

CITY OF BOX ELDER

PENNINGTON & MEADE COUNTIES

STATE OF SOUTH DAKOTA

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ORDINANCE NO. 760

AN ORDINANCE AMENDING CHAPTER 30, SIGNS AND ADVERTISING, OF THE CITY OF BOX  
ELDER MUNICIPAL CODE

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**WHEREAS**, the Municipal Code of the City of Box Elder provides for signs and advertising within its municipal boundaries; and

**WHEREAS**, the City of Box Elder finds it necessary to enhance the clarity of Chapter 30 of the municipal code which addresses signs and advertising within the city; and

**WHEREAS**, this ordinance supersedes and replaces all previous ordinances and resolutions hereto relating to the subject matter hereof.

**WHEREAS**,

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (*new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through*):

**Chapter 30 SIGNS AND ADVERTISING**

**ARTICLE I. IN GENERAL**

**Sec 30-2 Definitions**

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

**Sec 30-27 Signs On Public Property Prohibited**

No person shall erect or maintain any building, fence, sign, or structure upon any public right-of-way or upon any public property. This section shall not apply to mailboxes or to buildings, fences, signs, traffic control signs/devices, directional signs, or structures erected or maintained for public purposes by the city or under its authority. *It also does not apply to permitted temporary signs.*

### Sec 30-31 Off-Premises Signs

Zoning District Abbreviation	AG	PK	PUB	GR-1	GR-2	GR-3	GR-4D	GC	HS	GLID	HID	OS-1	PD
Off-Premise Signs													
Ground Sign	X	X	C	X	X	C	X	C	C	C	C	X	C
Building Sign	X	X	X	X	X	X	X	X	X	X	X	X	X

### Sec 30-32 On-Premises Signs

Field Code Changed

1. *Subclasses established. The class of signs defined as on-premises signs shall consist of three subclasses of signs: ground signs, building signs, and temporary signs.*

2-1. *Conversion to off-premises sign prohibited; exception. No on-premises sign shall be converted to or temporarily used as an off-premises sign, except as otherwise specifically provided in this article.*

3-2. *Location.*

Zoning District Abbreviation	AGD	PK	PUB	GR-1	GR-2	GR-3	GR-4	GC	HS	GLID	HID	OS-1	PD
On-Premise Signs													
Ground Sign	C	P	P	C	C	C	C	P	P	P	P	X	C
Building Sign	C	P	P	C	C	C	C	P	P	P	P	X	C
Temporary Sign	P-R	P	P	X	X	P-R	X	P	P	P	P	X	P-R

4-3. Notes: P = Permitted; P-A = Permitted Accessory; P-R = Permitted Review; C = Conditionally Permitted; X = Expressly Prohibited.

5-4. *Moving parts, animation, flashing lights, etc., prohibited. On-premises ground sign faces or structures which are more than 75 feet away from a public street intersection may have animated or moving parts, flashing, blinking, or traveling lights, or any other such lighting not providing constant illumination of the sign face or may have*

digital or electronic message display faces. Digital or electronic message display faces shall not be used as a political sign or to display advertisements for off-premises businesses or services but may display public service and community event related advertisements.

6.5. *Ground sign restrictions.* Ground signs are subject to the permit requirements of this article. In addition, ground signs are subject to the additional restrictions:

1. *Sign face number and size.* Ground signs shall have no more than two major faces and no more than four minor faces that shall each have a sign face area which is no larger than 40 percent of the area of the smallest major sign face. The area of each major sign face of a ground sign shall not exceed 150 square feet. The city council may grant an exception to this size limitation upon approval. in those instances where in cases where franchise requirements mandate a larger sign face, the exception can be granted by the Planning Department if the applicant provides adequate proof of franchise requirements for a larger major sign face. The exception shall only allow the smallest possible area necessary to meet the franchise requirement.
2. *Height.* The height of the top of each sign face or sign structure, whichever is higher, of a ground sign shall not exceed 24 feet. The city council may grant an exception to this height limitation in those instances where the applicant provides adequate proof of franchise requirements for a taller sign height. The exception shall only allow the minimum sign height necessary to meet the franchise requirement.
3. *Setback from other signs.* No portion of any ground sign shall be closer than 50 feet to any portion of any other ground sign on the same premises.
4. *Setback from public right-of-way.* No portion of any ground sign shall be less than one foot from a public right-of-way. There shall be a minimum elevation distance of 12 feet between the lowest edge of a sign face, or its associated sign structure, and any sidewalk or other pedestrian way beneath the sign.

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7.6. *Building sign restrictions.* In certain instances the building official may determine that a building sign is exempt from either the permit and/ license requirements of this article. The owner or owner's designated agent shall be responsible for obtaining all necessary permits or licenses from the city prior to the construction or installation of a building sign. Building signs are subject to the following additional restrictions:

1. Location. Building signs may be displayed on any side of a building or structure and shall not project above or more than six inches beyond the plane of the building wall to which the sign is attached.

2.1. Maximum size. The total area of building signs for all business entities on the premises shall be no larger than 75 percent of the wall area on the side of the building where the building sign is displayed.

3.2. Window signs placement. Window signs may be displayed on any window or door of a building, provided the window sign does not project more than one inch beyond the exterior window or door surface. Window signs are not considered a building sign and are exempt from the permit and license requirements of this article.

3. Marquee sign placement. Marquee signs, may be erected on any wall or roof of the building, provided the marquee sign does not project above the peak, or highest point, of the building roof.

4.7. Size Exemptions. The city council may grant an exception to size limitations upon application~~oval~~. In cases where franchise requirements mandate larger sign faces, the exception can be granted by the Planning Department if the applicant provides adequate proof of franchise requirements for larger major sign faces. The exception shall only allow the smallest possible area necessary to meet the franchise requirements.

8. On-premises temporary signs restrictions. On-premises temporary signs are exempt from the permit and license requirements of this article. In addition, temporary signs are subject to the following additional restrictions:

1. Installation and construction standards. Temporary signs shall be placed, built, erected, inflated, installed, or moved onto a premises in such a manner to withstand the effects of wind, snow, or rain and to be easily removed from the premises.

2. Maximum number and display time. No more than 12 temporary signs are allowed within the city up to 14 days prior to the event or promotion that is being advertised by the temporary signs and shall be removed within four days following the conclusion of the event or promotion. 30 DAYS

3. Sign face number and maximum size. Temporary signs shall have sign faces no larger than 32 square feet and no more than two sign faces.

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**4. Maximum height.** Temporary signs shall have a height of no more than ten feet.

(Ord. No. 466, art. IV, § 4, 11-18-2008; Ord. No. 493, art. II, 8-20-2010; Ord. No. 680, § 1, 10-19-2021; Ord. No. 709, 12-20-2022)

**Sec 30-33 Political Signs**

Zoning District Abbreviation	A <u>GD</u>	PK	PUB	GR-1	GR-2	GR-3	GR-4	GC	HS	GLID	HID	OS-1	PD
Other Signs													
Political Sign	P	X	X	P	P	P	P	P	P	P	P	X	P
Directional Sign	P-R — PLANNING DIRECTOR/PUBLIC WORKS DIRECTOR APPROVAL												

**Sec 30-35 Special Use Signs**

The following types of special use signs, with their attendant requirements, are allowed and shall be exempt from the permit and license requirements of this article:

Zoning District Abbreviation	A <u>GD</u>	PK	PUB	GR-1	GR-2	GR-3	GR-4	GC	HS	GLID	HID	OS-1	PD
Special Use Signs													
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	X	P
Interior Sign	P	P	P	P	P	P	P	P	P	P	P	X	P
Parking Sign	P-R	P	P	X	X	P-R	P-R	P	P	P	P	P-R	P-R
<u>Plaque</u>	P	P	P	P	P	P	P	P	P	P	P	X	P
Property Management Sign	P	X	P	P	P	P	P	P	P	P	P	X	P
Residential Sign	P	X	X	P	P	P	P	X	X	X	X	X	P
Sign Bench	X	X	X	X	X	P-R	X	P	P	P	X	X	P-R
Subdivision Sign	P	X	X	P	P	P	P	X	X	X	X	X	P

Temporary Information Sign	P	P	P	P	P	P	P	P	P	P	P-R	P
Special Event Banner	P	P	P	P	P	P	P	P	P	P	P-R	P
City Pride Sign	C — CITY COUNCIL APPROVAL											

Notes: P = Permitted; P-A = Permitted Accessory; P-R = Permitted Review; C = Conditionally Permitted; X = Expressly Prohibited.

1. *Construction signs.* One sign, with no more than two sign faces each no larger than 32 square feet, ~~or~~ on a construction site outside of a public right-of-way to advertise the names of the contractor, engineer, or architect, and the project while the construction or development of the site is occurring ~~and for no more than 60 days before commencement or after completion of construction.~~
2. *Interior signs.* Interior signs are allowed inside any building.
3. *On-premises direction.* Each on-premises direction sign shall have no more than two sign faces each no larger than four square feet.
4. *Parking.* One sign, with one sign face no larger than four square feet, at each entrance or exit of parking areas having a capacity of more than four cars and one parking sign, with one sign face no larger than 16 square feet, identifying or designating the conditions of use for the parking area.
5. *Plaques.* One plaque (or name plate sign), with one sign face no larger than two square feet, may be fastened directly to a building.
- 6-5. *Property management.* One property management sign, with no more than two sign faces each no larger than 32 square feet, is allowed to advertise the sale, rental, or lease of the premises where the sign is placed. All property management signs must be removed no more than four days after the sale, rental, or leasing of the premises.
- 7-6. *Residential.* Permanent residential signs, each with no more than one sign face no larger than four square feet, to display such messages as "beware of dog," "no trespassing," "for sale by owner," "no dumping" or "garage sale" are allowed. The use of vehicle tires to display such messages is prohibited.
- 8-7. *Sign benches.* Sign benches displaying off-premises advertising may be located on property zoned as commercial or industrial ~~subject to applicable permitting~~

requirements. The display area on any sign bench shall not exceed ten square feet. No more than two sign benches shall be located on any premises.

9.8. Subdivision. One subdivision entrance signs, with no more than two faces each no larger than 32 square feet, shall be allowed upon review and approval by the Planning and Zoning Department per subdivision entrance to advertise the subdivision.

10. Temporary informational signs. Temporary informational signs, such as "garage sale," "home for sale," "rummage sale," "open house," "reunion," "day care grand opening," etc., with no more than two faces, each no larger than four square feet, may be temporarily placed in public rights-of-way but shall not be allowed to be attached to traffic control sign structures or utility poles. Such signs shall have their sign faces no less than one foot nor no more than three feet above ground level at the sign site. Temporary informational signs shall be allowed in a public right-of-way for no more than four days. Any temporary informational sign that does not comply with the requirements of this section shall be deemed an unlawful sign subject to immediate removal, without notice, by the planning director. Such removal shall not be subject to the requirements of section 30-89.

11. Special event banners. Special event banners may be displayed to advertise civic or community events and are allowed up to 30 days prior to the event that is being advertised by the banner and shall be removed within four days following the conclusion of the event. Special event banners may not be used as political signs.

12.9. City pride signs. These permanent or semi-permanent signs, such as "Tree City USA Community," "South Dakota Gold Community," "Horizons Community," etc., are intended to promote the community and inform the traveling public about features of community pride and are typically located in public rights-of-way at or near the city boundaries. The installation of such signs shall be at the discretion of the city council.

#### Sec 30-38 Temporary Signs

a. Temporary signs are subject to the following restrictions:

1. Installation and construction standards. Temporary signs shall be placed, built, erected, inflated, installed, or moved in such a manner to withstand the effects of wind, snow, or rain and to be easily removed.

2. Display time. Temporary signs are allowed within the city up to 30 days and shall be removed once the permit has expired. If applicant fails to remove the temporary signs the city may do so without notice and may assess penalties to

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the applicant. Such removal shall not be subject to the requirements of section 30-89.

1. If the temporary signs are displayed for three (3) days or less they are exempt from the permit and/or license requirements of this article.
3. Sign face number and maximum size. Temporary signs shall have sign faces no larger than 32 square feet and no more than two sign faces.
4. Maximum height. Temporary signs shall have a height of no more than ten feet.
5. Setbacks in public right-of-way. No portion of any temporary signs shall be less than three (3) feet from any driving surface or less than one (1) foot from any sidewalk. Sight triangle must be maintained.
6. Setbacks from other signs. No portion of any temporary sign shall be closer than five (5) feet to any portion of any other sign.
7. On-premise Temporary Signs – temporary signs that are on-premise are exempt from the permit and/or license requirements of this article.

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#### **Sec 30-63 Sign Installation Permit**

*(a) When required. Except as unless otherwise provided stated in this article, it is unlawful for any no person may to alter, erect, or convert any sign or sign structure in the jurisdiction of the city, or cause the same to be done, without first obtaining a sign permit approved by the city for each such sign or sign structure. A sign permit is not required to change the advertising copy or message on a sign face nor is a sign permit required to paint or maintain an existing sign structure. In addition, a sign permit is required to repair an existing sign face or sign structure where the damage, either by natural or manmade causes, to the sign face or sign structure exceeds more than 20 percent of the sign face or sign structure area. When a sign permit is not required to repair such damage, the damage shall be repaired within 30 days of being damaged or the sign shall be deemed an unlawful sign. A separate sign permit is required for each individual sign or sign structure.:*

*A sign permit is not required for the following:*

1. Changing the advertising copy or message on an existing sign face.
2. Painting or performing routine maintenance on an existing sign structure.

3. Repairing damage to a sign face or sign structure, provided the repair does not involve alterations to size, height, location, or structural components.

All damage caused either by natural events or human causes needs to be repaired within thirty (30) days of the occurrence. If not repaired within thirty (30) days of the occurrence, the sign will be considered noncompliant/unlawful and subject to enforcement.

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1. *Expiration; extension.* Any sign permit approved by the city shall expire and become void if the alteration, erection, or conversion of the sign or sign structure does not commence within 90 days from date of approval of the sign permit, and shall expire and become void if the alteration, erection, or conversion of the sign or sign structure is not completed within 120 days from the date of approval of the sign permit. The city ~~council~~ may, upon showing of good cause, extend one time, the time limitation for an additional 120 days. Any request for such an extension shall be accompanied by a sign permit extension application fee equal to one-half of the original sign permit application fee paid to the city.

2. *Application form and content.* Application for a sign permit shall be made in writing upon a form furnished by the planning department. The applicant shall submit an application and required materials to the Planning and Zoning Department. The following information shall be included in or with the application:

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0. Name, address, and telephone number of the owner, or the person in possession, of the site where the sign is located or will be located.
0. Name, address, and telephone number of the owner of the sign.
0. Name, address, and telephone number of the contractor installing the sign.
0. The date of the submission of the application form to the planning director.
0. The legal description of the property where the sign site will be, or is, located.
0. A scaled and dimensioned site plan of the property containing the sign site, with the property boundaries, north arrow, scale, building locations, and sign location clearly indicated.
0. A scaled and dimensioned elevation and design plan of the sign structure and sign faces to be erected or altered.
0. An engineered design shall be provided for all signs in accordance with adopted building codes.

0. Other such data and information as may reasonably be required by the public works director, planning director, planning commission, or city council.

12.2. Fee. The application shall be accompanied by an application fee and, if applicable, a late application fee, in the amount provided in the city's master fee schedule shall be paid prior to permit issuance. The application fee is due at the time of submission of the application to the planning department and is non-refundable.

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13. Review by planning director and building official for permitted or permitted with review signs. Upon receipt of the completed application for signs listed as permitted or permitted upon review, the planning director and building official or their designee, shall review the application and approve the sign permit if the application is complete and correct and the proposed sign meets the requirements of this article.

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PASSED AND APPROVED ON FIRST READING this 16 day of September, 2025.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 7 day of October, 2025.

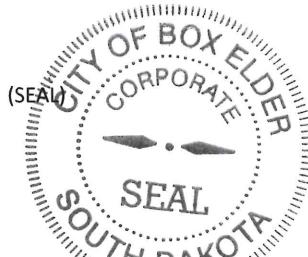
Larry Larson

ATTEST:

Larry Larson, Mayor

RB

Renee Baker, Finance Officer



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published on October 16 + 23 in the manner required by 2025

law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on November 11 2025.

Chaz Kokesh  
Chaz Kokesh, City Clerk