

ORDINANCE #1322
AN ORDINANCE AMENDING CHAPTER 5.20 HORSE-DRAWN VEHICLES

WHEREAS, the Deadwood City Commission desires to amend Chapter 5.20 to update the penalty for violating any provision of Chapter 5.20 within the City of Deadwood, now therefore

BE IT ORDAINED by the Deadwood City Commission of the City of Deadwood, that Chapter 5.20 be amended as follows:

Chapter 5.20
HORSE-DRAWN VEHICLES

5.20.010 Permit required--Exceptions

Except as provided in this chapter, it is unlawful for any person or entity to use or pull horse-drawn vehicles on the streets of the city without first obtaining a permit from the city. This chapter shall apply to owners or operators of horse-drawn vehicles ~~who charge a fee or compensation for passengers to ride on the horse-drawn vehicles.~~ This chapter shall not apply, and a permit shall not be required, for the use of horse-drawn vehicles during special events or on special occasions such as the Days of '76 Parade and other community events, promotions or as approved by the Chief of Police or where the owner or operator of the horse-drawn vehicle does not charge a fee or compensation for passengers.

5.20.020 Number of permits issued.

The number of permits to be issued pursuant to this chapter shall be limited to two. In addition, each permit shall be limited to one horse-drawn vehicle. ~~Preference to issuing permits will be given to prior permit holders in good standing with the City.~~

5.20.030 Permit--Application.

Any person or entity desiring to use or pull horse-drawn vehicles on the streets of the city shall make an application in writing to the ~~city commission~~ parking and transportation committee furnishing specific information and particulars as to the identity of the applicant, the dates, times and schedules for the use of the horse-drawn vehicles, and the proposed staging or parking area for the horse-drawn vehicles and the proposed route of travel. Upon receipt of the application by the city finance officer, the city finance officer shall provide copies of the application to the ~~city commission~~ parking and transportation committee who shall consider the same ~~and provide a recommendation on issuance to the city commission.~~ The city commission shall have sole authority and discretion to grant a permit for use of horse-drawn vehicles on the streets of the city. Prior to the issuance of the permit, the city commission may schedule a public hearing upon such notice as the city commission deem appropriate.

5.20.040 Permit—Issuance and conditions.

Any city commission may issue a permit allowing the use of horse-drawn vehicles in the streets of the city and include such conditions as it deems necessary, proper or advisable. The permit, if allowed by the city commission, shall be in writing ~~from the parking and transportation committee.~~ It shall state the date, time, location and duration of the use of the horse-drawn vehicles and may contain such other conditions as the commission deems

appropriate for the safety of the public. Such permit shall be granted for ~~a period of not more than six months~~ calendar year in which it is issued and may be renewed at the expiration of the term granted in the permit by providing a new or renewal application pursuant to this chapter. The city commission shall establish and collect a fee in the amount ~~of seventy-five dollars (\$75.00)~~ as set forth in annual fee resolution from the applicant prior to issuance of the permit. The city commission shall also require proof of liability insurance in an amount determined by the city commission prior to the issuance of the permit. The permit issued pursuant to this chapter shall be in writing.

5.20.050 Liability insurance required.

Liability insurance in the minimum amount of ~~one-two~~ million dollars (~~\$12,000,000.00~~) shall be required for horse-drawn vehicles.

5.20.060 Permit—Cancellation and violations.

The permit granted pursuant to this chapter may be canceled or terminated at any time by the city commission for violation or noncompliance with any terms and conditions of the chapter or the permit granted pursuant to this chapter. The permit may also be canceled or terminated in the event that the permit holder does not use the permit or commence operations as indicated in the permit holder's proposed schedule or conditions set forth in the permit, the city may notify the permit holder of its intent to terminate or cancel the permit for non-use of the same, and if the permit holder does not commence operations or use the permit within seven (7) days from the receipt of notice of cancellation or termination for non-use, such permit shall be terminated and canceled. In addition, any violations of this chapter or the terms and conditions of the permit shall subject the violator to a ~~fine in the maximum amount of five hundred dollars (\$500.00) and/or a jail sentence in the maximum amount of thirty (30) days~~ Class 2 misdemeanor punished by the maximum sentence as set forth in SDCL 22-6-2. Each day of operation without compliance with the terms of the chapter shall be deemed a separate offense.

Dated this 5th of April, 2021.

CITY OF DEADWOOD

David Ruth Jr., Mayor

ATTEST:

Jessica McKeown, Finance Officer

First Reading:	March 15, 2021
Second Reading:	April 5, 2021
Published:	April 8, 2021
Adopted:	April 28, 2021