

**CITY OF DEADWOOD
ORDINANCE 1443**

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** “5.28.035 Display Of Merchandise” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.28.035 Display Of Merchandise

It is unlawful for any person, entity or business to display, store or maintain any merchandise ~~(except benches for the public, pet watering stations, flowers and potted plants)~~ for sale or show within the right-of-way, as defined in Title 15, by affixing the same to the exterior awnings, canopies, posts, building facade (including any door or shutter, when opened externally, displays merchandise or signs) of any ~~permanent or temporary structure store front~~ or cause or enable the display of merchandise for sale or show in said right-of-way outside of any permanent or temporary structure within the city's local historic district, as defined under Title 17.

(Ord. 1241 (part), 2015; Ord. 1101 (part), 2008)

SECTION 2: **AMENDMENT** “5.28.020 Definitions” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.28.020 Definitions

As used in this chapter:

"Exterior" means the outer side or surface, except that the interior side of a door shall also mean exterior for purposes of this chapter; also, for purposes of this chapter, exterior also means "outside."

"Inside" means the inner side of any permanent residential or commercial structure or enclosure.

"Locally designated Historic District" means (1) 424-818 Main Street; (2) all of Lee Street; (3) all of Siever Street; (4) all of Deadwood Street; (5) all of Pine Street; (6) all of Sherman Street;

and (7) 1-13 Charles Street.

"Merchandise" means ~~goods bought and sold in~~ any goods, wares and services sold and/or offered for sale inside the adjoining business; commercial wares.

"Outside" means the outer side of any permanent residential or commercial structure or enclosure.

"Peddler/hawker" means a person selling or offering to the public personal property or services including but not limited to, coupons, tokens or other items of trade or commerce by going from place to place, house to house, or parking on a highway or street who carries personal property for immediate sale or performs the services immediately. This definition does not include the business which follows an established route selling goods and which stops only at those premises which have requested such services.

"Solicitor" means a person engaging in the same activity as a peddler except that the goods and services are for future delivery.

"Stand" means any table, showcase, bench, rack, pushcart, wagon or any other movable vehicle or device, whether or not it may be moved without the assistance of a motor and whether or not it is required to be licensed and registered by the state department of commerce and regulation, used for the displaying, storing or transporting of articles offered for sale by a vendor.

"Store Front" means the physical space that houses a retail store offering merchandise for sale or show within the physical space, including the street-facing facade and display windows or openings, which are designed to attract customers.

"Temporary" means no business that plans to be in Deadwood for less than a year, whether evidenced by short-term lease or otherwise, shall be deemed anything but temporary as such business is expected to change in status, conditions or place; is intended to exist for only a definite period; is not lasting, or intended to last as that term is commonly known, or lasting for a short or limited time; and is transitory in nature.

"Transient merchant" means any person, firm, corporation, partnership, association or any agent thereof who establishes a temporary business offering wholesale or retail goods within the city.

"Vendor" means any person engaged in the selling or soliciting for sale of goods, wares, merchandise, services, including food and beverages, within the city limits, from a stand or motor vehicle or from their person.

(Ord. 1141 (part), 2011: Ord. 1101 (part), 2008: Ord. 1005 § 22-101, 2003: Ord. 978 (part), 2001: prior code § 22-101)

SECTION 3: **ADOPTION** “5.28.034 Purpose” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

5.28.034 Purpose(*Added*)

The purpose of regulating the display of merchandise is to respect the historic architectural styles of the community, and more specifically, the style of each individual store front and structure within the local historic district and to limit obstructions and distractions in the highly pedestrian-oriented local historic district.

SECTION 4: **ADOPTION** “5.28.036 Exemptions” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

5.28.036 Exemptions(*Added*)

The following items are exempt from this chapter so long as they still allow for four (4) feet of space within the sidewalk located within the right-of-way:

Benches, chairs and tables for public seating, pet watering stations, flowers and potted plants, trash receptacles not for sale or show in the adjoining store front.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from March 25, 2026 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

Charlie Struble-Mook, Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood