

ORDINANCE NO. 1364

ORDINANCE EXTENDING ORDINANCE 1355 A TEMPORARY ORDINANCE REGARDING THE USE OF PROPERTY AS SHORT-TERM RENTALS IN ALL RESIDENTIAL (R1), RESIDENTIAL MULTI-FAMILY (R2), PLANNED UNIT DEVELOPMENT (P.U.D), PUBLIC USE AND PARK FOREST ZONING DISTRICTS OF THE CITY OF DEADWOOD.

WHEREAS, the City of Deadwood (“City”) enacted Chapter 17.53 in order to preserve and enhance the character of the residential districts and to promote the public health, safety, and general welfare of the city by expressly prohibit transient commercial use of residential property.

WHEREAS, Chapter 17.53 applies to residential land use districts.

WHEREAS, the City makes a preliminary finding that the City needs to further study the impacts of transient commercial use of residential property. The public interest requires that the City study, analyze, and evaluate the impacts of transient commercial use of residential property.

WHEREAS, the City makes a preliminary finding that it would be inappropriate to allow any additional transient commercial use of residential properties within the following zoning districts in the City of Deadwood: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use, Park Forest.

WHEREAS, the City hereby exercises its authority under SDCL 11-4-3.1 and SDCL 9-19-13, to establish a temporary ordinance regarding the use of properties within the following zoning districts in the City of Deadwood: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use, Park Forest.

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance changes are made to address the transient commercial use of residential property within all of Deadwood.

WHEREAS, the City finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DEADWOOD, SD:

Section 1. Temporary Ordinance – Prohibiting any new short-term rentals in the following zoning districts in the City of Deadwood: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use, Park Forest.

Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the transient use of residential property located within the following zoning districts in the City of Deadwood: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use, Park Forest is guilty of a Class Two Misdemeanor for each day in which such residential property is used, or allowed to be used for the transient commercial use of residential property.

Any person who uses or allows the commercial use of residential property located within the following zoning districts in the City of Deadwood: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use, Park Forest is guilty of a Class Two Misdemeanor for each day in which such residential property is used, or allowed to be used for the transient commercial use of residential property.

This ordinance shall not apply to transient commercial use of residential property for remuneration for a period of fourteen (14) days or less during the month of August, commencing four days immediately preceding the official start of the Sturgis Motorcycle Rally and ending three days after the end of the Sturgis Motorcycle Rally.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13 and shall expire 180 days following its passage.

Dated this 20th day of December, 2022.

CITY OF DEADWOOD

David Ruth Jr., Mayor

ATTEST:

Jessicca McKeown, Finance Officer

First Reading: December 20, 2022
Second Reading: January 3, 2023
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