

**ORDINANCE NO. 1415**

**AN ORDINANCE CONTINUING  
BUSINESS IMPROVEMENT DISTRICTS NOS. 1, 2, 3, 4, 5 and 6  
WITHIN THE CITY OF DEADWOOD AND  
ESTABLISHING ASSESSMENTS**

BE IT ORDAINED by the City of Deadwood, South Dakota, as follows:

SECTION I: There has been previously created, pursuant to SDCL Chapter 9-55, as amended, six (6) business improvement districts within the City of Deadwood, South Dakota, which districts have been known as Business Improvement District No. 1, Business Improvement District No. 2, Business Improvement District No. 3, Business Improvement District No. 4, Business Improvement District No. 5 and Business Improvement District No. 6; ~~and the City Commission of the City of Deadwood, having adopted a RESOLUTION OF INTENT TO CONTINUE BUSINESS DISTRICTS, ESTABLISH THE LEVY OF THE BUSINESS OCCUPATION TAX, AND ESTABLISH RATES FOR BUSINESS IMPROVEMENT DISTRICTS on the 1st day of October, 2018 and having given notice as required by South Dakota law of a hearing on said Resolution of Intent and holding such hearing the 5th day of November, 2018; and~~

~~SECTION II: A public hearing on the RESOLUTION OF INTENT TO CONTINUE BUSINESS DISTRICTS, ESTABLISH THE LEVY OF THE BUSINESS OCCUPATION TAX, AND ESTABLISH RATES FOR BUSINESS IMPROVEMENT DISTRICTS was held on the 5th day of November, 2018, at 5:00 p.m., at the City Commission meeting room located at 102 Sherman Street, Deadwood, South Dakota; and as a result of said hearing the Resolution of Intent adopted October 1, 2018 was approved by the City Commission of the City of Deadwood.~~

SECTION III: ~~The estimated revenues to be raised by the Business Improvement Districts in 2019 are \$511,495.00-506,495.00 and the estimated costs for activities and promotions within the Business Improvement Districts are as follows:~~

~~Business Improvement Districts Nos. 1, 2, 3, 4, 5 and 6:~~

<del>Administrative and Legal Expenses</del>	<del>\$ 15,000.00</del>	<del>10,000.00</del>
<del>Deadwood Chamber of Commerce and Visitors' Bureau Marketing</del>	<del>\$ 440,495.00</del>	
<del>Contingency</del>	<del>\$ 56,000.00</del>	
<del>TOTAL</del>	<del>\$ 511,495.00</del>	<del>506,495.00</del>

SECTION IV: A description of the boundaries for each of the districts shall be as follows:

Business Improvement District No. 1: All ~~hotels, motels,~~ lodging establishments and gaming establishments located within the city limits of Deadwood, applied to all gaming devices and hotel rooms located within the city limits of Deadwood and affiliated with or have common ownership with any gaming establishment or property.

Business Improvement District No. 2: All ~~other hotels, motels and~~ lodging establishments located within the City of Deadwood applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting same criteria.

Business Improvement District No. 3: All ~~hotels, motels,~~ lodging establishments ~~and bed and breakfast establishments~~ within the City of Deadwood which do not have gaming devices.

Business Improvement District No. 4: Each gaming establishment leasing a city slot machine as determined by sealed bid or auction conducted by the City of Deadwood.

Business Improvement District No. 5: Gaming establishment known as the VFW located at 10 Pine Street.

Business Improvement District No. 6: inactive

SECTION V: The purpose of the six Business Improvement Districts is to provide funds for the purposes set forth in Section III.

SECTION VI: The general business tax shall be imposed upon all gaming businesses containing gaming devices located within the six districts licensed by the South Dakota Commission on Gaming, all ~~hotels, motels or other businesses~~ ~~lodging establishments~~ offering lodging accommodations within the city for periods of less than twenty-eight (28) consecutive days, ~~bed and breakfast~~ lodging units, and all businesses containing video lottery machines licensed by the South Dakota Video Lottery Commission located within the six (6) districts.

SECTION VII: The imposition of the General Occupation Tax for the six Districts shall be as follows:

A. District No. 1: Tax at the rate of \$~~125.00~~~~100.00~~ per year or \$~~6.255~~~~.00~~ per year per square foot for 20 square feet for each gaming device, slot machine, 21 table, poker table, video lottery machine, or other table game, excepting municipal five cent or less slot machines. ~~Motels, hotels and bed and breakfast~~ Lodging establishments shall pay \$~~75.00~~~~50.00~~ per year per room or \$.~~25~~167 per square foot per ~~motel, hotel, or bed and breakfast lodging units~~ lodging establishment using ~~three hundred~~ (300) square feet for each room.

B. District No. 2: Tax at the rate of \$~~50.00~~~~25.00~~ per year or \$~~2.50~~~~1.25~~ per square foot for twenty (20) square feet for each gaming device, slot machine, 21 table, poker table, other table game, or video lottery machine, excepting municipal five cent machines which shall be applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting the same criteria.

C. District No. 3: Tax at the rate of \$~~75.00~~~~50.00~~ per year per room or \$.~~25~~167 per square foot per year per ~~motel, hotel, or bed and breakfast~~ lodging establishments using ~~three hundred~~ (300) square feet for each room.

D. District No. 4: A tax at the rate of \$2,000.00 per year or \$100.00 per square foot for twenty square feet for each city or municipal slot machine as determined by sealed bid or auction conducted by the City of Deadwood.

D: District No. 5: Tax at the rate of \$~~75.00~~~~50.00~~ per year or \$~~3.752~~~~.50~~ per square foot on 20 square feet for each gaming device, slot machine, 21 table or poker table, other table game or video lottery machine, excepting municipal slot machines.

E. District No. 6: inactive

SECTION VIII: Assessments as set forth above shall be determined by the number of games and video lottery machines licensed by the South Dakota Commission on Gaming and the South Dakota Lottery Commission as of the 1st day of January, for the first six (6) months of each year; and as of the 1st day of July for the second six (6) months of each year; with

adjustments to be made for licenses added or deleted on the 1st day of the month following the addition or deletion.

SECTION IX: Assessments shall be billed and collected monthly by the City Finance Officer with the annual assessment to be paid in monthly installments due on the 10th day of each month beginning with the 10th day of January and like installments due on the 10th day of each following month.

SECTION X: All assessments shall be due and payable on or before the 10th day of the month following the month for which the assessment is due. All amounts not paid and received in the Finance Office by the due date will be charged a late fee in the amount of fifteen percent (15%) of the amount due which shall be added to all past due charges. Failure to pay such tax and fees shall also constitute a violation of this Ordinance which may be punishable by a fine, not to exceed Five Hundred Dollars (\$500.00), to be paid to the City of Deadwood.

Additionally, any person, partnership or corporation whose duty is made by this chapter to pay any license tax and who does not pay the same shall be liable for an action for the recovery of the amount of such license tax, provided such remedy shall not be deemed as being concurrent with other remedies herein provided. An unpaid balance under this Ordinance shall constitute a lien upon the property owned by the business or user of space being taxed and shall become a lien against and shall run with the property and may be enforced and collected in the same manner as other unpaid real property taxes and assessments. In the event legal action is required to collect delinquent assessments, the establishment failing to pay will be responsible for and pay all attorney's fees and costs incurred by the City in collecting the unpaid tax. The Finance Officer shall certify all unpaid amounts or balances to the County Treasurer for collection in the same manner as general property taxes are collected. Further, the City of Deadwood shall have the ability to deny the issuance of any permits or licenses or any renewals thereof to any business or premise that fails to conform to the provisions of this Ordinance including failure to pay assessment, including, but not limited to, building permits, malt beverage licenses, and liquor licenses.

SECTION XI: The Business Improvement Districts have been established pursuant to the provisions of SDCL 9-55 as amended.

SECTION XII: The business occupation tax as stated above is hereby imposed upon the above-described businesses within the six (6) Business Improvement Districts, which tax shall be

due and payable as set forth above. It is hereby made the obligation and duty of every person, partnership, firm or corporation engaged in any business or occupation within the limits of the taxing districts as provided, on which a business occupation tax is levied by this Ordinance, to pay said tax at the times provided for payment of the same herein.

SECTION XIII: The City Finance Officer of the City of Deadwood is directed to prepare and publish a Notice of Levy of the general business occupation tax, with such notice to be published pursuant to SDCL 9-55-13. A hearing shall be held upon the general business occupation tax levy on the ~~17<sup>th</sup> day of December, 2018~~, at 5:00 p.m., ~~or soon thereafter~~ at the City Commission chambers located at 102 Sherman Street in the City of Deadwood, South Dakota, to hear any objections or protests by businesses and users of space upon which the occupation tax is imposed.

SECTION XIV: Should any section, clause or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Dated this 21th day of January, 2025.

CITY OF DEADWOOD

By: \_\_\_\_\_  
David R. Ruth Jr., Mayor

ATTEST

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Jessica L. McKeown, City Finance Officer

First Reading: January 6, 2025  
Second Reading: January 21, 2025  
Published: January 23, 2025  
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