

CITY OF STURGIS ORDINANCES & STATE REGULATIONS

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CITY OF STURGIS RALLY REGULATIONS & ORDINANCES

(The following are excerpts from the complete ordinances.)

TITLE 31 LICENSING OF TEMPORARY BUSINESSES

CHAPTER 31.01 GENERAL PROVISIONS

31.01.01: SCOPE AND PURPOSE

The purpose of Title 31 is to regulate the licensing of people who do not have a permanent business within the City of Sturgis who wish to do business within the City of Sturgis for a temporary period of time.

31.01.02: DEFINITIONS

A) For the purpose of this Section, a "VENDOR" is any person, firm, corporation, partnership or association not having an operating place of business within the City who, in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span, engages in temporary or transient business in the City selling goods, wares, merchandise or services, or a permanent business person, firm or corporation which is located within the City limits who, for more than four (4) consecutive days within any twelve (12) day time span, is selling such goods, wares, merchandise or services, away from his/her or its usual operating place of business and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure, or space for the exhibition or sale of such goods, wares, merchandise, or services. The person, firm or corporation so engaged shall not be relieved from the provisions of this Section by reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.

B) YEAR: A twelve (12) month period.

C) BUSINESS: The activity of buying & selling.

D) OPERATION: In action, functioning.

E) EVENT: An organized occurrence or happening where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control.

31.01.03: PENALTY

Any violation of this Title is a Class 2 Misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

CHAPTER 31.02
LICENSING AND REGULATION OF PEDDLERS, VENDORS, SOLICITORS,
PROFESSIONAL PEOPLE, BUSINESSES AND TRADES

31.02.01: PEDDLING FROM VEHICLES ON STREETS

No person shall sell or offer for sale any goods or merchandise from a cart, wagon, automobile, truck or other vehicle in the streets or thoroughfares of the City. This Section does not apply to the delivery of farm or garden products, where the order for same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business. Nothing in this paragraph shall prohibit the City from entering into a contract for the sale of ice cream and sundries for immediate conditions agreed to by the Common Council.

31.02.02: PEDDLING IN PARKS

It shall be unlawful for any peddler or other person excepting a person occupying a portion of the park under a valid concession agreement to sell or offer to sell, to any person within any municipal park of the City, any goods, wares, merchandise, books, pictures, novelties, souvenirs or trinkets or any other article of commerce and trade, including goods of his own production or manufacture.

31.02.03: LICENSING OF TRANSIENT PROFESSIONAL PEOPLE AND MERCHANTS

31.02.03.1 Vendor License Required

Any firm, person, or corporation which intends to operate a temporary business within the corporate limits of the City of Sturgis in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span shall be required to purchase a vendor license for each structure, stand, tent, vehicle, booth, location or place which is used by such merchant for the sale or distribution of goods. The person so engaged shall not be relieved from the provisions of this Section by reason of association with any local operating business, dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant, auctioneer or business.

The vendor license must be posted in each individual stand during operation.

31.02.03.2 Application

To obtain a license, a vendor shall file, in the office of the City Finance Officer, a verified application stating his or her name, and residence, description and identification of the place in which he or she proposes to do business, dates of operation, name, address and phone number of property owner where business will take place and, the description of the goods he or she intends to handle.

South Dakota State sales tax number shall be presented at time of application.

South Dakota State Department of Health license, when applicable, shall be presented at the time of application.

31.02.03.3 Fee and Duration of License

A) A temporary business shall pay a vendor license fee of Six Hundred Dollars (\$600.00) for each twelve (12) consecutive day period, or portion thereof, in any calendar year. This fee shall include all sanitation charges. The Finance Officer shall note on the license the time period for which it is effective.

A business may purchase only two (2) vendor licenses per location per twelve (12) month period.

31.02.03.4 Issuance

On filing the application and payment of the fee described in this section, the Finance Officer shall issue a license to the applicant to do business at a place described in the application and for the time for which the license fee has been paid in advance; provided that any applicant who has paid the license fee before the Rally, and who changes locations before the first official day of the Rally shall be charged an additional license fee of \$100.00. Any moves after the first official day will require the applicant to pay the full fee. This fee shall also apply to organizations which are exempt from the transient merchant's fee but are subject to the sanitation fee imposed by ordinance 11.03.21.

31.02.03.5 Exemptions

A) Sales where the proceeds are to be used exclusively for religious, charitable or benevolent purposes. Written proof of charitable, non-profit status as declared by the IRS (i.e. 501(c) (3) documentation) must be presented during application.

B) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives or established wholesalers or manufacturers.

C) The sales of fruits, vegetables or farm or garden products in their natural state.

D) The distribution of goods for which there is no charge.

- 1) All persons, firms or corporations distributing goods or performing a service for which there is no charge, shall be required to register with the City Finance Officer, their name, address, location of said distribution or service and goods which he/she or it is distributing or service which they are performing.

E) Sales by youth age 15 years and under selling lemonade and like items and incidentals thereto from property from which they reside.

31.02.03.6 Refund Fee For Transient Merchant License

The City of Sturgis is hereby authorized to refund up to 50% of a Transient Merchant License fee, provided that notice is given to the City Finance Office ten (10) days prior to the beginning of that year's annual Sturgis Rally.

(Title 31 adopted effective Nov. 5, 2004 – Ordinance 2004-18 – Ordinance creating Title 31 – Licensing of Temporary Businesses and moving previous Chapter 3.01 – Licensing and regulation of Peddlers, vendors, solicitors, professional people, businesses and trades to Title 31, chapter 31.02)

TITLE 3

CHAPTER 3.01

3.06.01 DEFINITIONS

PERMANENT DRINKING ESTABLISHMENT: Any permanent structure for which a malt beverage or alcohol license has been issued.

TEMPORARY DRINKING ESTABLISHMENT: A fenced area, which is no larger than 100% of the square footage of the permanent structure for which it is associated; commonly referred to as a beer garden.

CHAPTER 3.03

TEMPORARY DRINKING ESTABLISHMENTS

3.03.01: MANDATORY COMPLIANCE WITH STATE AND LOCAL LICENSING LAWS

No person shall sell, keep for sale, exchange, barter or distribute any alcoholic or malt beverage without having obtained a license pursuant to the provisions of the State Liquor Control Law SDCL Title 35 and Sturgis City Ordinance, Title 3.

Any person who intends to sell, keep for sale, exchange, barter or distribute any alcoholic or malt beverage shall make an application for license under provisions of the State Liquor Control Law, SDCL 35 to the City Finance Officer.

3.03.02: MANDATORY COMPLIANCE WITH CHAPTER 3.04

No person shall be permitted to operate a temporary drinking establishment without first complying with all the requirements of City Ordinance Chapter 3.04 “Permanent Drinking Establishments”.

3.03.03: EXITS

All exits of any temporary drinking establishment must meet or exceed the requirements, which are laid out in the Uniform Building Code adopted by the City.

3.03.04: FENCING REQUIREMENT WITH AUTHORIZED EXCEPTIONS

Any fence located in or around a temporary drinking establishment shall not be less than 7’-0” in height and shall be constructed of material which is not easily cut by a knife and shall have openings which are less than 2” in either direction.

The area where malt beverage and/or alcohol is sold or consumed must be entirely surrounded by a seven (7) foot high fence, except areas for entrance and exit. This is to prevent unintentional violations of the open container ordinance. In addition, it is to prevent persons from standing outside the area where malt beverage/alcohol is allowed to be sold and/or consumed and prohibit persons outside the drinking establishment to obtain malt beverage/alcohol from persons inside the establishment. The City realizes that there can be exceptions to the above policy because of unique circumstances existing at each location where malt beverage/alcohol is sold or consumed. The Chief of Police and the Building Inspector shall have the authority to make exceptions to the policy when said exception meets or exceeds the intent of the regulations. The Chief of Police and the Building Inspector must physically inspect and approve all temporary drinking establishments prior to the sale or consumption of malt beverage or alcohol.

3.03.05: PATIOS

Any patio located in or attached to a temporary drinking establishment shall have one access attached to a permanent structure from which malt beverages and/or alcohol is sold, served or consumed.

3.03.06: TIME PERIOD

In no case shall a temporary drinking establishment be erected for more than thirty (30) days. This time frame shall include set up and tear down of the temporary drinking establishment.

No temporary drinking establishment shall be erected more than seven (7) days prior to the official starting date of the Sturgis Motorcycle Rally.

Any temporary structure, addition, sign, or related item associated with the temporary drinking establishment shall be removed from the property within seven (7) days from the official final day of the event for which it was installed.

3.03.07: CONSTRUCTION REQUIREMENTS

Any temporary structure, including a temporary drinking establishment, shall in all cases be attached to a permanent structure. Any temporary structure constructed shall comply with any applicable provisions of Sturgis City Ordinance Title 2.

3.03.08: RESTROOM REQUIREMENTS

The owner of any temporary drinking establishment shall provide portable or permanent restroom facilities within the confines of the temporary drinking establishment at a rate of one (1) restroom fixture per each fifty (50) occupants. (see below of occupant load factor). The occupants of the temporary drinking establishment shall not be required to exit the establishment to gain access to restroom facilities.

3.03.09: OCCUPANCY REQUIREMENTS/LIMITATIONS

The owner of any temporary drinking establishment shall not allow the temporary drinking establishment to exceed the occupant load issued by the building Inspector or Fire Chief. The occupant load shall be figured at a rate of 7 square feet per occupant. This figure shall not include stages, restrooms, and work areas for employees. (reference: Table 10-A, 1997 Uniform Building Code)

Any temporary drinking establishment shall not be occupied until an occupant load has been issued and the owner has posted an occupancy certificate.

3.03.10: GENERAL REQUIREMENTS AND/OR LIMITATIONS

- A. All Federal, State and Local laws shall be complied with at all times.
- B. In the event a fight or civil disturbance occurs within the temporary drinking establishment where police are called to assist, the establishment shall cease selling of all malt beverage/alcohol, on a temporary basis, until the disturbance is under control and the Police Department of the City has granted permission to reestablish sales.
- C. Beverage cans, trash and other debris, which is collected during an event, shall be removed from the property on a daily basis to prevent the accumulation of pests and to deter unwanted smell.
- D. Any structures, which are erected to accommodate temporary drinking establishments, shall be constructed in compliance with this ordinance unless otherwise regulated within City Ordinances or Building and/or Fire Codes.
- E. No person who has been permitted to erect a temporary drinking establishment shall permit any illegal activity within said person's business.
- F. It shall be unlawful for any person to permit illegal nudity, lewd or indecent acts, exhibitions, or any other behavior in violation of City Ordinance Chapter 12.08 and/or Chapter 12.10 to take place within their establishment.
- G. In exception to the above, sexually oriented dancing or exhibition as regulated by City Ordinance Title 12.10 may be permitted.
- H. No person who has been issued a malt beverage and/or alcohol license shall permit prostitution as in City Ordinance Chapter 13.06. In addition to the penalty set forth in this Title, any person who permits illegal prostitution to take place within their drinking establishment shall be subject to possible revocation or non-renewal of their malt beverage and/or alcohol license.
- O. It shall be unlawful for any person to allow the distribution, sale and/or consumption of malt beverage and/or alcohol by a minor in their establishment.

- P. It is the policy of the City Council that no on-sale malt beverage and/or alcohol license will be issued to any business where gasoline, blended gasoline and/or diesel fuel is stored, sold and/or dispensed.

TITLE 2 CONTRACTORS' LICENSING AND CONSTRUCTION REGULATIONS

(This Title replaces the previous Title 2 and 26 in their entirety effective 8/18/07, Ordinance 2007-20)

CHAPTER 2.01 GENERAL PROVISIONS

2.01.01: SCOPE AND PURPOSE

The purpose of this Title is to regulate the building of structures within the City and to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all buildings, streets, sewer and water mains within the City. The purpose of the Title also includes setting forth the licensing requirements for certain contractors and adopting certain uniform codes and regulations for guidance in the area of construction.

2.01.02: DEFINITIONS FOR TITLE

BUILDING CODE: The specific Building Code whether it be uniform or international adopted by the City of Sturgis.

FLAME RETARDANT OR FLAME RESISTANT TARP: A tarp that has a physical marking or tag attached to it which shows that the tarp has been tested and declared flame resistant and/or flame retardant. Tarps not bearing this physical insignia shall not be acceptable.

PERMANENT STRUCTURE: A structure which is established for 365 days a year and in compliance with the Building Code for the occupancy, which is utilizing the structure.

PERMANENT BARRIER: A wall or fence which has been constructed as a permanent attachment to property and is a minimum 5'0" in height and has openings which are no longer than 4" in either direction.

PERMANENT BUSINESS: A place of business which is in physical operation and open to the public at one stationary location for a period of not less than 300 days a year and has a permanent State Sales Tax License for said location.

TEMPORARY BUSINESS: A place of business which is in physical operation and open to the public at one or more location for a period not exceeding 30 days and has a merchant's license.

TEMPORARY STRUCTURE: Any vending stand, reviewing stand, canopy tent, awning, fence, or other miscellaneous structure which is intended for use on a temporary basis.

TEMPORARY STORAGE BUILDINGS: Storage building not used for actual selling, but for storage of goods and merchandise for retail or wholesale in conjunction with a permanent retail or wholesale business.

2.01.03: PENALTY

Any violation of the provisions of this title is a Class 2 Misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or State law.

In addition to the general penalty as stated above, any cleanup required by the City for the removal of mud tracked onto the street from the site, extra cleaning of the storm sewers or drainage ways, etc., will be charged to the permit holder at a rate of 1 and ½ times the normal equipment rates and labor rate for the City.

Failure to pay any applicable fees within thirty (30) days of said notice may result in the revocation of any and all outstanding permits and licenses held through the City.

In addition, any violation of the provisions of this Title may result in the revocation, suspension, or refusal to issue any license pursuant to any Section of the Title.

In addition, any person who commences any work toward erecting or constructing a building or structure or causes any alterations to an existing building or structure which requires a Building Permit under the terms of this Title before obtaining the necessary permit shall be subject to an addition fee, equal to the amount of the permit fee required by this Title.

CHAPTER 2.03 BUILDING INSPECTOR AND BUILDING PERMITS

2.03.01: ESTABLISHMENT OF THE OFFICE OF BUILDING INSPECTOR

There shall be designated by the City Council, a Building Inspector, who shall perform those duties and hold such authority as herein set forth. The City Council may designate any number of Assistant Building Inspectors that the Council may deem necessary to carry out the duties of the Office of Building Inspection. The person designated as the “Sturgis City Engineer” shall automatically be designated as an Assistant Building Inspector.

2.03.02: AUTHORITY OF BUILDING INSPECTOR TO ENFORCE

The Building Inspector shall enforce all provisions of this Title. The Building Inspector may

request that the City Council appoint and deputize any number of technical officers, deputy inspectors and other employees as is necessary to assist the Building Inspector with enforcement of this Title.

The Building Inspector shall enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures within the City.

The Building Inspector shall make an examination of any and all plans and specifications for structures to be built within the City, or alterations to be made in or upon any existing structures which will materially change said structures, in order to determine if said plans, specifications or alterations are in conformance with this Title.

The Building Inspector shall make an examination of all applications for building permits and shall determine after said examination whether or not a permit should be granted to such applicant.

The Building Inspector shall have the authority to issue building permits after the completed application has been determined in accordance with this Title, and after all required fees have been received.

The Building Inspector shall have the authority to deny issuance of any permit. Said denial may be based upon failure to comply with any applicable provision of this Title, any Sturgis City Ordinance, State law, Federal law, provision of any applicable Building Code or manual, or based upon the general safety and/or welfare of the public.

The Building Inspector shall have the authority to order the removal of any existing building or structure which was unlawfully built or which in the opinion of the Building Inspector is dangerous and/or a safety hazard to the public.

The Building Inspector shall have the authority to require specific testing and inspections in connection with the performance of construction work within the City and to set forth specific testing and inspection requirements within the Manual of Construction Guidelines prepared pursuant to this Title.

The Building Inspector shall report every month to the City Council about the activity and matter of his/her office, and shall report at such other times as the Mayor or Council may direct.

The Building Inspector shall enforce all Nuisance Ordinances of the City.

The Building Inspector shall enforce the Temporary Structure Ordinance, Temporary Merchants Ordinance and the City Beautification and Regulation of Advertising Ordinance of the City.

The Building Inspector shall hold any and all other duties and powers as specifically granted by any ordinance of the City.

2.03.03: RIGHT OF ENTRY

The Building Inspector shall have the authority to enter upon property in the event it is necessary to make an inspection and/or to enforce the provisions of this Title or when the Building Inspector or other official of the City has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this or any Title of the Sturgis City Ordinances which makes the building or premises unsafe, dangerous or hazardous.

In exercising the aforementioned authority, the Building Inspector shall take all reasonable steps possible to do the following:

- A. Enter the building or premises at a reasonable hour;
- B. In the event the premise is occupied, present his or her credentials to the occupant and request entry; and
- C. In the event the premise is unoccupied, make reasonable effort to locate the owner or other person having charge or control of the building or premises, if known, and request entry.

In the event, entry is refused, the Building Inspector shall proceed with any and all recourse and remedies provided by law to secure entry.

2.03.04: STOP ORDERS

In the event any work is being done contrary to the provisions of this Title, or other pertinent laws or ordinances implemented through the enforcement of this Title, the Building Inspector may order the work stopped by notice in writing served on any persons involved in performing the work. Upon receipt of the written notice, any persons shall immediately stop such work until the Building Inspector authorizes the work to continue.

2.03.05: LIABILITY

The Building Inspector is charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties required by this Title or other applicable law or ordinance and shall not thereby be rendered personally liable for damages that may occur to persons or property as result of an act or by reason of an act or omission in the discharge of such duties. This Title shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, premises or contracting on City land for damages to persons or property caused by defects, nor shall the Building Inspector or the City be held as

assuming any such liability by reason of the inspections authorized by this Title or any permits or certificates issued under this manual.

2.03.06: COOPERATION OF OFFICIALS AND OFFICERS

The Building Inspector may request, and shall receive, the assistance and cooperation of other officials of the City so far as it is required for discharge of the duties required by this Title or other applicable laws or ordinances.

2.03.14: TEMPORARY STRUCTURE PERMIT REQUIRED

Temporary structures, such as vending stands, reviewing stands, canopies, tents, awnings, fences and miscellaneous structures may be erected in areas zoned Highway Service and General Commercial, provided that a special temporary structure permit is obtained for each temporary structure. Said permit shall be issued by the Building Inspector or his/her designee for a period not to exceed 30 days per location. This 30 day time frame shall include set up and tear down time.

For the purpose of this Section “location” shall be the site on which the temporary structure is first constructed or placed. A temporary structure may not be disassembled and reconstructed or moved to a different location on the same property or parcel of land, or an adjacent parcel of land, after an initial permit is issued for the structure.

A temporary structure, which is used for the purpose of a temporary office during a construction project or realty office in a new development, shall be exempt from the following requirements. Also exempt from this section are temporary storage buildings used in conjunction with a permanent retail or wholesale business, provided that said structure meets the set back requirements for the zoning district in which it is placed. Also exempt are businesses, which rent temporary storage buildings at one location to the general public.

2.03.15: REQUIREMENTS FOR TEMPORARY STRUCTURES

The following requirements shall apply to all temporary structures, except those specifically exempted above.

- A. The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2” by 4” in width.
 1. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½” plywood, ½” chipboard, or particleboard.
 2. Wood, as defined above, may also be used for shelving temporary structure.

3. Tarps, which are utilized on temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this Ordinance. All tarps not complying with this ordinance shall be removed.
- B. All temporary structures shall be removed upon expiration of the time limit stated on the permit.
 - C. If the structure is not removed by the expiration date stated on the permit, the City shall remove the structure without further notice to the owner and shall charge the cost of the removal to the owner. At the time the permit is issued, the Building Inspector or his designee shall provide the owner with a copy of this Ordinance. The owner or occupant of the temporary structure shall sign the permit, which will serve as an acceptance of service, which will constitute sufficient notice that the structure is not to be placed for more than 30 days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.
 - D. In the event that a structure erected pursuant to this Section is not removed by the expiration date and the City is forced to make repeated contacts with the owner of the property upon which the structure is erected or the individual who applied for the permit, the Building Inspector shall not issue subsequent permits under this Section to the owner of the property for the location unless the Building Inspector has reached an agreement with the owner of the property to assure the owner's future compliance with any temporary structures erected at that location.
 - E. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public alley. (Exception: When the property owner provides a permanent barrier which is a minimum height of 5'0" between the temporary structure and the public right of way, the temporary structure may be placed closer than 5'0" to the public right of way. No sales may be permitted through the permanent barrier.)
 - F. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Sturgis or the laws of the State of South Dakota.
 - G. Temporary structures may not be used for housing permanent or seasonal businesses.

**TITLE 11
HEALTH AND SANITATION**

**Chapter 11.01
GENERAL PROVISIONS**

11.01.01: SCOPE AND PURPOSE

The purpose of Title 11 is to regulate certain materials and actions within the City that raise an issue of health and sanitation. Said actions include but are not limited to the dumping, disposal, and collection of waste materials, regulation of sewers, and regulation of persons, businesses and establishments that may pose a health and sanitation issue.

11.01.02: DEFINITIONS (Excerpts from)

COMMUNICABLE DISEASE: A disease which is capable of being transmitted from person to person.

COOKING GREASE: The substance created by the melting of the fat of animals and other waste that turns or may turn viscous or solidifies with a change of temperature conditions.

FLOATABLE OIL: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. Wastewater shall be considered floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

GARBAGE: Cans, bottles, ashes, kitchen refuse, and/or an accumulation of animal and vegetable matter which attends the preparation, cooking and eating of food, cans, bottles, and ashes.

GREY WATER: Any water generated by a vendor that contains no human waste.

SANITARY SEWER: A sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE: The spent water of the community. The preferred term is wastewater.

SEWER: A pipe or conduit that carries wastewater or drainage water.

SEWER USE CHARGE: The monthly charge to all users of the wastewater facilities which is based upon sewage volume, strength, and/or flow.

USED OIL: Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

USED OIL GENERATOR: Any person whose act or process produces used oil or whose acts first causes used oil to become subject to regulation.

WASTEWATER: The spent water of the community. It may be a combination of the liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and/or storm water that may be present.

11.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

Chapter 11.04 COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH

11.04.21: SANITATION FEE

A sanitation fee in the amount of One Hundred Seventy-five Dollars (\$175.00) shall be imposed and collected for additional garbage and public collection disposal and for the provision of the temporary sanitation services within the City during any special event of over four (4) days in duration.

The owner of each establishment set forth below shall pay the sanitation fee prescribed above for the sanitation provided by the City during any special event of over four (4) days duration. Said fee shall be added to the next utility billing following the special event as shown by the records of the Sturgis Water Department. The fee prescribed is for a maximum twelve (12) day period. Said fee shall be imposed and collected from the following establishments:

- A. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty (30) persons or less. (License Type 150)
- B. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty-one (31) persons or more. (License Type 150)

- C. Food service establishment which is not required to be licensed under the statutes and regulations of the South Dakota State Department of Health. (License Type 150)
- D. Establishments licensed pursuant to SDCL 35-4-2 (16) or SDCL 34-4-11, selling On-Sale Malt Beverages. (License Type 150)
- E. Establishments licensed pursuant to SDCL 35-4-2(17) selling Off-Sale or packaged Malt Beverages. (License Type 150)
- F. On-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(4).
 - i. (License Type 150)
- G. Off-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(3). (License Type 150)
- H. Temporary campground licensed by the State of South Dakota. (License Type 150)
- I. Business establishment not required to purchase a transient merchant's license required under The Sturgis City Ordinances where property has been modified and goods or services are provided in addition to or different from what is normally sold from property (food service establishment will be regulated under Section 1, 2, and 3). Fee is for each separate sales or service activity. (License Type 150)
- J. Any non-profit organization which sells raffle tickets or lottery tickets except those non-profit organizations established for religious, charitable or benevolent purposes as set forth in Section 501 of the Internal Revenue Code. Said exception shall only apply to those non-profit organizations that can prove qualifications under Section 501 and compliance with the notice provisions of SDCL 22-25-25(6).

Said sanitation fee shall be imposed for any other activity including, but not limited to, musical shows, demonstrations, or productions with two or more showings or sessions held during any event of over four (4) days in duration and not provided for above.

The Public Works Director and the Building Inspector shall have the right to charge rates in excess of the above rates set forth above on an individual basis, depending upon the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit or storage of the refuse prior to collection.

The sanitation rates set forth above shall be imposed regardless of whether the business is operated on a "not for profit" basis or otherwise.

Any sales by youth ages fifteen (15) and under of lemonade or similar products and incidentals thereto, on property upon which the youth reside are exempt from the provisions of this ordinance.

Chapter 11.05 SEWERS

11.05.01: UNSANITARY DEPOSIT PROHIBITED

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City any human or animal excrement, garbage or objectionable waste.

11.05.02: DISCHARGE OF WASTEWATER IN NATURAL OUTLET PROHIBITED

No person shall discharge to any natural outlet within the City any wastewater or other polluted waters, except in the case where suitable treatment has been provided in accordance with this Chapter.

Chapter 11.08 DISPOSAL OF WASTE MATERIALS GENERATED BY VENDORS

11.08.01: APPLICATION

Any landowner who rents or leases to any vendor, including but not limited to, any temporary food service establishment, motorcycle wash, oil changer, tattoo artist, and/or body piercer, shall be jointly responsible with the vendor for the disposal of waste as hereinafter set forth. The landowner and vendor shall be jointly responsible for completion of a Waste Collection & Disposal Form provided by the Engineering and Inspection Department. Said form shall be submitted to the Finance Office before any vendor may be issued a Transient Merchants License from the City.

The Waste Collection & Disposal Form shall include the following information:

- A. The name of the landowner;
- B. The location of the property upon which the vendor will be located;
- C. The name and address of the vendor;
- D. The name of the vendor's business;
- E. The name, address, contact person, and phone number of the agency responsible for collection and disposal of any cooking grease and/or used motor oil; and
- F. The landowner's signature and date signed.

11.08.02: RESPONSIBILITY FOR DISPOSAL OF COOKING GREASE

Any property owner subject to this Chapter shall be jointly responsible with the vendor to contract with a license hauler who runs an approved recycling facility to pick up and dispose of the collected cooking grease. No person shall dispose of any cooking grease into any port-a-pots, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land.

For purposes of this Section, an approved recycling facility shall be a recycling facility approved by the Department of Environment and Natural Resources.

11.08.03: RESPONSIBILITY FOR DISPOSAL OF GREY WATER

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately dispose of any grey water generated by the vendor into a legal discharge point.

Legal discharge points shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs. No person shall dump any grey water into any port-a-pot, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land.

All motorcycle washes must have an approved water containment system.

11.08.04: RESPONSIBILITY FOR DISPOSAL OF LEAKING WATER SUPPLY LINES

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately collect and dispose of any leaking water from supply lines into a legal discharge point.

Legal discharge points shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs.

11.08.05: MEDICAL AND BIO HAZARDOUS WASTE

Medical and bio hazardous waste shall be disposed of as set forth in Title 34 of the South Dakota Codified Laws and ARSD Titles 44 and 74.

11.08.06: RESPONSIBILITY FOR DISPOSAL OF USED MOTOR OIL

Any property owner subject to this Chapter shall be jointly responsible with the vendor, oil changer, handler, and/or any used oil generator located upon the owner's property to contract with a used oil transporter or marketer who runs an approved used oil collection center to pick up and dispose of the collected used oil.

For purposes of this Section, an approved used oil collection center shall mean any site or facility that is registered, licensed, permitted, and/or recognized by the State of South Dakota, Meade

County, or the City to manage used oil and accepts, aggregates and stores used oil collected from used oil generators in compliance with 40 CFR Chapter 7.

The Finance Office shall have available to the public, a list of the transporter/marketers available in the area for collection of used motor oil.

11.08.07: APPLICATION TO OIL CHANGING OPERATIONS

Any oil changers, handlers and/or used oil generators, whether during the annual Motorcycle Rally or at any other time of the year shall be subject to this Chapter. Any oil changers and handlers of used oil shall be subject to the requirements set forth in 40 CFR Part 279 of the Code of Federal Regulations which are hereby incorporated herein as though fully set forth and any other applicable state or federal law, rule or regulation.

11.08.08: USED OIL STORAGE

Any oil changers, handlers and/or used oil generators, including but not limited to those storing containers in above-ground tanks shall only use receptacles that are in good condition and said receptacles shall not have any severe rusting, apparent structural defects, deterioration, or any visible leaks.

Containers in above-ground tanks used to store oil at any location within the City shall be labeled and marked clearly with the words "used oil".

**TITLE 12
GENERAL NUISANCES**

**CHAPTER 12.01
GENERAL PROVISIONS**

12.01.02: DEFINITIONS

INDECENT: Conduct or language patently offensive in its content or application.

LICENSED PREMISES: Any premise which is licensed to allow sexually oriented performing and which is licensed for the sale of alcoholic beverages.

LICENSEE: Any person, association, partnership, corporation, club, or other entity which is licensed to allow sexually oriented performing and who possesses a license for the sale of alcoholic beverages.

NUDITY: The showing of the human male or female genitals with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernable turgid state.

PATRON: Any person present on licensed premises that is not in the employ of the licensee.

PERFORMER/ENTERTAINER: Any person who is present on licensed premises with the consent of the licensee for the purpose of entertaining any patrons on the premises, and who is licensed to perform such entertainment. This term includes those who are paid to perform as well as those as who are not paid.

SEXUAL CONDUCT: Any act of masturbation, sexual intercourse, or other physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the breast.

SEXUALLY ORIENTED PERFORMER: Any person who wears the fully opaque covering required by this Title, but who could not be described as "fully clothed", and who includes in his/her performance, activities, or body movements which are not only provocative or "sexually excitable" as that term is defined in SDCL 22-24-27 (15), but which are also without serious literary, artistic, political, or scientific value.

STAGE: That portion of the licensed premises in which an entertainer may perform and which may not, during any such performance, also be occupied by any patron who has not been specifically invited on stage by the performer to participate in the performance.

12.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

CHAPTER 12.10 INDECENT ACTS

12.10.01: INDECENT EXPOSURE

No person shall appear in any public place or places exposed to public view in the state of nudity.

No person shall appear in any public place or places exposed to public view with his or her genitals or the female breast covered with paint or any similar substance without also having the genitals or breasts covered with a full opaque covering. Paint or any similar substance does not qualify as a full opaque covering as discussed in this Section.

12.10.02: INDECENT ACT

No person shall commit any indecent act in a public place or a place exposed to public view.

12.10.03: INSULTING FEMALES

No male person shall make any impudent, insulting or licentious advance or salutation to any female person upon any street, or in any store or other public place.

CHAPTER 12.11 REGULATION OF SEXUALLY ORIENTED PERFORMANCES AND PERFORMERS

12.11.01: PROHIBITED ACTIVITIES ON LICENSED PREMISES

No performer while on the licensed premises and in the presence of any other person shall perform any one or more of the following:

- A. Fail to conceal with a fully opaque covering the sexual parts of his/her body, to include the genitals, and the nipple and areola of the female breast;

- B. Expose any devise, costume, or covering, which gives the appearance of, or simulates, the genitals, pubic area, or the nipple and areola of the female breast; or
- C. To move or behave in a manner which constitutes sexual conduct.

12.11.02: CONTACT BETWEEN ANY PERFORMER AND PATRON

No patron shall have physical contact with any performer during the course of a performance on licensed premises except under the following conditions:

- A. The performer shall have invited the patron to participate in the performance; and
- B. The contact, which takes place, does not involve any act by the patron or performer that is prohibited by this Chapter.

12.11.03: PERFORMANCE IN POSTED DESIGNATED AREAS ONLY

No performer shall perform on the premises of a licensed business in any area other than that which the licensee has designated as the stage.

Any licensee shall post in a location clearly visible to patrons a written designation of the stage area on the premises.

Any stage shall be separated from the general area of the premises by a barrier or railing, the top of which shall be at least three (3) feet above floor level. No stage shall be larger than two hundred (200) square feet.

Any stage shall be located inside the premises of the licensed business in an enclosed area not visible to any person located outside of the licensed premises.

12.11.04: LICENSE REQUIRED FOR PREMISES

No person shall operate a business where there is sexually oriented performing without a valid license issued by the Police Department or employ or allow a person to perform on the premises who is not licensed as a sexually oriented performer.

To obtain a business license authorizing sexually oriented performances, the business owner shall make application to the Police Department on a form prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Chapter. The application shall be signed under oath by the applicant and notarized. The application shall include and/or be accompanied by the following information:

- A. The name, telephone number and mailing address of the owner of the business making application;

- B. The name, telephone number and address of the business in which the performing is intended;
- C. If any prior license or permit has been denied, revoked or suspended, the reasons therefore and the effective date of such revocation or suspension;
- D. The name and address of the statutory agent or other agent authorized to receive service of process on behalf of the business; and
- E. Any other information determined to be necessary and relevant to the application process by the Chief of Police.

The application process shall be conducted at the Police Department. It shall be the responsibility of the applicant to contact the Police Department to obtain an appropriate date and time to complete the application process with the Police Department. If said applicant meets all qualifications and complies with all requirements of this Chapter, the Police Department shall issue the license within thirty (30) days of the date of the application.

12.11.05: LICENSE REQUIRED FOR SEXUALLY ORIENTED PERFORMER

No person shall perform as a sexually oriented performer without a valid license.

To obtain a sexually oriented performer license, the applicant shall make application to the Police Department on a form prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Chapter. The applicant will be signed under oath by the applicant and notarized. The application shall include and/or be accompanied by the following information:

- A. The applicant's full, legal name and any other names used in the preceding five (5) years;
- B. Current residential mailing address and telephone number;
- C. Written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency;
- D. If any prior license or permit has been denied, revoked or suspended the reasons therefore, the issuing jurisdiction and the effective date of such revocation or suspension;
- E. Any criminal charges, complaints, information, or indictments in the preceding five (5) years which resulted in a conviction, a plea of guilty, or no contest for any offense described in Chapters 22-22, 22-23, 22-24, of the South Dakota Codified Laws; and
- F. Any other information determined to be necessary and relevant to the application process by the Chief of Police.

The application process shall be conducted at the Police Department. It shall be the responsibility of the applicant to contact the Police Department to obtain an appropriate date and time to complete the application process with the Police Department. If said applicant meets all qualifications and complies with all requirements of this Chapter, the Police Department may issue the license the day the application is completed and all requirements of this Chapter

complied with and in no event shall the Police Department wait any longer than thirty (30) days to either issue the license or advise the applicant of the denial of said issuance.

12.11.06: BASIS FOR DENIAL OF LICENSE

The Police Department shall approve or deny the issuance of a license to an applicant for a sexually oriented business license or a sexually oriented performer license. The Police Department shall not approve the issuance of a license in the event one or more of the following is found to be true:

- A. The applicant is under eighteen (18) years of age;
- B. The applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant, in relation to a sexually oriented business or arising out of any other business activity owned and operated by the applicant and licensed by the City;
- C. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- D. The applicant has been convicted of a violation of a provision of this Chapter, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall be of no effect;
- E. The license application fee required by this Chapter has not been paid;
- F. The applicant or the proposed establishment is in violation of or is not in compliance with this Chapter or any other City Ordinance; or
- G. The applicant has been convicted of any of the offenses set forth in SDCL 22-22, 22-23, or 22-24;

12.11.07: FEES

The annual, non-refundable application fee for a business allowing sexually oriented performing shall be Two Hundred and Fifty Dollars (\$250.00). The annual application fee for a sexually oriented performer shall be One Hundred Dollars (\$100.00).

(12.11.07 fees amended effective 3/31/07, Ordinance 2007-06)

12.11.08: DISPLAY OF LICENSE

The license for a business allowing sexually oriented performing shall be displayed in a place clearly visible to the public and law enforcement.

12.11.09: INSPECTION

Any applicant, operator or licensee shall permit law enforcement officers, and any other federal, state, county, or city agency in the performance of any function connected with the enforcement of this Chapter, normally and regularly conducted by such agency, to inspect the premises of the

business for the purpose of ensuring compliance with this Chapter, at any time it is occupied or open for business.

No licensee, operator, or employee of such a business shall refuse to permit a law enforcement officer or any agency enumerated in this Section to inspect the premises at any time the premises is occupied or open for business.

12.11.10: EXPIRATION OF LICENSE

Each sexually oriented business license and sexually oriented performer license shall expire on December 31st of the year issued and may be renewed only by making application as provided in this Chapter.

12.11.11: SUSPENSION

The Chief of Police shall suspend a business license as herein before set forth for a period not to exceed thirty (30) days if he/she determines that the licensee or an employee of the licensee has:

- A. Refused to allow an inspection of the business premises; or
- B. Has violated any other provision of this Chapter.

12.11.12: REVOCATION

The Chief of Police shall revoke the license of a business allowing sexually oriented performing if a cause for suspension set forth in the previous section occurs and the license has been suspended in the previous twelve (12) months.

The Chief of Police shall revoke the license of a business allowing sexually oriented performing if it is determined that:

- A. The licensee gave false or misleading information in the application;
- B. The licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- C. The licensee or an employee has knowingly allowed prostitution on the premises;
- D. The licensee has allowed a sexually oriented performer to perform on the premises without having obtained a sexually oriented performer's license as required by this Chapter;
- E. The licensee or an employee knowingly operated the business during a period of time when the licensee's license was suspended;
- F. The licensee has been convicted of an offense set forth in SDCL 22-22, 22-34, or 22-24;
- G. The licensee or an employee has knowingly allowed any act of sexual activity to occur on the licensed premises;
- H. The licensee is delinquent in payment to the City taxes or fees related to the business or arising out of any other business activity owned or operated by the licensee and licensed by the City; or

- I. The licensee has allowed sexually oriented performing to occur on its premises in a manner that is in violation of this Chapter and has failed and/or refused to immediately eliminate the violation.

12.11.13: LIQUOR OR MALT BEVERAGE LICENSE

Nothing contained in this Title shall be construed to prevent the City from seeking revocation or suspension of a licensee's liquor or malt beverage license for a violation of this Title pursuant to Title 35 of the South Dakota Codified Laws.

12.11.14: APPEAL PROCESS

Any person aggrieved by a decision of the Chief of Police made under this Chapter shall be entitled to have said decision reviewed by the Chief of Police. If after review the said person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

- A. An aggrieved person shall first file a written request for review with the Police Department setting forth the basis for which he or she believes the Chief of Police's decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the Chief of Police shall review his or her decision and mail a written response to the aggrieved person within five (5) days.
- C. If the aggrieved person is not satisfied with the decision of the Chief of Police following review, he or she may file a notice of appeal with the Police Department.
- D. Upon receipt of a notice of appeal, the Police Department shall notify the City Council and a hearing shall be held within thirty (30) days after the date said appeal was filed. The City Council shall provide notice to the person specifying the time, date, and location of the hearing.
- E. The City Council may notify the aggrieved person of its decision following the hearing, however, the City Council shall issue a written decision to the person within twenty (20) days of the hearing. The City Council may affirm or reverse the decision of the Chief of Police.

12.11.15: VALIDITY IN CASE OF JUDICIAL DECLARATION

Should any section, clause, or provision of this Chapter be judicially declared to be invalid, the same shall not affect the validity of the remainder of this Chapter.

**TITLE 13
OFFENSES AND REGULATIONS**

**CHAPTER 13.01
GENERAL PROVISIONS**

13.01.01: SCOPE AND PURPOSE

The purpose of this Title is set forth certain unlawful actions and the penalty therefore, violation of which shall be enforceable within the City and one mile thereof.

13.01.01: DEFINITIONS

PUBLIC PLACE: Any place whether within or without a building commonly and customarily open to or used by the general public and any street, highway, alley or sidewalk.

13.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**CHAPTER 13.02
OFFENSES**

13.02.01: DISORDERLY CONDUCT

No person shall intentionally cause serious public inconvenience, annoyance or alarm to any other person or creates a risk thereof by:

- A. Engaging in fighting or in violent or threatening behavior or inciting others to do the same;
- B. Making unreasonable noise or inciting others to do the same;
- C. Disturbing any lawful assembly or meeting of persons without lawful authority, or inciting others to do the same;
- D. Obstructing vehicular or pedestrian traffic;
- E. Failing to obey the lawful order of a law enforcement officer who is acting within the scope of his official duties; or

13.02.02: CAUSING OR ENGAGING IN A RIOT

No person shall cause or engage in a riot or incite a mob to destroy property or injure persons, nor shall any person commit or suffer to be committed in any house or building or premises by him occupied any rioting, quarreling, fighting, reveling, drunkenness, loud or boisterous conduct calculated to or which disturbs the neighborhood or annoys any person.

13.02.03: RESISTING, ASSISTING TO RESIST, ESCAPING FROM OR ASSAULTING AN OFFICER

No person shall in any way willfully resist, or aid or assist any person to resist or to escape from any law enforcement officer, or to assist any person to assault any law enforcement officer, or shall in any way interfere with a law enforcement officer, in making an arrest or in the discharge of his duties.

13.02.04: IMPERSONATING AN OFFICER

No person not duly authorized to exercise the duty conferred by Ordinance upon police officers of this City, shall wear a police officer's badge, or represent himself as being a police officer, or attempt to exercise the duties of a police officer.

13.02.05: LURKING ABOUT PREMISES

No person shall lurk or wait or conceal himself in or about any house or other building, or in or about any yard, street, alley or other public place, who being so found shall be unwilling or unable to give an explanation for his conduct consistent with a legitimate purpose.

13.02.06: HINDERING OR MOLESTING PASSERBY

No person shall upon any street, or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture or noise molest, annoy or insult or put in fear any person passing or attempting to pass on such street, alley or sidewalk or through the entrance to such buildings.

13.02.07: PLAYING IN STREETS

No person shall fly any kite, play any game, or engage in any exercise which obstructs or interferes with the use of the streets for traffic or passage, or endangers the safety and lives of those thereon.

13.02.08: TRESPASS AND UNAUTHORIZED USE OF PROPERTY

No person shall lodge, use or occupy any barn, garage, shed, shop or other house or building or structure or any automobile, truck, railroad car or other vehicle without permission of the owner or person entitled to possession.

No person shall camp or otherwise lodge in any public way, park or place which is not specifically designated as an area authorized for camping or other lodging.

No person shall knowingly enter upon any privately owned real property which is not open to the use of the public, unless he has first obtained the consent of the owner or person in possession or control thereof.

13.02.09: OPEN CONTAINERS

No person shall consume, mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place excluding the property of the Sturgis Municipal Park and excluding upon the premises of a licensed on-sale dealer, where such alcoholic beverages were purchased from such dealer for on-sale purposes.

No person shall possess in any public place other than upon the premises of a licensed on-sale dealer, any glass, can, bottle or other container, containing an alcoholic beverage on which the seal has been broken.

No person shall throw, cast or otherwise put in motion, any bottle, can, glass or any other container, at any other person or vehicle, whether moving or parked, or to dispose of or deposit any bottle, can, glass or other container upon any street, alley, highway, sidewalk or park.

The City Council may by resolution, after a duly noticed public hearing, close off an area of a public street for special events. In the event that any area of a public street is closed by resolution duly passed by the City Council, said area shall not be construed as a "public place" as that term is defined in Section 13.01.01 of this Title and the restrictions upon open containers set forth in this Section shall not be enforced within said area during the timeframe of closure set forth in the resolution. The timeframe of the closure set forth in the resolution may not exceed twenty four (24) hours, and the hours of authorized consumption shall not exceed those permitted for on-sale licensees.

Any person requesting the closure of an area of a public street may do so by making application to the City Finance Office on a form to be provided by the City and paying a fee of Fifty Dollars (\$50.00). Said application shall include and/or be accompanied by the following information:

- A. The applicant's name, address and phone number;
- B. A detailed description of the area of street the applicant is requesting be closed;
- C. The date and time for which the applicant is requesting closure; and
- D. The purpose for which the closure is being requested.

Upon receipt of an appropriately completed application and fee, the Finance Officer shall set a public hearing and give notice of the hearing by publishing notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing.

13.02.10: USE OF MECHANICAL AND ELECTRONIC SOUND AMPLIFICATION DEVICES

No person shall project their voice, or any type of sound, through a sound amplification device so as to disturb the public peace or decorum or to use such device to incite others to violate the Ordinances of the City or the statutes of the State of South Dakota, or to use such device in uttering profane, obscene, indecent or threatening language.

13.02.11: MOTORCYCLE AND AUTOMOBILE DYNAMOMETERS

No person shall operate a motorcycle or automobile dynamometer within the City without first obtaining a permit from the Sturgis Police Department. Application for said permit shall be made to the Sturgis Police Department. Any applicant shall provide the following information:

- A. Name and address of responsible person;
- B. Desired location of the dynamometer;
- C. Name and address of the owner of the real property upon which the dynamometer is proposed to be placed; and
- D. The dates the dynamometer will be in operation.

There shall be no fee for any permit issued pursuant to this Section. The Chief of Police and the Building Inspector shall perform an investigation based upon the information provided by the applicant to determine whether the permit should be issued. Said investigation shall include observing the proposed location, including its distance from any residential district; interviewing the responsible person to determine if all steps have been taken to minimize the noise created by the dynamometer, and checking for any prior complaints involving the applicant.

Any dynamometer shall only be operated between the hours of 9:00 a.m. and 9:00 p.m.

The permit issued pursuant to this Section shall be presented to the Finance Officer before issuance of any Vendor/Transient Merchant License for any business involving a dynamometer.

CHAPTER 13.04 PUBLIC SAFETY

13.04.01: DISCHARGING FIREARMS

No person, except an officer of the law in the performance of his duty, shall discharge any firearm within the City.

13.04.02: CONCEALED WEAPONS

No person, except an officer of the law, or a person licensed under the South Dakota Law or a non-resident of the State possessing a valid permit issued in another State as recognized pursuant to SDCL 23-7-7.4 shall carry concealed about his person any pistol or other firearm, sling shot, brass knuckle or knuckles of other material or any dagger, bowie knife, kirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm.

13.04.03: CARRYING: PERSONS UNDER 18

No person under the age of 18 years shall carry, discharge or shoot off any gun, pistol, rifle, air gun, carbon dioxide gun, bow or any other firearm, or use for any purpose any such device for throwing or forcing through the air missiles or projectiles of any character, upon the street or about or within the City, unless accompanied by his or her parent or guardian.
(13.04.03 amended effective 3/31/07, Ordinance 2007-08)

13.04.04: RECKLESS DISCHARGE PROHIBITED

No person shall recklessly discharge or shoot off any air gun, carbon dioxide gun or bow or use in a reckless manner any of the aforementioned for any purpose such as throwing or forcing air missiles or projectiles of any character within the limits of the City.

TITLE 15
STREETS, SIDEWALKS, AND PUBLIC WAYS

15.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

15.04.01: UNLAWFUL TO OBSTRUCT STREETS AND SIDEWALKS

No person shall encumber or obstruct any sidewalk, street, public way, public alley, or public ground within the City.

No person shall leave standing or store any vehicle, structure or object in any public right of way, street, sidewalk, or on public ground which obstructs the use of the same.

No person shall permit merchandise to be stored upon any public right of way, street, sidewalk or public ground unless authorized by City Council.

No person shall sell any goods or merchandise upon any public street, alley, sidewalk or public ground unless authorized by City Council.

15.04.03: NO BURNING ON STREETS

No person shall burn any trash, lumber, leaves, grass, straw or other material of any kind upon, or light or have a fire of any kind upon, or allow any gasoline or petroleum products upon, or place any dirt, trash, or any other kind of material upon any street, alley, or sidewalk in the City.

**TITLE 16
TRAFFIC**

**CHAPTER 16.05
PARKING AND STORAGE ON PUBLIC PROPERTY**

16.05.03: PARKING OR STOPPING ON STREETS OR HIGHWAYS

Any vehicle parked or stopped in the business district must be diagonally parked in the lanes designated for parking by appropriate signs on the pavement or curb, except in area designated for parallel parking or in areas which the Police Department may designate under authority and direction of the City Council by proper signs as "No Parking" and wherever said Police Department has so designated "No Parking" it shall be unlawful for any person to fail to comply therewith.

On all other highways or streets in the City not otherwise designated by the foregoing subsections or succeeding Sections, or by the Police Department as directed by the City Council, all vehicles shall be parked parallel with the curb.

- A. No person shall park or leave standing any truck, except pick-up trucks, on Main Street between its intersection with Middle street and its intersection with Sixth Street and no person shall park a truck on any street or alley in the City in such a manners to impede traffic or so as to be dangerous or likely to be dangerous to other persons traveling on such street or alley.
- B. No person shall park or leave standing any vehicle upon Main Street from the intersection of Middle Street to the Main Street intersection with Sixth Street and to include all side streets one block either side of Main Street to include both sides of Sherman Street from Fourth Street to Junction Avenue, and Lazelle Street on the north, and also to include First Street, Third Street, and Fourth Street north of Lazelle Street to Bear Butte Creek, Middle Street from Lazelle Street to Sherman Street, between the hours of 2:00 a.m. and 6:00 a.m. Friday, or during anytime, when in the Director of Public Works opinion, such streets must be cleared of snow for the safe and orderly flow of traffic, or during such times as the City Council, by resolution, shall deem it necessary to prohibit parking for the safety, health and welfare of the general public.
- C. No person shall park or leave standing any vehicle upon Junction Avenue from its intersection with Main Street, South to Sturgis City Limits.
- D. No person shall park or leave standing any vehicle upon Cleveland Street from its intersection with Ninth Street, West to the Interstate Right-of-Way.
- E. No person shall park or leave standing any vehicle upon Moose Drive from its intersection with Dolan Creek Road to Highway 14A.

16.05.07: PARKING AND STOPPING PROHIBITED IN CERTAIN PLACES

No person operating a vehicle shall stop, stand or park such vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

- A. Within an intersection;
- B. On a crosswalk;
- C. In front of a private driveway;
- D. On a sidewalk;
- E. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- F. Within 15 feet of the driveway entrance to any fire station;
- G. Within 15 feet of a fire hydrant;
- H. Within 15 feet of the point of intersection of curb lines;
- I. At a designated "loading or Passenger Zone";
- J. At a designated taxicab stand or bus stand;
- K. Any "No Parking" zone which may be designated by signs or by a curb which is painted with a solid yellow stripe; or
- L. In a public alley within the City limits, except that trucks and other vehicles may stop in such alleys for the purpose of loading or unloading merchandise or materials. The vehicles loading and/or unloading in the alleys on either side of Main Street from Middle Street to Fourth Street may stop to load or unload only while the vehicle is attended;
- M. On the roadway side of any other vehicle stopped or parked at the edge or curb of a street except temporarily engaged in the loading or unloading of passengers or materials;
- N. On the highways, streets and alleys of the City in such a manner as to obstruct vehicular or pedestrian traffic;
- O. It shall be unlawful for any person to park or leave standing any vehicle in a stall or a space designated for physically handicapped persons, if such stall or space is

posted or marked in a prescribed way, unless the vehicle displays distinguishing license plates or place cards issued for handicapped persons, including disable veterans. A person convicted of violating this sub-section shall be punished by a mandatory fine of not less than \$100.00. The Police Department of the City is hereby authorized to remove any vehicle at the expense of the owner of the vehicle from a stall or a space designated for physically handicapped persons, if the vehicle is parked in violation of the above provisions.

16.05.10: FIRES ON PUBLIC PROPERTY PROHIBITED

No person shall ignite any bonfire or campfire on public property;

16.05.11: STORAGE ON PUBLIC PROPERTY PROHIBITED

No person shall, unless specifically authorized by the Sturgis Police Department, store or permit to be stored any trailer, recreational vehicle, implement, vehicle or other personal property on any public right-of-way.

For purposes of this Chapter, the term “store” shall include the following:

- A. Leaving any car, pick up, motorcycle, camper, or recreational vehicle in any public right of way for more than five (5) consecutive days;
- B. Leaving any farm tractor, implement, trailer, truck or truck tractor in any public right of way for more than twenty four (24) hours; or
- C. During the period of July 20th through August 15th leaving any recreational vehicle or camper in any public right of way for more than twenty four (24) hours.

Any trailer, recreational vehicle, implement, vehicle or other personal property being stored in violation of this Section shall be immediately removed from the right of way and may not be continued to be stored by moving said property to another location in any public right of way.

16.05.12: POLICE DEPARTMENT GRANTED CERTAIN AUTHORITY

The Sturgis Police Department shall have the power to authorize the storage of any vehicle or trailer in the public right a way upon request of an owner in the event said owner proves to the Police Department that the storage is necessary for a specific, temporary period of time at a certain location and that the vehicle or trailer is being used in connection with a construction, repair, or clean up project, or another event deemed appropriate by the Police Department and that said project is associated with real property adjacent to or closely located to the area of the public right away where the vehicle or trailer will be temporarily stored.

TITLE 30
CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

CHAPTER 30.04
PROVISIONS APPLICABLE TO ALL SIGNS

30.04.04: PROHIBITED SIGNS

The following signs, whether intended as permanent or temporary are prohibited within the limits of the City, except as otherwise provided by this Ordinance.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, and other unapproved supporting structures;
- B. Signs located within or encroaching on a public-right-of-way, including signs extending beyond a property line;
- C. Signs that constitute pedestrian or vehicular traffic hazard;
- D. Signs that could be confused with any governmental regulatory, directional or warning sign;
- E. Abandoned signs;
- F. Obliterated signs;
- G. Signs advertising obsolete advertising material;
- H. Signs not in compliance with this ordinance;
- I. Signs attached to any public property without permission, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building.
- J. Signs that interfere with traffic signs or signals;
- K. Permanent signs attached to or supported by a vehicle;
- L. Blank signs;
- M. Portable Reader Boards

30.04.05: TEMPORARY SIGNS

Signs, except video signs, for which no permanent sign permit is obtained as required by this Title shall be considered temporary and shall be registered with the Building Inspector.

Any person wishing to erect a temporary sign, other than a real estate sign, shall register with the Office of the Building Inspector. There will be no cost to register the temporary sign. The Building Inspector shall be informed of the time period for which said sign will be displayed. The time period, location and design of the sign, including the size, weight and condition must be approved by the Building Inspector and the Building Inspector shall have authority to deny approval of the erection of a temporary sign based thereon. The time period for which a temporary sign is erected shall correspond with the purpose for the sign, such as a special sale or event of a specified time period.

If any temporary sign is erected without the authority of the Building Inspector, remains up after its registered time period has expired or otherwise is in violation of any of the provisions of this Title, it shall be removed immediately upon written or verbal notice from the Building Inspector, his or her designated agent or a law enforcement officer. In the event, the sign is not removed by the owner within twenty four (24) hours of notice being received, the Building Inspector or his or her designated agent may remove the sign at the cost of the owner. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Temporary signs, except video and LED signs, need not be registered with the Building Inspector between July 15th and the Friday following the official last day of the Sturgis Motorcycle Rally and may be erected without permit. Any temporary sign, other than a real estate sign, remaining after the Sturgis Motorcycle Rally, which is not listed in the temporary sign register, will be removed by the Building Inspector. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Video signs and LED signs shall only be allowed as specifically authorized by this Title

30.04.06: BANNERS OVER PUBLIC RIGHT OF WAY

Banners may not be suspended over any public right-of-way without the permission of the City Council. Permission shall be requested by submitting a written request to the Finance Office at least thirty (30) days prior to the date upon which it is requested that the banner be displayed. The written request shall include the dates upon which it is desired the banner be displayed, the location, and the size and contents of the banner.

30.04.08: VIDEO SIGNS

Permanent video signs shall only be permitted in General Commercial and Highway Service Districts. Permanent video signs shall only be used as on premise signs.

Persons may apply for a permit to be issued by the City Council for use of a video sign as a temporary sign during special events, including the Sturgis Motorcycle Rally. Said permission shall be requested in writing to the Finance Office at least ninety (90) days prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary video signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial, and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section, the City Council shall consider traffic safety, the general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary video sign that is determined by the Chief of Police or Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued pursuant to this Section until the applicant has paid a permit fee of Six Hundred Dollars (\$600.00). In the case of removal of the temporary video sign by the City, said fee shall not be refunded.

30.04.09: LED SIGNS

Permanent LED signs shall only be permitted in General Commercial and Highway Service Districts. Permanent LED signs shall only be used as on premise signs and are subject to the restrictions and regulations set forth within this Title.

No LED sign shall exceed a maximum of one hundred (100) square feet for each face or a total of two hundred (200) square feet for the entire sign and the sign shall contain a maximum of two (2) faces.

Any person may apply for a permit to be issued by the City Council for use of an LED sign as a temporary sign in connection with a special event, including the Sturgis Motorcycle Rally. Said permit shall be requested in writing to the Building Inspections Office at least thirty (30) days prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary LED signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section for a temporary LED sign, the City Council shall consider traffic safety, general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary LED sign that is determined by the Chief of Police or the Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued for a temporary LED sign to be used during the Sturgis Motorcycle Rally until the applicant has paid a permit fee of Three Hundred Dollars (\$300.00). In the case of removal of a temporary LED sign by the City, due to violation of this Title, said fee shall not be refunded.

30.04.11: PORTABLE “DAILY SPECIAL” SIGNS

Business shall be allowed portable signs in the form of a sandwich board or other similar design, but not a portable reader board, to be used for advertisement of daily specials, events or services of the business. Said sign may be set out each day upon the opening of the business and shall be removed from the outside of the premises upon the end of business hours each day. Any sign used pursuant to this Section shall be approved by the Building Inspector and shall comply with all of the following:

- A. The sign shall be a maximum of sixteen (16) square feet in size, unless located within the General Commercial District;
- B. The sign shall be of a sufficient weight and structure to assure it will stay in place and not be moved by the wind or other natural element;
- C. In General Commercial District only, where the set back makes it impossible for a business to place the sign on the property of the business, the one portable sign may be placed in the public right away subject to the Building Inspector’s authority to control the specific location within the public right away to assure pedestrian and vehicular safety. Said sign shall be a maximum of nine (9) square feet in size.

Due to the increase in pedestrian traffic during the Sturgis Motorcycle Rally, any sign authorized by this Section to be within the public right of way shall not be used seven days prior to the official start of the Sturgis Motorcycle Rally or during the Sturgis Motorcycle Rally each year.

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The City of Sturgis follows the regulations according to the South Dakota Electrical Commission and the South Dakota Plumbing Commission.

All electrical and plumbing hookups need to be inspected by the State of South Dakota.

SD Electrical Commission
 308 S. Pierre St.
 % 1320 E. Sioux Ave.
 Pierre, SD 57501
 1-800-233-7765 or 605-773-3573

SD Plumbing Commission
 308 S. Pierre St.
 % 1320 E. Sioux Ave.
 Pierre, SD 57501
 605-773-3429