

CITY OF DEADWOOD
ORDINANCE 1435

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** “5.28.060 Fee, Bond And Duration Of License” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.28.060 Fee, Bond And Duration Of License

- A. The license fee under this chapter, which is set and amended by resolution, shall be ~~seven hundred fifty dollars (\$750.00)~~, payable in advance, for each fourteen (14) day period for any activity described herein that is to be conducted inside or outside. ~~The license fee under this chapter shall be two hundred fifty dollars (\$250.00), payable in advance, for each fourteen (14) day period for any activity described herein that is to be conducted inside. Each applicant shall file with their application, a bond to the city in the amount of five hundred dollars (\$500.00), which bond shall stay in effect for one (1) year from the time of its filing and which shall first be used to indemnify the city for any damages or be forfeited for continued operation of the business beyond the license date, and which also may be attached by any individual aggrieved by the acts or products of the licensee or his or her agents.~~ Upon meeting the conditions specified by ~~this~~eChapter 5, the applicant may be issued a license for the location and the time period for which it is effective.
- B. All establishments which possess a convention center liquor license ~~qualify for~~ shall obtain a convention center vending permit. The license fee for a convention center vending permit, which is set and amended by resolution, shall be ~~one thousand five hundred dollars (\$1,500.00)~~, payable in advance, for one (1) calendar year. This permit allows for the establishment to have indoor or outdoor vending on their private property ~~at the same location as their convention center liquor license per SDCL 35-4-75~~. A vendor doing business inside or outside of a licensed convention center is not required to pay a separate vending permit fee to the city as it shall be covered under the convention center's license.
- C. Monthly vending reports shall be submitted by convention center vending, including Outlaw Square and Event Complex, to the Planning and Zoning Office. The report shall list event and vendor information for any event scheduled to occur the following month. Reports shall be submitted by the 15th of each month. Reports are to be submitted even if no upcoming event is planned for the following month. Failure to submit monthly reports could risk future event approval(s) and/or reissuance of liquor license. Approved vendors will be subject to periodic checks by the Zoning Administrator and/or his/her designee to ensure all information required by the City of

Deadwood is being provided.

D. Outdoor vending during the Sturgis Rally and Races shall ~~not~~ NOT be covered by a convention center vending license. Vendors for the Sturgis Rally and Races shall follow all criteria of Chapter 5.28 excluding Outlaw Square and the Deadwood Event Center. ~~The licensed establishment is required to provide the zoning administrator a monthly report that will include: Upcoming conventions or events that will have vending, a list of vendors that will attend conventions in the upcoming month along with their sales tax identification numbers. Convention center establishments will be subject to spot checks by the zoning administrator periodically to insure all of the information required by the city of Deadwood is being provided. A convention center vending license permit application may obtain approval or denial from the city of Deadwood planning and zoning board in a regular planning and zoning meeting. Convention center vending licenses require no review period prior to approval. All temporary vendors during the Sturgis Rally and Races, other than those operating indoors under a convention center vending license, shall follow all criteria of Chapter 5.28.~~

E. Any person or organization approved use of the Deadwood Event Complex or Outlaw Square shall follow vendor rules below:

1. ~~Vendors doing business during approved Deadwood Event Complex or Outlaw Square events shall be required to complete a City of Deadwood vendor's permit application for all vendors prior to the event.~~
2. Vendors shall provide the necessary information to the event coordinator including South Dakota Sales Tax License.
3. Vendors shall comply with the guidelines of the facility use agreement for the Event Complex or Outlaw Square and shall comply with all other requirements of Chapter 5.28.

(Ord. 1298, 2019; Ord. 1241 (part), 2015; Ord. 1141 (part), 2011; Ord. 1101 (part), 2008; Ord. 978 (part), 2001; prior code § 22-105)

SECTION 2: AMENDMENT “5.28.040 License Application” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.28.040 License Application

A. An applicant operating as a temporary vendor on city property shall file a verified application with the Zoning Administrator or her or his designee, providing the following information:

- A. Proof of a South Dakota Sales Tax License and if for the sale of food or beverages, a certificate from the South Dakota health department.

- B. A statement of whether the applicant, upon sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.
- C. A statement of the period of time the applicant wishes to do business within the city limits.
- D. The local or permanent address of the applicant.
- E. The type of personal property or services the applicant proposes to offer in the city.
- F. Liability insurance certificate naming the City of Deadwood as additionally insured in an amount of not less than one million dollars (\$1,000,000).
- G. A list of three business references, including, if possible, the names of three cities or towns where the applicant has operated previously.
- H. A letter from the zoning administrator stating that the activity for which the license is sought has been approved by the planning and zoning commission and board of adjustment as appropriate under the zoning ordinance of the city, codified in Title 17 of this code.

(Ord. 1101 (part), 2008; Ord. 1005 § 22-103, 2003; Ord. 978 (part), 2001: prior code § 22-103)

SECTION 3: AMENDMENT “5.28.080 Exceptions” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.28.080 Exceptions

- A. The city commission shall have the authority to grant exceptions to the fee ~~and bond~~ associated with this chapter for and during specific community events such as the Days of '76 Celebration, Wild Bill Days and other events where sponsors of said events have in the past used vendors in connection with such events at the Deadwood Event Complex and Outlaw Square, and other community events provided that the sponsor of such events will make every reasonable attempt to use services, merchandise and products of local businesses if possible. Further, any prohibition of temporary structures on private property zoned CH-commercial highway district or C1 commercial district may be waived upon holding a public hearing on this issue, with the proponent of such waiver being responsible for all costs of said public hearing. Further, the fee ~~and bond~~ requirements may be waived by the city commission upon holding a public hearing on this issue.
- B. This chapter, except for the temporary structures provisions and the license application provision (Section 5.28.040), shall not apply to solicitations, sales or distributions made by local or nationally chartered charitable, educational or religious organizations. This chapter shall not be deemed to waive the notice requirements under the state statute to the city commission of any organization conducting a bingo game or lottery nor to restrict the city commission in the reasonable regulation of such bingo game or

lottery.

- C. This chapter shall not apply to the sales of fruits, vegetables, farm or garden products, or farmer's markets.
- D. This chapter shall not apply to Rummage sales, yard sales, city-wide community used property sales and lemonade stands or other similar activities operated by minors or children or youth groups, or other nonprofit groups.

(Ord. 1247, 2016; Ord. 1241 (part), 2015; Ord. 1141 (part), 2011; Ord. 978 (part), 2001: prior code § 22-107)

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