be a single-piece with no attachments or additions, including but not limited to, the addition of any handwritten letters or symbols.
- (i.) 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.
- (j.) An applicant who wishes to appeal the decision of the Zoning Administrator and the Code Official may appeal to the planning and zoning commission as provided by statute.
- (k.) Applications for Banner Permits must be completed and received a minimum of forty-eight (48) hours prior to intended installation.

Article III. Administration--Permits--Enforcement

15.32.160 Sign review commission.

The planning and zoning commission shall serve as the sign review commission for the city.
(Ord. 1170 (part), 2012; Ord. 1096, 2008; prior code § 26-400)

15.32.170 Permit costs.

Sign and banner permits shall be charged at a rate related to fees listed in the city fee schedule, per sign or banner - multiple signs ~~or banners~~ may be included in one application, however each sign ~~or banner~~ in such application is subject to the fee. Each banner applied for must be on an individual application.
(Ord. 1251, 2016; Ord. 1170 (part), 2012; Ord. 1082 (part), 2007; prior code § 26-401)

15.32.180 Enforcement--Violation--Penalty.

A. The city Code Official building inspector is authorized and directed to enforce all provisions of this chapter.

B. Removal--Notice--Lien. The city Code Official building inspector or his or her designee, in the case of any violation of this chapter, shall take immediate steps to require compliance, including the immediate removal of any signs ~~or banners~~ that do not conform with the provisions of this chapter. In addition to the following enforcement procedures, the city Code Official building inspector or his or her designee, is authorized to immediately remove any off-premises advertising sign or banner without prior notice to the owner thereof.

1. If the city Code Official building inspector finds that any sign is in violation of the provisions of this chapter, he or she shall give written notice by registered or certified mail to the owner or person entitled to possession of the sign and the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this chapter within five days after receipt of such notice, or within such longer time period as is specified in the notice, the Code Official building inspector shall cause such sign to be removed at the expense of the property owner and the person entitled to possession of the property or sign, and shall, upon the determination of such expense, certify the same to the finance officer.

2. The finance officer shall notify the owner or the person entitled to possession of the sign and the owner of the property of the total cost incurred for such removal of the sign, and if that person fails within thirty (30) days after the date of the notification to pay the entire costs and expenses of such removal, then such costs and expenses shall become a lien against and shall run with the property, and the finance officer shall certify the same to the applicable county treasurer for collection in the same manner as general property taxes are collected.

3. The amount certified by the finance officer to the county treasurer for collection shall include the actual cost of repair or removal of the sign, plus twenty-five (25) percent to cover administrative costs, penalties, collection costs, and interest.

C. Other Penalties. In addition to any other penalties provided herein for the violation of this chapter, the city shall have the ability to deny the issuance of any permits or licenses or any renewals thereof to any business or premises that fails to conform to the provisions of this chapter, including, but not limited to building permits, malt beverage licenses, and liquor licenses. Any person or entity found to be in violation of this chapter shall be subject to a fine of not more than that established for class 2 misdemeanors under state law. Each illegal sign shall be a separate offense. Each day during which the illegal sign remains posted shall remain a separate offense.

~~D. Sign Fund. Fines collected for the violation of this chapter and as application fees shall be put into a sign fund, and shall be used exclusively to assist in the enforcement and administration of this chapter.~~ (Ord. 1170 (part), 2012; Ord. 1041 (part), 2005; Ord. 1010 § 1 (part), 2003; amended during 2004 codification; prior code § 26-402)

15.32.190 Submittals.

The applicant for a sign permit shall provide to the city ~~Code Official building inspector~~ plans, elevations and details that completely illustrate the construction of the sign, its location on the building, its illumination, its fastening to the building and any other pertinent aspects. Such submittal shall include, but not necessarily be limited to, the following items:

A. Drawings of the sign at a scale of not less than one inch equals one foot scale when the longest dimension of the sign is ten (10) feet or less;

B. Drawings of the sign at a scale of one-half inch equals one foot when the longest dimension is greater than ten (10) feet;

C. The drawings shall show all dimensions, materials, and connections. In addition, the drawings shall illustrate the following: details of the construction of the sign; its placement on the building; elevational representations; location on the building; clearances to the building, electrical lines, required exit doors, vents and heights above grade; illuminating type; and signage copy including letter style wording, and any logos or representations.

D. The finished colors of the materials shall either be keyed to the elevations of the sign including samples of paint colors, or provided in a separate means of identification that indicates which elements of the sign are to be painted which color, and indicating and including samples of paint colors.

E. Particular attention should be paid to the anchor and support systems for all signage, with details provided, and a description of the type of material to which it is being attached with particular attention to pull-out strength. (Care should be given to not damage historic building materials by attachment of signs.)

F. Historic photographs will be required to support certification of landmark signs in accordance with Article VI of this chapter.

G. Fully complete the sign permit application form, which is available at the office of the city ~~Code Official building inspector~~, Deadwood City Hall, and www.cityofdeadwood.com.

H. Such submittals shall be given to the ~~Code Official building inspector~~ a minimum of ~~twelve~~ seven calendar days in advance of the next scheduled sign commission meeting. (Prior code § 26-403)

Article IV. Design Considerations and Requirements

15.32.200 Illumination.

A. 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)).

B. Exterior signs shall not be illuminated by neon, the sole exception to this being historic landmark signs.

Window signs may be illuminated by neon, but will be counted at one hundred (100) percent of their actual size for the purposes of Article V of this chapter.

C. Illumination of signs by direct lighting shall be accomplished in such a manner that light does not spill over onto adjacent properties.

D. Signs shall not have lights or illumination that flashes, moves, rotates, scintillates, blinks, flickers or varies in intensity or color. Signs shall not use intermittent electrical or electronic pulsations. Strings of light bulbs shall not be used in connection with commercial premises other than for traditional holiday decorations (See Section 15.32.130(7)).

(Ord. 1170 (part), 2012; prior code § 26-500)

15.32.210 Materials.

A. Sign faces shall generally be made of wood, composite material, or metal within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). However, the decision as to which material is most appropriate shall be based upon historical evidence. In all cases the selection of such materials shall be based upon the historic evidence, the historic style of the architecture of the structure, and overall appropriateness. All exposed metal sign faces shall be painted.

B. Support systems shall generally be of metal. Such metal can be wrought iron, cast iron, or steel as most appropriate to the historic character and style of the architecture of the structure.

C. Plastic shall not be allowed unless the historical evidence shows otherwise and is completely documented by the applicant. Raised letters on wood or metal signs shall be made of high density, closed cell, polyurethane if the letters are painted.

D. No phosphorescent or reflective paint shall be used in any sign face or sign structure; however, notwithstanding the above, metallic leafing such as gold leaf, silver leaf, and copper leaf may be used.

E. Exposed guy wire and turnbuckles are permitted only when necessary and will be reviewed in the context of the overall sign design.

F. Vinyl wrap used as the sign face shall be allowed in lieu of painting wood, composite, or metal.

(Ord. 1170 (part), 2012; Ord. 1020 (part), 2004; prior code § 26-501)

~~15.32.220 Letter style.~~

~~In general, the style of all text on a sign shall be compatible with the historic character of the building. For new buildings, the style of text shall be compatible with the historic character of the location within which the sign is proposed.~~

~~(Ord. 1170 (part), 2012; prior code § 26-502)~~

15.32.230 Height.

A. A sign must be placed at an adequate height that does not interfere with pedestrian or vehicular traffic. The bottom of a projecting or suspended sign and any projecting brackets shall be at least eight feet above the level of the sidewalk or pedestrian way. Wall signs shall be no less than three feet above grade.

B. Signs shall not be located such that there is less than three feet horizontal or eight feet vertical clearance from overhead electrical conductors that are energized in excess of seven hundred fifty (750) volts.

C. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere with free use of any fire escape, exit or standpipe.

(Prior code § 26-503)

15.32.240 Obstruction.

~~A. No sign shall obstruct any window to the extent that light and/or ventilation is less than that required by any law or ordinance.~~

B. In areas other than the locally-designated historic district, no visual obstruction shall occur in the sight triangle of a corner lot as described in the following: no portion of any sign or sign structure other than a pole twelve (12) inches or less in cross sectional diameter shall occupy the space between two and one-half feet and ten (10) feet above the street elevation in a triangular area formed by the right-of-way lines at such corner lot beginning from the point of intersection and extended in a straight line twenty (20) feet, and which points are joined to form a triangle. This regulation does not apply to wall signs.

C. No sign shall in any way obstruct the view of an official traffic sign, signal, device or any other official sign.

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

(Prior code § 26-504)

15.32.250 Freestanding signs.

Freestanding signs may be constructed of any material meeting the requirements of this article. Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete or steel, not less than thirty (30) inches high shall be provided to protect the base of the sign from possible damage from vehicles. Where any freestanding sign has a clearance of less than nine feet from the ground, a barrier or adequate protection to prevent hazard to pedestrians and vehicles shall be provided.

(Ord. 1170 (part), 2012; prior code § 26-505)

15.32.260 Wall and fence signs.

Signs located on fences or on walls that are not an integral part of a building shall be erected or mounted in a plane parallel to the fence or wall. Such signs are subject to all requirements of this chapter applicable to freestanding signs, including, without limitation, maximum area per sign, maximum sign height and number of permitted signs.

(Prior code § 26-506)

15.32.270 Repairs and maintenance.

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials. The Code Official building inspector shall have the authority to inspect and to order the painting, repair, alteration or removal of a sign that constitutes a hazard to safety, health or public welfare by reason of inadequate repairs and maintenance, dilapidation or obsolescence. The cost of such painting, repair, alteration or removal shall be at the expense of the property owner or person entitled to possession of the property or sign. Upon the determination of such expense, the Code Official building inspector shall certify the cost to the finance officer. The finance officer then shall proceed as described in Section 15.32.180 of this chapter.

(Ord. 1170 (part), 2012; prior code § 26-507)

15.32.280 Computation of sign area.

The total area of a sign and the allowable sign area for a building of use shall be computed as follows:

- A. In computing sign area, standard mathematical formulas for common geometric shapes such as triangles, parallelograms, circles, ellipses, or combinations thereof shall be used.
- B. In the case of an irregularly shaped sign or a sign with painted letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than six straight lines enclosing the extreme limits of writing, representations, emblem or other figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.
- C. In computing the total sign area, the sign structure is not included as long as it is less than five percent of the sign face area.
- D. The total sign area shall include the vertical and horizontal spacing between the letters or symbols that comprise the word, words, or figures that convey the message.
- E. All temporary and permanent attachments to signs or sign structures and the vertical and horizontal spacings between the sign and the attachments shall be included as part of the sign area for the sign to which they are attached.
- F. Only one face of a double-faced sign shall be considered in determining the sign area. The faces of double-faced signs shall be set at not more than a forty-five (45) degree angle from parallel to each other. No sign shall have more than two faces, except for traditional three-dimensional figures without any written message, such as barber poles.

G. Business frontage used as the basis of determining permitted sign area for one use shall not be used again as the basis for determining the permitted sign area for another use. Nothing herein shall be construed to prohibit the additional use from erecting a sign that would otherwise be permitted by the provisions of this chapter. (Amended during 2004 codification; prior code § 26-508)

Article V. Sign Area, Type and Quantity Allowed

15.32.290 Purpose of article.

The following signs may be permitted in the following areas, subject to review of and approval by the sign commission.

(Prior code Ch. 26, Art. 6 (part))

15.32.300 Historic district.

Within the local historic district as established by Ordinance No. 777 and any amendment thereto:

A. Residential Uses in Any Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed two square feet in area shall be permitted for each residential use. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.

B. Commercial Uses (Whether Nonconforming, Use by Special Review, or Home Occupation) in Residential Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed ten (10) square feet in area, shall be permitted for each building or use, whichever is less. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.

C. Commercial Uses in Nonresidential Zone. Each building in a commercial zone in which one or more commercial uses exist shall be allowed a maximum of two square feet of signage for each one foot of building frontage. Such signs shall be nonilluminated or indirectly illuminated, except in the case of landmark signs described in Article VI of this chapter or interior neon signs described in Section 15.32.200(B).

1. Wall Sign. One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart. Such sign shall be attached parallel to the building and shall project not more than eight inches from the building surface. The maximum square footage of the sign is fifty (50) square feet. The maximum vertical dimension of the sign shall be two feet. The top of any wall sign shall be no higher than the lowest of the following:

- a. Twenty-five (25) feet above grade;
- b. The bottom of the sills of the first level of windows above the first story, except in the case of upper story business with exterior entrances;
- c. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of such parapet.

2. Projecting Sign. One projecting sign per public entrance so long as such entrances are at least ten (10) feet apart. Such signs shall be attached at right angles to a building, shall have no more than two faces, shall be located on the same facade as the public entrance and within reasonable proximity to that entrance, and:

- a. Shall project no more than six feet from the face of the building, or four feet back from the face of the curb, whichever is less;
- b. The maximum area of one face shall not exceed one square foot of signage for each one foot of building frontage, subject to a maximum of thirty-six (36) square feet;
- c. The top of the sign shall be no higher than is permitted for a wall sign on that building; and
- d. In the case of a building set back more than fifteen (15) feet from the nearest sidewalk, street or property line, a freestanding sign may be substituted for each allowable projecting sign. The area of the sign face shall be the same as for a projecting sign with a maximum of ten (10) square feet, and the bottom of the sign shall not be less than eight feet or more than twelve (12) feet above grade.

3. Window Sign. One sign per window is allowed. Total sign size is not to exceed twenty (20) percent of the total area of all the windows of the story on which the sign is placed, nor fifty (50) percent of the window in which it is placed. Window signs shall be painted on or gilded directly to the window. Such sign shall be counted at twenty-five (25) percent of its actual size when computing the sign area pursuant to this article. Other window signs shall be considered wall signs in accordance with subsection (C)(1) of this section.

4. Awning, Canopy and Marquee Signs.

a. Awning signs are signs painted or stitched on the canvas or fabric similar to canvas in appearance, or a movable awning or stationary canopy, and shall only be painted on the vertical face (valance) of the awning/canopy, which is parallel and perpendicular to the building face. These horizontal bands can be no higher than one foot in height. The square footage of these signs shall not be included in the computation of total available signage.

b. Marquee signs may be allowed by special review of the sign commission. Size, height, materials, and lighting shall be treated as a wall sign.

5. Mall Signs. For a shopping mall, a single sign identifying each business in the mall is permitted, provided that the area of that part of the sign devoted to each business shall be included in the total allowable sign area for that building.

6. Directory Signs. A directory sign for businesses with a common entrance shall be permitted adjacent

to the entrance, provided such directory sign does not exceed six square feet. Such signage shall not be included in the computation of total available signage.

7. Shadow Boxes. In addition to the signs otherwise permitted, each business shall be allowed a shadow box or other display case, which will not project from a building or windows more than four inches and which shall not exceed four square feet in total area, for the purpose of displaying menus, entertainment, or other information regarding products or services provided by the business. Building frontage greater than thirty-five (35) feet will be allowed two shadow boxes.

Shadow boxes must be approved as to design and placement by the planning and zoning commission. Such signage shall not be included in the computation of other available signage.

8. Commercial Parking Lots. In commercial parking lots, a single sign identifying the name of the lot and any rules regarding its use is allowed. The square footage of the sign shall be calculated at two-thirds square foot per parking space subject to a maximum of thirty-six (36) square feet.

9. Freestanding Signs. The area of the sign face shall be the same as for a projecting sign, except with a maximum of ten (10) square feet, and the bottom of the sign shall not be less than eight feet or more than twelve (12) feet above grade.

(Ord. 1170 (part), 2012; Ord. 1105 (part), 2008; prior code § 26-600)

15.32.310 Areas of the city outside the locally-designated historic district, but within the landmark district.

Outside the historic district as established by Ordinance No. 777 and any amendment thereto, but within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)):

A. All signs permitted in Section 15.32.300 will be permitted outside the historic district.

B. Wall, projecting and freestanding signs may exceed the limitations established by Section 15.32.300 as follows:

1. Wall signs:

a. for all areas zoned C1 Commercial, CE Commercial Enterprise, or CH Commercial Highway, a maximum of two hundred fifty (250) square feet where the sign is setback more than fifty (50) feet from any public street, highway or thoroughfare of any kind, or ten percent (10%) of the wall face of the premises to which the sign relates, whichever is less, with a maximum vertical dimension of ten (10) feet;

b. for areas zoned C1 Commercial, CE Commercial Enterprise, or CH Commercial Highway, a maximum of one hundred fifty (150) square feet where the sign is setback between fifty (50) feet and fifteen (15) from any public street, highway or thoroughfare of any kind, or ten percent (10%) of the wall face of the premises to which the sign relates, whichever is less, with a maximum vertical dimension of seven (7) feet;

c. all other wall signs, regardless of zoning, within fifteen (15) feet from any street, highway or thoroughfare of any kind, subject to a maximum of sixty (60) square feet, or ten percent (10%) of the wall face of the premises to which the sign relates, whichever is less, with a maximum vertical dimension of three (3) feet; and

d. maximum height may be determined by the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of such parapet;

2. Projecting signs: twenty (20) percent, subject to a maximum of forty-five (45) square feet;

3. Freestanding signs: maximum area of one hundred eighty (180) square feet, or ten percent (10%) of the wall face of the premises to which the sign relates, whichever is less, with no limitation on the bottom of the sign and maximum height no more than twenty (20) feet above grade.

(Ord. 1175 (part), 2012; Ord. 1170 (part), 2012; prior code § 26-601)

15.32.315 Areas of the city outside the landmark district.

Outside the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)):

A. All signs permitted in Sections 15.32.300 and 15.32.310 will be permitted outside the landmark district.

B. Wall, projecting and freestanding signs may exceed the limitations established by Sections 15.32.300 and 15.32.310 by the following proportions:

1. Wall signs: twenty (20) percent;

2. Projecting signs: twenty (20) percent;

3. Freestanding signs: twenty (20) percent; and

4. All sign heights remaining as set forth in Section 15.32.310.
(Ord. 1175 (part), 2012; Ord. 1170 (part), 2012)

Article VI. Historic Landmark Signs

15.32.320 Existing landmark signs.

To be considered a landmark sign, the sign must be so certified by the historic preservation officer of the city. Until such certification, all signs in the city that are twenty-five (25) years of age or more are assumed to have provisional landmark status.

A. No existing landmark sign shall be removed or altered.

B. Landmark signs can be restored under the guidance of the city's historic preservation officer. Such signs are exempt from compliance with the regulations of this chapter, provided they are structurally sound and are not hazardous due to fire, electrical shock or other reasons.

C. Such signs shall be maintained in a safe condition by the owner of the signs or the buildings in which the signs are displayed. Failure to maintain a landmark sign in a safe condition shall be considered a violation of this chapter.

D. Landmark signs shall be counted at fifty (50) percent of their actual size when computing sign area pursuant to Article V of this chapter.

E. Removal relocation or alteration of a landmark sign requires a certificate of appropriateness from the Deadwood Historic Preservation commission.

(Prior code § 26-700)

15.32.330 Replication of landmark signs advertising business names.

Any sign, advertising a business name, which existed in the city prior to 1940, but is no longer extant, may be replicated. Such replication must include size, shape, method of illumination (if any), materials, and text. When used on the building where the sign was originally located, such sign shall be counted at fifty (50) percent of its actual size when computing the sign area pursuant to Article V of this chapter. When used on a building other than the building where the sign was originally located, such sign shall be counted at seventy-five (75) percent of its actual size when computing the sign area pursuant to Article V of this chapter.

(Prior code § 26-701)

15.32.340 Replication of landmark signs other than business names.

A. Any sign, advertising products or services other than a business name, which existed in the city prior to 1940, but is no longer extant, may be replicated. Such replication must include size, shape, method of illumination (if any), materials, and text. Such signs may be replicated only at their historic location, and do not count against the total allowable signage.

B. This includes, but is not limited to signs painted on the sides of buildings.

(Prior code § 26-702)

15.32.350 Documentation.

Photographic documentation must be provided to assist the historic preservation officer of the city to make a determination of the accuracy and correctness of the proposed recreation of a historic sign.

(Prior code § 26-703)