

**ORDINANCE NO. 1353**  
**AN ORDINANCE CREATING CHAPTER 5.06 MOBILE FOOD AND**  
**BEVERAGE VENDING PERMIT**

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Deadwood that a new Chapter 5.06 of the Code of Ordinances of City of Deadwood, South Dakota entitled “Mobile Food and Beverage Vending Permit” is hereby established as follows:

**5. 06 MOBILE FOOD AND BEVERAGE VENDING PERMIT**

**5.06.010 Definitions.**

(1) Food Truck. For the purposes of this chapter, the term mobile vending shall be defined as any “food truck” as a licensed motor vehicle that has equipment for cooking, preparing, and selling food or beverages. This definition shall not include deliveries of prepared food or beverages by passenger vehicles, vans, or trucks having only devices installed for securing food or beverages during transport and is not equipped with any equipment for food or beverage preparation.

(2) Food Cart. For the purposes of this chapter, the term “food cart” shall be defined as any type of mobile carrier designed to facilitate the sale and marketing of food or beverages and is not defined as a food truck.

(3) Mobile Food and Beverage Vending/Vendor(s). For the purposes of this chapter, the term “mobile food and beverage vending/vendor(s)” shall be defined as an activity whereby prepared food or beverages are sold to the public from a Food Truck or Food Cart. This definition shall not include food and beverage delivery services.

(4) Permitted Period of Operation. For the purposes of this chapter shall be defined as 1, 2 or 3 days, individually or consecutively, with a minimum of 30 days between permitted days of operation between the hours of 7:00 AM and 12:00 AM.

**5.06.020 License required.**

It shall be unlawful to operate a food truck or food cart in the City of Deadwood without first having obtained a license as described herein.

**5.06.030 Fees and licensing procedure.**

(1) The operator of all food trucks and food carts shall apply for a license on forms provided by the City of Deadwood Planning and Zoning Office.

(2) The annual application fee shall be set by resolution of the City Commission.

(3) An approved applicant shall pay an additional fee for their approved event application that will be set by resolution. Payment is due prior to the dates of operation and is non-refundable.

#### **5.06.040 Permitted locations.**

Mobile food and beverage vending shall be permitted at the following City approved locations:

- (1) South Gateway/Pluma Welcome Center

The City of Deadwood will approve a specific location for operation within the above locations.

#### **5.06.050 Locations and times prohibited.**

- (1) Mobile food and beverage vending is prohibited where vending activity is blocking access to a public street, alley, bike path, sidewalk, or access to an adjacent property.
- (2) Mobile food and beverage vending shall be prohibited between the hours of 12:00 AM and 7:00 AM.

#### **5.06.060 Health, safety, and sanitation.**

Mobile food and beverage vendors shall:

- (1) Operate according to the public health and food safety requirements determined by South Dakota Department of Health.
- (2) Comply with the fire safety requirements checklist as provided on the mobile food and beverage vending license.
- (3) Comply with the licensing requirements of the State of South Dakota including food, sales tax, and mobile food and beverage vending.
- (4) Provide a trash bin for public use and remove all garbage within twenty-five feet of any food truck or food cart during daily operations.

#### **5.06.070 Signage.**

No signage or advertising shall be permitted except for what appears on the mobile food and beverage truck or cart.

#### **5.06.080 Alcohol.**

Mobile food and beverage vendors shall not sell or distribute alcoholic beverages.

#### **5.06.090. Liability and insurance.**

Mobile food and beverage vendors operating from public streets and sidewalks, or other City-owned property shall maintain commercial general liability insurance with a limit of not less than one million dollars per occurrence and two million dollars general aggregate naming the City of Deadwood as an additional insured. A copy of the applicant's current certificate of insurance shall be provided to the City of Deadwood while the license is in effect and notice to the City of Deadwood Finance Officer shall be provided when coverage is terminated.

**5.06.100 Violations and revocation of license.**

Licenses shall be subject to revocation by the City Commission for violation of any provisions of city ordinance or state law according to the following procedure:

- (1) Vendor shall be provided with written notice that describes the nature of the violation and a timeline for correction.
- (2) If correction is not completed within the time specified, the City Commission may revoke the license at a regularly scheduled City Commission meeting.

Dated this 2nd day of May, 2022

CITY OF DEADWOOD

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David Ruth Jr., Mayor

ATTEST:

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Jessicca McKeown, Finance Officer

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Second Reading: May 2, 2022  
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