

**CITY OF DEADWOOD
ORDINANCE 1429**

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **AMENDMENT** “15.32.130 Disallowed Signs” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.32.130 Disallowed Signs

The following signs are disallowed:

- A. Structurally unsafe signs shall not be allowed.
- B. Signs that obscure the vision of motorists shall not be allowed.
- C. Signs that obscure necessary traffic signs and warning signs shall not be allowed.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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 as well as internal illumination may be

allowed within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). 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)).

- I. Signs shall not be so illuminated by direct illumination such that light spills over onto adjacent properties.
- J. Beacons and search lights shall not be allowed.
- K. 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.
- L. No signs shall incorporate projected images, any sound that is intended to attract attention, or involve the use of live animals, fish or fowl.
- M. 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.
- N. 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.
- O. 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.
- P. No sign shall obstruct free ingress to or egress from required door, window, fire escape or other required exit.
- Q. 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.
- R. Roof signs shall not be allowed.
- S. 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 (12) of 15.32.140.
- T. ~~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 May 1, 2019 shall be removed from public sidewalks, roadways, or right-of-ways.~~ Any exterior, portable, freestanding or unattached signs, such as, but not limited to, a sidewalk sign or sandwich board sign is prohibited on a public sidewalk, roadway, or right-of-way in the local historic district, as defined under Title 17. All exterior, portable, freestanding or unattached signs shall be removed from public sidewalks, roadways, or rights-of-way at the time of this ordinance.

- U. Murals or supergraphics shall not be allowed.
- V. Signs exhibiting phosphorescent or reflective paint shall not be allowed.
- W. Signs exhibiting the word “casino” shall not be allowed.
- X. Wind signs shall not be allowed.
- Y. 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.

(Ord. 1291 (part), 2019; 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)

SECTION 2: **AMENDMENT** “15.32.100 Definitions” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 awning”.

"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”, or “permanent awnings”.

“Composite material” (also called a composite, which is the common name) means a man-made material from two (2) or more constituent materials with significantly different physical or chemical properties that, when combined, produce a material with characteristics different from the individual components.

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 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.

"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.

"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.]

"Right-of-Way" means the public right-of-way, wWithin the local historic district as defined under Title 17, shall be defined as real property, public or private, from edge of building to edge of building, including but not limited to recessed entrances. In vacant or empty lots and parking lots the public right of way shall be defined as the back of sidewalk along a public street, alley or thoroughfare.

"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:

- A. Is a structure or any part thereof (including, the roof or wall of a building); or
- B. 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
- C. 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. 1291 (part), 2019; Ord. 1170 (part), 2012; Ord. 1105 (part), 2008; Ord. 1082 (part), 2007; Ord. 1041 (part), 2005; prior code § 26-204)

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 8, 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

Charlie Struble-Mook, Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood