

**CITY OF DEADWOOD
ORDINANCE 1397**

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** “17.53.030 Permission” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

17.53.030 Permission

A. Bed and Breakfast Establishment

1. No bed and breakfast establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied with a structure ~~containing~~ used as a bed and breakfast establishment in R1 and R2 zoning districts;
2. Applicants proposing tandem parking shall be required to provide a control board for the keys of the guests. The owner/manager shall be responsible for the control board; and,
3. Existing Bed and Breakfast establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized if the existing locations do not meet A.1 above until conditions outlined in Chapter 17.76 take effect.

B. Specialty Resort Establishment

1. Specialty Resort establishments are strictly prohibited in R1 and R2 zoning districts.
2. Specialty Resort Establishments shall only be located in upper floors of commercial structures within the local historic district boundaries.
3. No Specialty Resort Establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Specialty Resort Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.
4. Existing specialty resort establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized until conditions outlined in Chapter 17.76 take effect.

C. Vacation Home Establishment

1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040.
2. Vacation Home Establishments shall only be located in upper floors of ~~ommerical~~ commercial structures ~~only~~ within the local historic district.
3. No Vacation Home Establishments shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a

Vacation Home Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.

4. Existing Vacation Home Establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized conditions outlined in Chapter 17.76 take effect.
- D. All Short Term Rentals (Bed and Breakfast Establishments, Speciality Resort Establishments and Vacation Home Establishments shall comply with the following:
1. The Deadwood building inspector shall have the right to inspect the premises to ensure compliance with the Building Code under Title 15.
 2. First floor use for short-term rentals are prohibited within the local historic district as defined under this Title.
 3. The subject property proposed for a short-term rental shall be required to provide the following:
 - a. Obtain a Conditional Use Permit from the City of Deadwood through the process established in Chapter 17.76;
 - b. Establishment of commercial water, sewer, and refuse accounts, if they have not been established for subject premises;
 - c. Proof of required South Dakota state tax certificates which shall be provided to the planning and zoning office for their files;
 - d. Proof of Lodging License from the South Dakota Department of Health which shall be provide to the planning and zoning office for their files;
 - e. Proof of enrollment with business improvement district(s) as a short-term rental establishment; and,
 - f. Obtaining and maintaining City of Deadwood business license and short-term rental licenses.

(Ord. 1022 (part), 2004)

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood