

**CITY OF DEADWOOD
ORDINANCE 1420**

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 "5.02.020 Definitions" of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.020 Definitions

As used in this chapter:

"Business" means any activity, trade, calling, profession, or occupation, whether sole proprietorship, partnership, corporation, limited liability company or other recognized entity, which regularly provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of Deadwood. Business includes "home occupations" which involve the sale of goods or services as described in this definition.

"Business establishment" means a permanent or seasonal business operating and open to the public at a fixed location within the City of Deadwood, and that is in compliance with Title 17 City of Deadwood Zoning Ordinance.

"Corporation" means a corporation or any derivative of "Corporation", includes both corporations under South Dakota Business Corporation Act and Limited Liability Companies under South Dakota Limited Liability Company Act as well as limited liability or limited partnerships.

"Permanent business" means a business use which occurs for a period equal to or greater than six ~~five (5)~~ (6) months from January 1 thru December 31 of the current year in which the license is being applied for at a fixed location within the City of Deadwood. ~~A "Permanent Business" may erect and utilize temporary structures for their business operations from May through September each year.~~ The primary method to determine the duration of operation shall be a review of sales tax reports.

"Seasonal business" means a business use which is open to the public for a period of time between fourteen (14) days and six (6) months from January 1 thru December 31 of the current year in which the license is being applied for. A "Seasonal business" may erect and utilize temporary structures or location for their business operations following approval of all the appropriate departments and/or commissions. The primary method to determine the duration of operation shall be a review of sales tax reports used to establish the number of days the business is open to the public.

(Ord. 1311, 2020)

SECTION 2: **AMENDMENT** “5.02.040 Application; Issuance Of Business License” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.040 Application; Issuance Of Business License

- A. Application for a ~~permanent~~ business license shall be made on the application form provided by the City of Deadwood and submitted to the City of Deadwood Finance Officer or his or her designee. The business license application shall include all the following information and such other information as the city deems reasonably necessary:
1. Name of business.
 2. Name of owner.
 3. Complete street and mailing address of business location.
 4. A brief description of the nature of the business.
 5. Type of business entity. If the business is a corporation, the state where formed and the statutory agent's name and address.
 6. A list of any chemicals or hazardous materials or hazardous waste which will be used or stored by the business.
 7. The name of the person in charge of the business and their contact information including email address. If the emergency contact is different than the person in charge of the business, the applicant shall supply the name and contact information for an individual who can be called in case of an emergency. This should be a telephone number that will be answered twenty-four (24) hours a day.
 8. Number of employees both full-time, part-time and seasonal.
 9. If the business specified in this application is subject to a health or sanitary certification by the State of South Dakota, the applicant shall produce such certificate or permit along with the application.
 10. South Dakota state sales and/or excise tax identification number.
 11. Name and contact information of property owner.
- B. The City Finance Officer or his or her designee, prior to issuance of a business license to any applicant, shall, with the assistance of the Planning and Zoning Department, determine that the location of the business as submitted by the applicant, is properly zoned for the conduct of the business for which the license is sought; provided, however, that it is the duty of the applicant to assure that the location of the proposed business complies with all the zoning and all other ordinances of the city. In the event that it fails to so comply, any license issued, granted or approved by the city shall be null and void, and the city shall not be liable for loss, claim or damages whatsoever by reason of the applicant or the business for which a license was issued failing to comply

with said ordinances, and regardless of whether a business license was in fact issued.

- C. After receipt of a completed application and the license fee, the City Finance Officer or his or her designee shall review the application and, except as otherwise provided issue or deny the license within ~~five~~ fourteen (14) ~~(5)~~ working days after receipt of the completed application.
- D. Nothing in this chapter shall prevent the City Finance Officer or his or her designee or other city officials from requiring the applicant to provide any information necessary to ascertain whether the application is, or will be, in compliance with all city ordinances or state laws.

(Ord. 1311, 2020)

SECTION 3: **AMENDMENT** “5.02.050 Fee/Term” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.050 Fee/Term

- A. Fee. As set forth by this chapter, the required license fee for a ~~permanent~~ business license shall be set by resolution each renewal year.
- B. Term. Unless otherwise provided by this chapter, all licenses shall be for a period of one calendar year, beginning January 1 each year and expiring the following December 31.
- C. Upon receipt of a written statement attesting to the loss, theft or destruction of an otherwise valid license, the City Finance Officer or his or her designee, shall reissue a license for the duration of the original license term after paying the fee set by resolution.

(Ord. 1311, 2020)

SECTION 4: **AMENDMENT** “5.02.110 Prohibited Business Locations” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.110 Prohibited Business Locations

No person shall conduct business within the City of Deadwood in any structure, location or area where conducting such business is prohibited by law, by the City of Deadwood Zoning Ordinance, by applicable building code or applicable fire code.

Use of City owned property is strictly prohibited without written permission and/or written lease from the City Commission. The City Commission may refuse the right to utilize public property for conducting business in it's absolute discretion.

(Ord. 1311, 2020)

SECTION 5: **AMENDMENT** “5.02.130 Multiple Businesses; Same Location” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.130 Multiple Businesses; Same Location

Any person engaged in two (2) or more separate businesses operating at the same physical location and which are under the same ownership, shall be required to obtain one license for the main ~~permanent~~ business and for each subsequent business's at that location, but shall only be charged one (1) license fee.

(Ord. 1311, 2020)

SECTION 6: **AMENDMENT** “5.02.140 Same Business; Multiple Locations” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.140 Same Business; Multiple Locations

Any person conducting the same business at two (2) or more ~~permanent~~ locations shall be required to obtain a separate license for each place of business.

(Ord. 1311, 2020)

SECTION 7: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from April 30 , 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood