

CITY OF DEADWOOD
ORDINANCE 1434

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **ADOPTION** “5.06.024 False Information” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

5.06.024 False Information(*Added*)

No person shall give any false or misleading information in connection with his or her application for Mobile Food and Beverage Vending License.

SECTION 2: **ADOPTION** “5.06.064 Operations” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

5.06.064 Operations(*Added*)

Mobile food and beverage vendors shall:

1. Remove Food Truck, Trailer, Cart or Tent if not operating within a 12-hour period on public property.
2. Remove Food Truck, Trailer, Cart or Tent if not operating within a 72-hour period on private property.
3. Maintain a clean and safe operating environment.
4. Follow the rules and regulations outlined in the application.

SECTION 3: **ADOPTION** “5.06.110 Penalties” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

5.06.110 Penalties(*Added*)

Failure to obtain a license as required by City of Deadwood or any other violations may be punishable by the maximum fine and jail as prescribed for Class 2 misdemeanors under South Dakota law for each offense. Each day of operation without such a license or without compliance with the terms of this chapter shall be deemed a separate offense.

SECTION 4: AMENDMENT “5.06.010 Definitions” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.06.010 Definitions

(1) Food Truck/Food Trailer. For the purposes of this chapter, the term mobile vending shall be defined as any “food truck” or food trailer as a licensed motor vehicle or trailer that has equipment for cooking, smoking, preparing, hot holding, curing, 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, trailer or tent. (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) Food Tent. For the purposes of this chapter, the term "food tent" shall be defined as a temporary structure at a special event used to protect food from environmental factors and is not defined as a food truck, trailer or cart.

~~(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.~~

SECTION 5: AMENDMENT “5.06.020 License Required” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.06.020 License Required

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

SECTION 6: AMENDMENT “5.06.030 Fees And Licensing Procedure” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.06.030 Fees And Licensing Procedure

(1) The operator of all food trucks, food trailers, food tents and food carts shall apply for a license on forms adopted by the City Commission and provided by the City of Deadwood Planning and Zoning Office. (2) The annual application fee(s) shall be set by resolution of the City Commission.

(3) The number of licenses may be limited by resolution of the City Commission.

(4) Licenses shall be valid for the calendar year in which they are issued and will remain in effect during the year of issuance, per this chapter.

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

SECTION 7: AMENDMENT “5.06.040 Permitted Locations” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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~~ Outlaw Square and Deadwood Event Center may be available per city issued management contracts.
- (2) During non-event periods of time, food trucks may reserve a date and time to operate in the South Gateway/Pluma Welcome Center, Sherman Street parking lot and Welcome Center parking lot.
- (3) During city recognized special events, the Interpretive parking lot may be available for non-profit organizations for the purpose of fundraising.
- (4) During city recognized special events, food tents may be allowed to operate on Gold Street.
- (5) Private property where mobile food and beverage vending is not prohibited under 5.06.050.

The City of Deadwood will review and consider for approval a specific location for operation within the above locations. The City of Deadwood reserves the right to deny an application if the intent of this ordinance is not met with regard to congestion, safety, licensing or other concerns identified in the review process.

SECTION 8: AMENDMENT “5.06.050 Locations And Times Prohibited”
of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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.~~
- (2) A mobile food vending establishment cannot be permanently located on any public or private property and cannot function as a permanent structure.
- (3) Mobile food and beverage vending is strictly prohibited in residential zoning districts.
- (4) Food Trucks and Food Trailers are prohibited from Main Street except on private property or as part of an approved Special Event Application.

SECTION 9: **AMENDMENT** “5.06.060 Health, Safety, And Sanitation” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 and maintain a trash bin for public use and remove all garbage within twenty-five feet of any food truck, food trailer, food tent or food cart during at the end of daily operations. The mobile food vendor shall not place trash or litter from the mobile food vending establishment in any unauthorized private or city receptacle.

(5) Mobile food vendors must adhere to all noise ordinances of the city.

(6) All mobile food vendors who wish to burn solid fuels must obtain a permit from the Deadwood Volunteer Fire Department and remain in compliance with Chapter 8.08 Fireworks and Burning.

SECTION 10: **AMENDMENT** “5.06.070 Signage” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.06.070 Signage

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

SECTION 11: **AMENDMENT** “5.06.080 Alcohol” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.06.080 Alcohol

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

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

Presiding Officer

Attest

Charlie Struble-Mook, Mayor, City of
Deadwood

Jessicca McKeown, Finance Officer,
City of Deadwood