

City of Sturgis Ordinances and State Regulations

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CITY OF STURGIS RALLY REGULATIONS & ORDINANCES

TITLE 3

LICENSING OF BUSINESSES

CHAPTER 3.01

LICENSING AND REGULATION OF PEDDLERS, VENDOR, SOLICITORS, PROFESSIONAL PEOPLE, BUSINESSES AND TRADES

SECTIONS:

3.01.01 - Peddling from Vehicles on Streets

3.01.02 - Peddling in Parks

3.01.03 - Licensing of Transient Professional People and Merchants

3.01.04 – Oil Changers and Handlers of Used Oil

3.01.01 - 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 good 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.

3.01.02 - 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.

3.01.03 - LICENSING OF TRANSIENT PROFESSIONAL PEOPLE AND MERCHANTS

3.01.03.1 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.

3.01.03.2 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.

3.01.03.3 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.

3.01.03.4 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.

3.01.03.5 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 merchants fee but are subject to the sanitation fee imposed by ordinance 11.03.21.

(Revision of 3.01.03.5 effective March 26, 2004, Ordinance 2004-01)

3.01.03.6 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.

(Revision of 3.01.03.6 effective August 10, 2001 Ordinance No. 2001-13)

3.01.03.7 Penalty

A) Any person, firm and/or corporation violating this ordinance or any State laws may be subject to license revocation upon written notice of such violation.

Violation of this ordinance constitutes a Class II misdemeanor.

3.01.03.8 – 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.

(Revision of 3.01.03.8 effective December 28, 2002 Ordinance 2001-23)

3.01.04 - - DEFINITIONS AS TO OIL CHANGERS AND HANDLERS OF USED OIL

Terms that are defined in 40 CFR Chapter 7 have the same meanings when used herein.

Aboveground tank means a tank used to store or process used oil that is not an underground storage tank as defined in 40 CFR Chapter 7 of this chapter.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Do-it-yourselfer used oil collection center means any site or facility that accepts/Aggregates and stores used oil collected only from household do-it-yourselfers.

Existing tank means a tank that is used for the storage or processing of used oil and that is in operation, for to which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is

located. Installation will be considered to have commenced in the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either (1) A continuous on-site installation program has begun, or (2) The owner or operator has entered into contractual obligations—which cannot be canceled or modified without substantial loss—for installation of the tank to be completed within a reasonable time.

Household “do-it-yourselfer” used oil means an individual who generates household “do-it-yourselfer” used oil.

New tank means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

Petroleum refining facility means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation straight stillation of crude oil, redistillation of unfinished petroleum derivatives cracking or other processes (i.e., facilities classified as SIC 2911.)

Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

Re-refining distillation bottoms means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

Tank means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

Used oil means 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 aggregation point means any site or facility that accepts, aggregates, and /or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

Used oil collection center means any site or facility that is registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil and accepts/aggregates and stores used oil collected from used oil

generators regulated under subpart C of 40 CFR Chapter 7 who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of 40 CFR Chapter 7 of that chapter. Used oil collection centers may also accept used oil from household do-it-yourselfers.

Used oil fuel marketer means any person who conducts either of the following activities:

- 1.) Directs a shipment of off-specification used oil from their facility to a used oilburner; or
- 2.) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR Chapter 7.

Used oil generator means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

Used oil transfer facility means any transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to 40 CFR Chapter 7. Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part.

Used oil transporter means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amendable for production of) used oil derived products or used oil fuel.

This section parallels section 40 CFR Chapter 7.

3.01.04.1— APPLICABILITY

That all oil changers and handlers of used oil, whether during the annual Motorcycle Rally or at any other time of the year will be subject to this ordinance. That all oil changers and handlers of used oil shall be subject to the requirements set forth in 40CFR Part 279 of the Code of Federal Regulations which are hereby incorporated herein as though fully set forth.

3.01.04.2 – USED OIL STORAGE

That all oil changers and handlers of used oil, in particular those storing containers in above-ground tanks, such receptacles must be:

- 1.) In good condition with no sever rusting, apparent structural defects or deterioration.
- 2.) Not leaking or having any visible leaks.
- 3.) Containers in above-ground tanks used to store oil at generation facilities must be labeled and marked clearly with the words “used oil”.

3.01.04.3 – REQUIREMENT TO DIVULGE COLLECTION CENTERS AND/OR TRANSPORTERS—MARKETERS

That before being issued a transient merchants permit, or before embarking on an oil change business, the generator of the used oil shall inform the City Finance Office of the transporter/marketer being used to pick up the used oil products. That a list of the transporters/marketers is available at Sturgis City Hall on request.

3.01.04.4 – PENALTY

Any violation of this ordinance shall constitute a Class II misdemeanor with a maximum fine of \$200.00 and a maximum jail sentence of thirty (30) days in jail or both such fine and imprisonment.

(Addition of 3.01.04 effective July 21, 2003, Ordinance 2003-06)

TITLE 3-06
TEMPORARY DRINKING ESTABLISHMENTS

SECTIONS:

3.06.01 – Definitions

3.06.02 – Requirements

SCOPE: No person, firm or corporation 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 this ordinance.

Any person, firm, or corporation 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 of Sturgis Finance Officer.

No person, firm or corporation shall be permitted to operate a temporary drinking establishment without first complying with all the requirements of City Ordinance Title 3-07 “Permanent Drinking Establishments”.

3.06.01 - DEFINITIONS:

EXIT(S): For the purpose of this ordinance, all exits must meet or exceed the requirements, which are laid out in the building code adopted by the City of Sturgis.

FENCE: For the purpose of this section, a fence 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 and is not less than 7’-0” in height.

INDECENT ACT: For the purpose of this ordinance, an indecent act shall be known as, but not limited to, nudity; nude dancing; lewd or obscene show or exhibition or sex act or exhibition.

MINOR: For the purpose of this section, a minor shall be known as any person who is under the age of twenty-one (21).

PATIO: For the purpose of this ordinance, a patio shall be known as any finished walking surface which is at grade and is covered or uncovered. Patios shall have one access attached to a permanent structure for which malt beverage or alcohol is served or consumed.

PERMANENT DRINKING ESTABLISHMENT: For the purpose of this ordinance, a drinking establishment shall be known as any permanent structure for which a malt beverage or alcohol license has been issued.

TEMPORARY DRINKING ESTABLISHMENT: For the purpose of this ordinance, a temporary drinking establishment (beer garden) may be known as a fenced area, which is no larger than 100% of the square footage of the permanent structure for which it is associated. A temporary drinking establishment may be erected for a period not to exceed thirty (30) days annually on any parcel of land.

Temporary structures shall in all cases be attached to a permanent structure. (All temporary structures constructed shall comply with Title 2.016.)

3.06.02 - REQUIREMENTS:

- 1) Malt beverage and/or liquor may be sold and/or consumed only at locations shown on the license issued by the City and is on file with the City Finance Officer and the Department of Revenue of the State of South Dakota.
- 2) Property for which a permanent license is in existence at the time of adoption of this ordinance shall be permitted to continue their operations as they have in the past until said time that the license has been transferred or revoked by the City Council. In addition, these properties shall comply with the regulations, which were in effect at the time of issuance of their license.
- 3) Annually, the City Public Safety Committee and City Council shall review all liquor and/or malt beverage licenses issued by the City. All licenses shall comply with City Ordinance Titles 3.05, 3.06 and 3.07. Any person, firm or corporation not complying with these titles may be subject to revocation or non-renewal of license.
- 4) 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 Official 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 Official must physically inspect and approve all temporary-drinking establishments prior to the sale or consumption of malt beverage or alcohol.
- 5) The owner of said 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 50 occupants (see #5 (A) for occupant

load factor). The occupants of the temporary drinking establishment shall not be required to exit the establishment to gain access to restroom facilities.

- 6) The owner shall not allow the temporary drinking establishment to exceed the occupant load issued by the Building Official or Fire Chief.
 - A) The occupant load will be figured at a rate of seven (7) square feet per occupant. This figure will not include stages, restrooms and work areas for employees. (Reference: Table 10-A, 1997 Uniform Building Code)
- 7) All temporary-drinking establishments shall not be occupied until an occupant load has been issued and the owner has posted an occupancy certificate.
- 8) All Federal, State and Local laws shall be complied with at all times.
- 9) 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 has granted permission to reestablish sales.
- 10) All temporary structures, additions, signs or related items associated with the temporary drinking establishment shall be removed from the property within seven (7) days from the end of the event for which it was installed.
- 11) 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.
- 12) No temporary-drinking establishment may be erected more than seven (7) days prior to the official starting date of Sturgis Rally & Races.
- 13) 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 detour unwanted smell.
- 14) All 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.

15) Provision relating to the square footage of temporary drinking establishments
(Revision: 3.06.02 (15) deleted effective Oct. 26, 2001, Ordinance 2001-15)

16) Annually, the City Public Safety Committee and the City Council will review applications for malt beverage/alcohol licenses. The location of said application may be altered by the City Council if it is in the best interest of the public safety.

17) Deleted (Distance from daycare, school, church)
(Revision of 3.06.02 effective March 28, 2003, Ordinance 2003-03)

18) No person, firm or corporation who has been permitted to erect a temporary drinking establishment shall permit any person to commit any illegal lewd or indecent act or exhibition.

No person, firm or corporation who has been permitted to erect a temporary drinking establishment shall permit any illegal nudity, which is in violation of City Ordinance Title 12.08.01.

Any person, firm or corporation permitting illegal nudity, lewd or indecent acts or exhibitions to take place within their establishment shall be subject to a fine as per a Class II Misdemeanor in addition to possible revocation or non-renewal of malt beverage and/or alcohol license.

Exception: Sexually oriented dancing or exhibition as regulated by City Ordinance Title 12.10 may be permitted when approved by the Sturgis City Council.

19) No person, firm or corporation who has been issued a malt beverage and/or alcohol license shall permit prostitution as described in City Ordinance Title 13.06.

Any person, firm or corporation who permits illegal prostitution to take place within their drinking establishment shall be subject to a Class II Misdemeanor for each violation, in addition to possible revocation or non-renewal of their malt beverage and/or alcohol license.

20) It shall be unlawful for any person, firm or corporation to allow the distribution, sale and/or consumption of malt beverage and/or alcohol by a minor in their establishment.

21) It is the policy of the Common Council of the City of Sturgis 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.

22) Any person aggrieved with decisions of the Chief of Police, Building Official or Fire Chief may appeal said decision to the City Council.

23) Any person, firm or corporation who has been found guilty of violating a provision of this or other city ordinance shall receive a penalty as per a Class II Misdemeanor for each violation and may face non-renewal or revocation of their license.

Revision of 03.06 effective May 12, 2000 Ordinance 2000-07

TITLE 2

BUILDING CODE

CHAPTER 2.01

UNIFORM BUILDING CODE, BUILDING INSPECTOR, PERMITS

2.01.16 – TEMPORARY STRUCTURE PERMIT REQUIRED

Definitions:

Flame Retardant or Flame Resistant Tarps: For the purpose of this Ordinance, flame retardant or flame resistant tarps shall have a physical marking or tag attached to the tarp 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 accepted.

Permanent Structure: Established for 365 days a year and complying with the uniform 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.

Seasonal Business: A place of business which is in physical operation and open to the public at one location for a period not exceeding 300 days but more than 30 days 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. (A merchant's license will be required for this classification of business.)

Temporary Structure: For the purpose of this ordinance, a temporary structure shall be known as: any vending stand, reviewing stand, canopy, tent, awning, fence, or other miscellaneous structure which is intended for use on a temporary basis.

1. 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 stand. Said permit shall be issued by the Building Official of his/her designee for a period to not exceed (30) days per location. This thirty (30) day time frame shall include set up and tear down time.

- a. 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.
 - b. For the purpose of this section, 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.
 - c. “Temporary storage buildings” are defined as those not used for actual selling, but for storage of goods and merchandises for retail or wholesale in conjunction with a permanent retail or wholesale business.
2. 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.
 - a. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½” plywood, ½” chipboard, or particleboard.
 - b. Wood, as defined above, may also be used for shelving temporary structure.
 - c. 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.
3. All temporary structures shall be removed upon expiration of the time limit stated on the permit.
4. 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 Official or his designee shall provide the owner with a copy of this ordinance. The owner or occupant of the stand 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.
5. 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 R.O.W. No sales may be permitted through the permanent barrier.)

6. 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.
7. Temporary structures may not be used for housing permanent or seasonal businesses.
8. A fine for each day of violation may be imposed as permitted for a class two misdemeanor for any person found guilty of violation of any provisions of this ordinance.

Revision effective April 21, 2000 Ordinance 2000-02

TITLE 11

HEALTH AND SANITATION

Chapter 11.01 GENERAL PROVISIONS

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.

STORM DRAIN/STORM SEWER: A drain or sewer from conveying water, groundwater, subsurface water, or unpolluted water from any source.

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

Ordinance change effective February 2005.

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**

**11.05.02: 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**

SECTIONS:

- 11.08.01: Application
- 11.08.02: Responsibility for Disposal of Cooking Grease
- 11.08.03: Responsibility for Disposal of Grey Water
- 11.08.04: Responsibility for Disposal of Leaking Water Supply Lines
- 11.08.05: Medical and Bio Hazardous Waste
- 11.08.06: Responsibility for Disposal of Used Motor Oil
- 11.08.07: Application to Oil Changing Operations
- 11.08.08: Used Oil Storage

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".

(Complete replacement of Title 11 effective May 14, 2004, Ordinance 2004-09)

TITLE 12
GENERAL NUISANCES

(Title 12 revised in its entirety effective July 24, 2004, Ordinance 2004-11)

CHAPTER 12.01 - GENERAL PROVISIONS

12.01.02: DEFINITIONS (Excerpts From)

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 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.

**CHAPTER 12.10
INDECENT ACTS**

SECTIONS:

- 12.10.01: Indecent Exposure
- 12.10.02: Indecent Act
- 12.10.03: Insulting Females

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

SECTIONS:

- 12.11.01: Prohibited Activities on Licensed Premises
- 12.11.02: Contact Between Any Performer and Patron
- 12.11.03: Performance in Posted Designated Areas Only
- 12.11.04: License Required for Premises
- 12.11.05: License Required for Sexually Oriented Performer
- 12.11.06: Basis for Denial of License
- 12.11.07: Fees
- 12.11.08: Display of License
- 12.11.09: Inspection
- 12.11.10: Expiration of License
- 12.11.11: Suspension
- 12.11.12: Revocation
- 12.11.13: Liquor or Malt Beverage License
- 12.11.14: Appeal Process
- 12.11.15: Validity in Case of Judicial Declaration

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 (*amended March 5, 2007*)

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).

12.11.08: 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 12 revised in its entirety effective July 24, 2004, Ordinance 2004-11)

TITLE 13

OFFENSES AND REGULATIONS

CHAPTER 13.01 – MISCELLANEOUS PROVISIONS

13.01.15 -- OPEN CONTAINERS PROHIBITED

A. It shall be unlawful for any person to consume any alcoholic beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale dealer, where such alcoholic beverages were purchased from such dealer for on-sale purposes.

B. It shall be unlawful for any person to 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.

C. It shall be unlawful for any person to 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.

D. For the purposes of this Ordinance, "public place" shall mean 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. However, the Sturgis Municipal Park shall not be considered a "public place" for the purposes of this Ordinance.

13.02.08: UNAUTHORIZED CAMPING, USE OF PROPERTY AND TRESPASS

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.

TITLE 15

STREETS, SIDEWALKS, AND PUBLIC WAYS

CHAPTER 15.03 GENERAL REGULATIONS

15.03.01 -- UNLAWFUL TO OBSTRUCT STREETS, SIDEWALKS, ETC.

- a. It shall be unlawful for any person, firm or corporation to encumber or obstruct any sidewalk, street, public way, public alley, or public ground in the City of Sturgis.
- b. It shall be unlawful for any person, firm or corporation to 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 for travel and passage.
- c. It shall be unlawful for any person, firm or corporation to permit merchandise to be kept, stored or displayed, whether for sale or exchange, upon any public right of way, street, sidewalk or public ground unless otherwise authorized by the Sturgis City Council.
- d. It shall be unlawful for any person, firm or corporation to sell, distribute or exchange goods, wares or merchandise whether on foot or from a vehicle upon any public street, alley, sidewalk or public ground unless otherwise authorized by the Sturgis City Council.
- e. It shall be unlawful for any person, firm or corporation to conduct an event, stage a production, or otherwise encourage someone to assemble a crowd, which obstructs pedestrian and/or vehicle traffic unless otherwise authorized by the Sturgis City Council.

(Revision on 15.03.01 effective April 21, 2000 Ordinance 2000-03)

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.

(Amended March 5, 2007)

TITLE 16

TRAFFIC

CHAPTER 16.05 - PARKING AND STOPPING

16.05.04 - PARKING OR STOPPING ON STREETS OR HIGHWAYS

A. All vehicles 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.

B. 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 Common Council, all vehicles shall be parked parallel with the curb.

C. 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 Third 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.

D. It shall be unlawful for any person to park or leave standing any vehicle upon Main Street from the intersection of Middle Street to the Main Street intersection with Fourth 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 July 15-August 23, 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. **(Revision of 16.05.04D effective March 30, 2001, ordinance 2001-06)**

E. No person shall park or leave standing any vehicle upon Junction Avenue from its intersection with Main Street, South to Sturgis City Limits. The effective date of this ordinance shall be April 1, 1986.

F. 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.

16.05.07 -- PARKING AND STOPPING PROHIBITED IN CERTAIN PLACES

It shall be unlawful for the operator of a vehicle to 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:

1. Within an intersection.
2. On a crosswalk.
3. In front of a private driveway.
4. On a sidewalk.
5. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
6. Within 15 feet of the driveway entrance to any fire station.
7. Within 15 feet of a fire hydrant.
8. Within 15 feet of the point of intersection of curb lines.
9. At a designated "loading or Passenger Zone".
10. At a designated taxicab stand or bus stand.
11. Any "No Parking" zone which may be designated by signs or by a curb which is painted with a solid yellow stripe.
12. 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.

(Revision of 16.05.07 (12) effective Dec. 28, 2001, Ordinance 2001-24)

13. 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.
14. On the highways, streets and alleys of the City of Sturgis in such a manner as to obstruct vehicular or pedestrian traffic.
15. 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 \$50.00. The Police Department of the City of Sturgis 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.

TITLE 30

CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

CHAPTER 30.04

PROVISIONS APPLICABLE TO ON AND OFF PREMISE SIGNS

30.04.04: PROHIBITED SIGNS (Excerpts From)

The following signs are prohibited within the limits of the City, and any person who erects a prohibited sign may be found guilty of a class two misdemeanor and be subject to a fine of two hundred dollars (\$200.00) and/or incarceration in the county jail for a maximum of thirty days.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, benches and other unapproved supporting structures;
- B. Signs encroaching on a public-right-of-way or extending beyond a property line except as allowed by this Ordinance;
- C. Illuminated signs containing flashing, intermitting or moving light that interfere with the public's enjoyment of property, the traveled way of streets or obscure traffic signs or devices.
- E. Signs that constitute pedestrian or vehicular traffic hazards or which could be confused with any governmental regulatory, directional or warning sign;
- M. Signs attached to any public property, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building.
- N. Signs that interfere with traffic signs or signals;
- O. Signs that cause a visibility problem or interfere with traffic in any way;

30.04.05: TEMPORARY SIGNS (Excerpts From)

Temporary signs, except video signs, need not be registered with the building inspector during 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. Video signs shall only be allowed pursuant to Section 30.04.09

30.04.09: VIDEO SIGNS

Permanent video signs shall only be permitted in General Commercial and Retail Commercial 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 thirty (30) 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 office of 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.

ORDINANCE 2005-11
ORDINANCE AMENDING TITLE 13, CHAPTER 1, SECTION 17,
MOTORCYCLE AND AUTOMOBILE DYNAMOMETERS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that the following section of Title 13, Chapter 1, Section 17 of the City of Sturgis Ordinances be amended with the following:

13.01.17: 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.

Any violation of the provisions of this Section 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 Ordinance and/or state law.

Dated this 2nd day of May 2005.

**South Dakota Electrical Commission
Carnival and Concessions Guide**

Article 525

Carnivals, Circuses, Fairs and Similar Events

A. General Requirements

525-1. Scope. This article covers the installation of portable wiring and equipment for carnival, circuses, exhibitions, fairs, traveling attractions, and similar functions, including wiring in or on all structures.

525-3. Other Articles.

[a] *Permanent Structures.* Articles 518 and 520 shall apply to wiring in permanent structures.

[b] *Portable Wiring and Equipment.* Wherever the requirements of other articles of this Code and Article 525 differ, the requirements of Article 525 shall apply to the portable wiring and equipment.

[c] *Audio Signal Processing, Amplification and Reproduction Equipment.* Article 640 shall apply to the wiring and installation of audio signal processing, amplification and reproduction equipment.

525-6. Production of Electrical Equipment

Electrical equipment and wiring methods in or on rides, concessions and other units shall be provided with mechanical protection where such equipment or wiring methods are subject to physical damage.

B. Installation

525-10. Power Sources

This equipment shall be installed to comply with the applicable requirements of Article 680.

Separately Derived Systems

1. *Generators.* Generators shall comply with the requirements of Article 445.
2. *Transformers.* Transformers shall comply with applicable requirements of Section 240-3(a), (b)(3) and (c); Section 250-30 and Article 450.

[a] *Services.* Services shall be installed in accordance with applicable requirements of Article 230 and, in addition, shall comply with the following

1. *Guarding.* Service equipment shall not be installed in a location that is accessible to unqualified persons, unless the equipment is lockable.

2. *Mounting and Location.* Service equipment shall be mounted on a solid backing and be installed so as to be protected from the weather, unless of weatherproof construction.

525-12. Overhead Conductor Clearances.

- [a] *Vertical Clearances.* Conductors shall have a vertical clearance to ground in accordance with Section 225-18. These clearances shall apply only to wiring installed outside of tents and concessions.
- [b] *Clearance to Rides and Attractions.* Amusement rides and amusement attractions shall be maintained not less than 15 ft. (4.57m) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusements ride or attractions. Amusement rides or attractions shall not be located under or within 15 ft. (4.57m) horizontally of conductors operating in excess of 600 volts.

525-13. Wiring Methods

- [a] *Type.* Unless otherwise provided for in this article, wiring methods shall comply with the applicable requirements of Chapters 1 through 4 of this Code. Where flexible cords or cables are used and are not subject to physical damage, they shall be permitted to be listed for hard usage. When used outdoors, flexible cords and cables shall also be listed for wet locations and shall be sunlight resistant.
- [b] *Single Conductor.* Single conductor cable shall be permitted only in sizes No. 2 or larger.
- [c] *Open Conductors.* Open conductors are prohibited except as part of a listed assembly or festoon lighting installed in accordance with Article 225.
- [d] *Splices.* Flexible cords or cables shall be continuous without splice or tap between boxes or fittings. Cord connectors shall not be laid on the ground unless listed for wet locations. Connectors and cable connections shall not be placed in audience traffic paths or within areas accessible to the public unless grounded.
- [e] *Support.* Wiring for an amusement ride, attraction, tent or similar structure shall not be supported by any other ride or structure unless specifically designed for the purpose.
- [f] *Protection.* Flexible cords or cables run on the ground, where accessible to the public, shall be covered with approved nonconductive mats. Cables and mats shall be arranged so as not to present a tripping hazard.

- [g] *Inside Tents and Concessions.* Electrical wiring for temporary lighting, where installed inside of tents and concessions, shall be securely installed, and where subject to physical damage, shall be provided with mechanical protection. All temporary lamps for general illumination shall be protected from accidental breakage by a suitable fixture or lampholder with a guard.

525-14. Boxes and Fittings.

A box or fitting shall be installed at each connection point, outlet, switchpoint or junction point.

525-15. Portable Distribution or Termination Boxes.

Portable distribution or termination boxes shall comply with (a) through (d).

- [a] *Construction.* Boxes shall be designed so that no live parts are exposed to accidental contact. Where installed outdoors the box shall be of weatherproof construction and mounted so that the bottom of the enclosure is not less than 6 in. (152mm) above the ground.
- [b] *Busbars and Terminals.* Busbars shall have an ampere rating not less than the overcurrent device supplying the feeder supplying the box. Where conductors terminate directly on busbars, busbar connectors shall be provided.
- [c] *Receptacles and Overcurrent Protection.* Receptacles shall have overcurrent protection installed within the box. The overcurrent protection shall not exceed the ampere rating of the receptacle, except as permitted in Article 430 for motor loads.
- [d] *Single-Pole Connectors.* Where single-pole connectors are used, they shall comply with Section 530-22.

525-16. Overcurrent Protection.

Overcurrent protection of equipment and conductors shall be in accordance with

Article 240.

525-17. Motors.

Motors and associated equipment shall be installed in accordance with Article 430.

525-18. Ground-Fault Circuit-Interrupter Protection for Personnel.

- [a] *General-use 15- and 20-Ampere, 125, Volt Receptacles.* All 125-volt, single-phase, 15- and 20-ampere receptacle outlets that are in use by

personnel shall have listed ground fault circuit interrupter protection for personnel. The ground-fault circuit interrupter shall be permitted to be an integral part of the attachment plug or located in the power supply cord, with 12 in. (305mm) of the attachment plug. For the purposes of this section, listed cord sets incorporating ground-fault circuit-interrupter protection for personnel shall be permitted. Egress lighting shall not be connected to the load side terminals of a ground-fault circuit-interrupter receptacle.

- [b] *Appliance Receptacles.* Receptacles supplying items, such as cooking and refrigeration equipment, which are incompatible with ground-fault circuit-interrupter devices shall not be required to have ground-fault circuit-interrupter receptacle.
- [c] *Other Receptacles.* Other receptacles outlets not covered in [a] or [b] shall be permitted to have ground-fault circuit-interrupter protection for personnel, or written procedure shall be continuously enforced at the site by one or more designated persons to ensure the safety of equipment grounding conductors for all cored sets and receptacles, as described in Section 305-6(b)(2).

C. Grounding & Bonding

525-20. General

All system and equipment grounding shall be in accordance with Article 250.

525-21. Equipment

The following equipment connected to the same source shall be bonded.

- [1] Metal raceways and metal sheathed cable
- [2] Metal enclosures of electric equipment
- [3] Metal frames and metal parts of rides, concessions, trailers trucks, or equipment that contain or support electrical equipment.

All Equipment requiring grounding shall be grounded by an equipment grounding conductor of a type and size recognized by Section 250-118 and installed in accordance with Article 250. The equipment grounding conductor shall be bonded to the system grounded conductor at the service disconnecting means, or in the case of a separately derived system such as a generator, at the generator or first disconnecting means supplied by the generator. The grounded circuit conductor shall not be connected to the equipment grounding conductor on the load side of the service disconnecting means or on the load side of a separately derived system disconnecting means.

525-22. Equipment Grounding Conductor.

D. Disconnecting Means

Each ride and concession shall be provided with a fused disconnect switch or circuit breaker located within sight and within 6 ft. (1.8m) of the operator's station. The disconnecting means shall be readily accessible to the operator, including when the ride is in operation. Where accessible to unqualified persons, the enclosure for the switch or circuit breaker shall be of the lockable type. A shunt trip device that opens the fused disconnect or circuit breaker when a switch located in the ride operator's console is closed shall be a permissible method of opening the circuit.

525-30. Type and Location.

E. Attractions Utilizing Pools, Fountains and Similar Installations with Contained Volumes of Water.

525-40. Wiring and Equipment.

This equipment shall be installed to comply with the applicable requirements of Article 680.

For further information contact:

**The South Dakota Electrical Commission
118 W. Capitol – Pierre, SD 57501
1-800-233-7765 or 605-773-3573
e-mail roxie.mobley@state.sd.us**

South Dakota State Plumbing Commission

James Borth
Plumbing Inspector

118 West Capitol
Pierre, SD 57501
Office: (605) 773-3429
E-mail: james.borth@state.sd.us

Title 10.4.3 Cross Connection Control

Portable water supplies shall be protected in accordance with the cross connection control program of the Administrative Authority and the provisions of this Code. Where required, cross connection control shall be by containment of the premises or by individual outlet protection.

Where containment is required, the potable water supply shall be protected by a backflow protection device installed immediately downstream of the meter or between the service shutoff valve and the first outlet or branch connection. Where individual outlet protection is required, each potential cross connection within the premises shall be protected.

Title 10.5.8 Connections to Carbonated Beverage Dispensers

- a. Water supply connections to a carbonated beverage dispenser shall be made with a double check valve with atmospheric vent or equivalent protection. The double check with atmospheric vent devices shall be located within 12 inches of the equipment.
- b. The piping downstream of the backflow preventor shall not be affected by CO₂ gas.