

**CITY OF DEADWOOD  
ORDINANCE 1409**

**AMENDING CHAPTER 5.40 TOUR CONVEYANCE LICENSES-ISSUANCE-  
RESTRICTIONS**

**AMENDING CHAPTER 5.40 TOUR CONVEYANCE LICENSES-ISSUANCE-  
RESTRICTIONS AMENDING FROM THE ISSUANCE OF THREE (3) TO TWO (2)  
LICENSES.**

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

**SECTION 1:**            **AMENDMENT** “5.40.010 Licenses--Issuance--Restrictions” of the Deadwood Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

5.40.010 Licenses--Issuance--Restrictions

The City Commission may issue annual licenses for tourist conveyance companies which offer or give tours originating within the city, which licensees shall be limited and subject to the following:

- A. The licenses will allow the licensee or their agent admittance to Mt. Moriah Cemetery for the purposes of conducting tours. The admittance to Mt. Moriah Cemetery shall be from May 1st through October 31st unless otherwise expressly permitted by the Sexton of Historic Cemeteries. Only tourist buses or conveyances licensed pursuant to this chapter shall be admitted to Mt. Moriah Cemetery unless authorized by the Sexton of Historic Cemeteries.
- B. Unless otherwise established by resolution or ordinance, the number of licenses issued under this chapter shall be limited to no more than three (3) tour conveyance companies per calendar year. City Commission reserves the right to reduce the number of licenses if existing license is abandoned or revoked.
- C. The City Commission shall have the authority to establish the parking areas and origination location for each license issued. The City Commission shall have the authority to establish the routes tour bus companies must take to and from Mt. Moriah Cemetery. In addition, licenses shall not be issued until each licensee provides the chief of police and the Sexton of Historic Cemeteries with a tour schedule. Each licensee shall arrive and depart according to the tour schedule to ensure proper flow of traffic. Each licensee may utilize a five (5) minute grace period for those scheduled times; each licensee has five (5) minutes before and after the times set in the submitted tour schedule to arrive and depart. Any requested or proposed changes to the approved schedule shall be resubmitted to the Chief of Police and the Sexton of Historic

Cemeteries at least seven (7) days prior to such change taking effect. Violations of this subsection shall subject the licensee to suspension or revocation of its license under Section 5.40.060.

- D. A tourist bus or conveyance not originating within the city, or originating in the city but giving tours outside of the city, shall not be subject to the license provisions of this chapter; however, such buses or conveyances shall not be admitted or allowed within Mt. Moriah Cemetery and must comply with the requirements of Section 5.44.010 of the Deadwood Municipal Code.
- E. Each licensee shall be permitted to operate only one (1) vehicle at any one (1) time from assigned parking sites or origination location.
- F. Each company shall be permitted to operate only one (1) vehicle on a regular basis in Mt. Moriah Cemetery at any one (1) time. If licensee's primary tour vehicle is disabled or requires maintenance, licensee may substitute or designate another tour vehicle until the primary tour vehicle is repaired and operable.
- G. The licensee shall carry public liability insurance in the minimum amount of two million dollars (\$2,000,000.00) per accident and shall provide the city with evidence of such insurance before the issuance of each license with the City of Deadwood as an additional insured. The licensee shall also sign such indemnification agreement as the city desires that will hold the city harmless from any and all liability arising from or out of the operation of any such tour bus.

(Ord. 1320 (part), 2020; Ord. 1284 (part), 2019; Ord. 1159, 2011; Ord. 1058, 2005; Ord. 988 (part), 2002; Ord. 951 (part), 1999; prior code § 32-100 (part))

#### AFTER AMENDMENT

##### 5.40.010 Licenses--Issuance--Restrictions

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- A. The licenses will allow the licensee or their agent admittance to Mt. Moriah Cemetery for the purposes of conducting tours. The admittance to Mt. Moriah Cemetery shall be from May 1st through October 31st unless otherwise expressly permitted by the Sexton of Historic Cemeteries. Only tourist buses or conveyances licensed pursuant to this chapter shall be admitted to Mt. Moriah Cemetery unless authorized by the Sexton of Historic Cemeteries.
- B. Unless otherwise established by resolution or ordinance, the number of licenses issued under this chapter shall be limited to no more than ~~three (3)~~ two (2) tour conveyance companies per calendar year. City Commission reserves the right to reduce the number of licenses if existing license is abandoned or revoked.
- C. The City Commission shall have the authority to establish the parking areas and origination location for each license issued. The City Commission shall have the authority to establish the routes tour bus companies must take to and from Mt. Moriah

Cemetery. In addition, licenses shall not be issued until each licensee provides the chief of police and the Sexton of Historic Cemeteries with a tour schedule. Each licensee shall arrive and depart according to the tour schedule to ensure proper flow of traffic. Each licensee may utilize a five (5) minute grace period for those scheduled times; each licensee has five (5) minutes before and after the times set in the submitted tour schedule to arrive and depart. Any requested or proposed changes to the approved schedule shall be resubmitted to the Chief of Police and the Sexton of Historic Cemeteries at least seven (7) days prior to such change taking effect. Violations of this subsection shall subject the licensee to suspension or revocation of its license under Section 5.40.060.

- D. A tourist bus or conveyance not originating within the city, or originating in the city but giving tours outside of the city, shall not be subject to the license provisions of this chapter; however, such buses or conveyances shall not be admitted or allowed within Mt. Moriah Cemetery and must comply with the requirements of Section 5.44.010 of the Deadwood Municipal Code.
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- G. The licensee shall carry public liability insurance in the minimum amount of two million dollars (\$2,000,000.00) per accident and shall provide the city with evidence of such insurance before the issuance of each license with the City of Deadwood as an additional insured. The licensee shall also sign such indemnification agreement as the city desires that will hold the city harmless from any and all liability arising from or out of the operation of any such tour bus.

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PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

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David Ruth Jr., Mayor, City of  
Deadwood

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Jessica McKeown, Finance Officer,  
City of Deadwood