

# CITY OF STURGIS ORDINANCES & STATE REGULATIONS

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# **CITY OF STURGIS RALLY REGULATIONS & ORDINANCES**

*The following are excerpts from the complete ordinances, to find complete and most updated Title 31 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2031%20Licensing%20of%20Temporary%20Businesses%200710.pdf>*

## **TITLE 31 LICENSING OF TEMPORARY BUSINESSES**

### **CHAPTER 31.01 GENERAL PROVISIONS**

#### **31.01.01: SCOPE AND PURPOSE**

The purpose of Title 31 is to regulate the licensing of people who do not have a permanent business within the City of Sturgis who wish to do business within the City of Sturgis for a temporary period of time.

#### **31.01.02: DEFINITIONS**

A) For the purpose of this Section, a "VENDOR" is any person, firm, corporation, partnership or association not having an operating place of business within the City who, in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span, engages in temporary or transient business in the City selling goods, wares, merchandise or services, or a permanent business person, firm or corporation which is located within the City limits who, for more than four (4) consecutive days within any twelve (12) day time span, is selling such goods, wares, merchandise or services, away from his/her or its usual operating place of business and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure, or space for the exhibition or sale of such goods, wares, merchandise, or services. The person, firm or corporation so engaged shall not be relieved from the provisions of this Section by reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.

B) YEAR: A twelve (12) month period.

C) BUSINESS: The activity of buying & selling.

D) OPERATION: In action, functioning.

E) EVENT: An organized occurrence or happening where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control.

#### **31.01.03: PENALTY**

A violation of this ordinance shall be punishable by a civil penalty of 80% of the cost of a Temporary Vendor License. In addition, a separate administrative fee of \$75.00 will be required to be paid before the Temporary Vendor License can be issued. To avoid additional civil penalty fees for each separate

day in violation, the vender shall be required to obtain a valid Temporary Vendors License from the City Finance Office within 12 hours of the issuance of the Citation.

Any temporary vendor found to be operating without a Temporary Vendor License twice within a 24 month period shall be prohibited from obtaining a Temporary Vendor License in the future.

Any person or entity who is required to obtain a Temporary Vendor License and who knowingly allows an unlicensed vendor to conduct or engage in business on property owned by or subject their control shall be prohibited from obtaining a Temporary Vendor License for a period of 400 days after the date of violation.

Any violation of this Title is also punishable as a Class 2 Misdemeanor, punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

(Revision of 31.01.03 effective 7-21-2010, Ordinance 2010-05)

**CHAPTER 31.02  
LICENSING AND REGULATION OF PEDDLERS, VENDORS, SOLICITORS,  
PROFESSIONAL PEOPLE, BUSINESSES AND TRADES**

**31.02.01: PEDDLING FROM VEHICLES ON STREETS**

No person shall sell or offer for sale any goods or merchandise from a cart, wagon, automobile, truck or other vehicle in the streets or thoroughfares of the City. This Section does not apply to the delivery of farm or garden products, where the order for same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business. Nothing in this paragraph shall prohibit the City from entering into a contract for the sale of ice cream and sundries for immediate conditions agreed to by the Common Council.

**31.02.02: PEDDLING IN PARKS**

It shall be unlawful for any peddler or other person excepting a person occupying a portion of the park under a valid concession agreement to sell or offer to sell, to any person within any municipal park of the City, any goods, wares, merchandise, books, pictures, novelties, souvenirs or trinkets or any other article of commerce and trade, including goods of his own production or manufacture.

**31.02.03: LICENSING OF TRANSIENT PROFESSIONAL PEOPLE AND  
MERCHANTS**

31.02.03.1 Vendor License Required

Any firm, person, or corporation which intends to operate a temporary business within the corporate limits of the City of Sturgis in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span shall be required to purchase a vendor license for each structure, stand, tent, vehicle, booth, location or

place which is used by such merchant for the sale or distribution of goods. The person so engaged shall not be relieved from the provisions of this Section by reason of association with any local operating business, dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant, auctioneer or business.

The vendor license must be posted in each individual stand during operation.

#### 31.02.03.2 Application

To obtain a license, a vendor shall file, in the office of the City Finance Officer, a verified application stating his or her name, and residence, description and identification of the place in which he or she proposes to do business, dates of operation, name, address and phone number of property owner where business will take place and, the description of the goods he or she intends to handle.

South Dakota State sales tax number shall be presented at time of application.

South Dakota State Department of Health license, when applicable, shall be presented at the time of application.

#### 31.02.03.3 Fee and Duration of License

A) A temporary business shall pay a vendor license fee of Six Hundred Dollars (\$600.00) for each twelve (12) consecutive day period, or portion there of, in any calendar year. This fee shall include all sanitation charges. The Finance Officer shall note on the license the time period for which it is effective.

A business may purchase only two (2) vendor licenses per location per twelve (12) month period.

#### 31.02.03.4 Issuance

On filing the application and payment of the fee described in this section, the Finance Officer shall issue a license to the applicant to do business at a place described in the application and for the time for which the license fee has been paid in advance; provided that any applicant who has paid the license fee before the Rally, and who changes locations before the first official day of the Rally shall be charged an additional license fee of \$100.00. Any moves after the first official day will require the applicant to pay the full fee. This fee shall also apply to organizations which are exempt from the transient merchant's fee but are subject to the sanitation fee imposed by ordinance 11.03.21.

#### 31.02.03.5 Exemptions

A) Sales where the proceeds are to be used exclusively for religious, charitable or benevolent purposes. Written proof of charitable, non-profit status as declared by the IRS (i.e. 501(c) (3) documentation) must be presented during application.

B) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives or established wholesalers or manufacturers.

C) The sales of fruits, vegetables or farm or garden products in their natural state.

D) The distribution of goods for which there is no charge.

- 1) All persons, firms or corporations distributing goods or performing a service for which there is no charge, shall be required to register with the City Finance Officer, their name, address, location of said distribution or service and goods which he/she or it is distributing or service which they are performing.

E) Sales by youth age 15 years and under selling lemonade and like items and incidentals thereto from property from which they reside.

#### 31.02.03.6 Refund Fee For Transient Merchant License

The City of Sturgis is hereby authorized to refund up to 50% of a Transient Merchant License fee, provided that notice is given to the City Finance Office ten (10) days prior to the beginning of that year's annual Sturgis Rally.

**(Title 31 adopted effective Nov. 5, 2004 – Ordinance 2004-18 – Ordinance creating Title 31 – Licensing of Temporary Businesses and moving previous Chapter 3.01 – Licensing and regulation of Peddlers, vendors, solicitors, professional people, businesses and trades to Title 31, chapter 31.02**

*The following are excerpts from the complete ordinances, to find complete and most updated Title 2 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%20%20Contractors%20Licensing%20and%20Construction%20Regulations%202011.pdf>*

**TITLE 2  
CONTRACTORS' LICENSING AND CONSTRUCTION REGULATIONS  
CHAPTER 2.01  
GENERAL PROVISIONS**

**2.01.01: SCOPE AND PURPOSE**

The purpose of this Title is to regulate the building of structures within the City and to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all buildings, streets, sewer and water mains within the City. The purpose of the Title also includes setting forth the licensing requirements for certain contractors and adopting certain uniform codes and regulations for guidance in the area of construction.

**2.01.02: DEFINITIONS FOR TITLE**

ARSD: Administrative Rules of South Dakota

**BUILDING CODE:** The specific Building Code whether it be uniform or international adopted by the City of Sturgis.

**FLAME RETARDANT OR FLAME RESISTANT TARP:** A tarp that has a physical marking or tag attached to it which shows that the tarp has been tested and declared flame resistant and/or flame retardant. Tarps not bearing this physical insignia shall not be considered Flame Retardant or Resistant.

**PERMANENT STRUCTURE:** A structure that is designed or intended for support, enclosure, shelter or protection of person or property. Said structure shall have a permanent roof that is supported by columns or walls and is maintained for 365 days a year and built in compliance with the Building Code for which the occupancy of the structure is being used.

**PERMANENT BARRIER:** A wall or fence which has been constructed as a permanent attachment to property and is a minimum 5'0" in height and has openings which are no longer than 4" in either direction.

**PERMANENT BUSINESS:** Means a business use which is in physical operation and open to the public or a period equal to or greater than five (5) months from January 1 thru December 31 of the current year and resides at a fixed location within the City of Sturgis, consistent with the requirements of Section 18.10.02 of the Sturgis City Ordinances.

**TEMPORARY BUSINESS:** Means a business use which is in physical operation and open to the public at one or more locations for a period less than five (5) months from January 1 thru December 31 of the current year even though the business may have a permanent or

fixed location within the City of Sturgis. This period of operation excludes the period of the annual Sturgis motorcycle Rally.

TEMPORARY STRUCTURE: Any vending stand, reviewing stand, canopy tent, Truck and Trailer with or without awning, or other miscellaneous structure which is intended for use on a temporary basis.

### **2.01.03: PENALTY**

Any violation of the provisions of this title is a Class 2 Misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or State law.

In addition to the general penalty as stated above, any cleanup required by the City for the removal of mud tracked onto the street from the site, extra cleaning of the storm sewers or drainage ways, etc., will be charged to the permit holder at a rate of 1 and ½ times the normal equipment rates and labor rate for the City.

Failure to pay any applicable fees within thirty (30) days of said notice may result in the revocation of any and all outstanding permits and licenses held through the City.

In addition, any violation of the provisions of this Title may result in the revocation, suspension, or refusal to issue any license pursuant to any Section of the Title.

In addition, any person who commences any work toward erecting or constructing a building or structure or causes any alterations to an existing building or structure which requires a Building Permit under the terms of this Title before obtaining the necessary permit shall be subject to an addition fee, equal to the amount of the permit fee required by this Title.

## **CHAPTER 2.03 BUILDING INSPECTOR AND BUILDING PERMITS**

### **2.03.01: ESTABLISHMENT OF THE OFFICE OF BUILDING INSPECTOR**

There shall be designated by the City Council, a Building Inspector, who shall perform those duties and hold such authority as herein set forth. The City Council may designate any number of Assistant Building Inspectors that the Council may deem necessary to carry out the duties of the Office of Building Inspection. The person designated as the "Sturgis City Engineer" shall automatically be designated as an Assistant Building Inspector.

### **2.03.02: AUTHORITY OF BUILDING INSPECTOR TO ENFORCE**

The Building Inspector shall enforce all provisions of this Title. The Building Inspector may request that the City Council appoint and deputize any number of technical officers, deputy inspectors and other employees as is necessary to assist the Building Inspector with enforcement of this Title.

The Building Inspector shall enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures within the City.

The Building Inspector shall make an examination of any and all plans and specifications for structures to be built within the City, or alterations to be made in or upon any existing structures which will materially change said structures, in order to determine if said plans, specifications or alterations are in conformance with this Title.

The Building Inspector shall make an examination of all applications for building permits and shall determine after said examination whether or not a permit should be granted to such applicant.

The Building Inspector shall have the authority to issue building permits after the completed application has been determined in accordance with this Title, and after all required fees have been received.

The Building Inspector shall have the authority to deny issuance of any permit. Said denial may be based upon failure to comply with any applicable provision of this Title, any Sturgis City Ordinance, State law, Federal law, provision of any applicable Building Code or manual, or based upon the general safety and/or welfare of the public.

The Building Inspector shall have the authority to order the removal of any existing building or structure which was unlawfully built or which in the opinion of the Building Inspector is dangerous and/or a safety hazard to the public.

The Building Inspector shall have the authority to require specific testing and inspections in connection with the performance of construction work within the City and to set forth specific testing and inspection requirements within the Manual of Construction Guidelines prepared pursuant to this Title.

The Building Inspector shall report every month to the City Council about the activity and matter of his/her office, and shall report at such other times as the Mayor or Council may direct.

The Building Inspector shall enforce all Nuisance Ordinances of the City.

The Building Inspector shall enforce the Temporary Structure Ordinance, Temporary Merchants Ordinance and the City Beautification and Regulation of Advertising Ordinance of the City.

The Building Inspector shall hold any and all other duties and powers as specifically granted by any ordinance of the City.

### **2.03.03: RIGHT OF ENTRY**

The Building Inspector shall have the authority to enter upon property in the event it is necessary to make an inspection and/or to enforce the provisions of this Title or when the Building Inspector or other official of the City has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this

or any Title of the Sturgis City Ordinances which makes the building or premises unsafe, dangerous or hazardous.

In exercising the aforementioned authority, the Building Inspector shall take all reasonable steps possible to do the following:

- A. Enter the building or premises at a reasonable hour;
- B. In the event the premise is occupied, present his or her credentials to the occupant and request entry; and
- C. In the event the premise is unoccupied, make reasonable effort to locate the owner or other person having charge or control of the building or premises, if known, and request entry.

In the event, entry is refused, the Building Inspector shall proceed with any and all recourse and remedies provided by law to secure entry.

#### **2.03.04: STOP ORDERS**

In the event any work is being done contrary to the provisions of this Title, or other pertinent laws or ordinances implemented through the enforcement of this Title, the Building Inspector may order the work stopped by notice in writing served on any persons involved in performing the work. Upon receipt of the written notice, any persons shall immediately stop such work until the Building Inspector authorizes the work to continue.

#### **2.03.05: LIABILITY**

The Building Inspector is charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties required by this Title or other applicable law or ordinance and shall not thereby be rendered personally liable for damages that may occur to persons or property as result of an act or by reason of an act or omission in the discharge of such duties. This Title shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, premises or contracting on City land for damages to persons or property caused by defects, nor shall the Building Inspector or the City be held as assuming any such liability by reason of the inspections authorized by this Title or any permits or certificates issued under this manual.

#### **2.03.06: COOPERATION OF OFFICIALS AND OFFICERS**

The Building Inspector may request, and shall receive, the assistance and cooperation of other officials of the City so far as it is required for discharge of the duties required by this Title or other applicable laws or ordinances.

#### **2.03.14: TEMPORARY STRUCTURE PERMIT REQUIRED**

Temporary structures, such as vending stands, reviewing stands, canopies, tents, Trucks and Trailers with or without awnings, and miscellaneous structures may be erected in area zoned Highway Service and General commercial, provided that a special temporary structure permit is obtained for each temporary structure. Said permit shall be issued by

the Building Inspector or his/her designee for a period not to exceed 30 days per location. This 30 day time frame shall include set up and tear down time.

For the purpose of this Section "location" shall be the site on which the temporary structure is first constructed or placed. A temporary structure may not be disassembled and reconstructed or moved to a different location on the same property or parcel of land, or an adjacent parcel of land, after an initial permit is issued for the structure.

No vendor, solicitor, temporary merchant or landowner shall begin to erect or allow the erection of a Temporary Structure, as defined in this chapter, for use during the Sturgis Motorcycle Rally more than seven (7) days prior the beginning date of the temporary vending permit establishing the location of the temporary structure, or leave it erected more than four (4) days after the expiration of the temporary vending permit. Furthermore, the vendor, solicitor, temporary merchant or landowner shall be permitted to operate a temporary business from the temporary structure only during the specified dates of the temporary vending permit, and shall not be required to obtain a Temporary Structure permit so long as they business is in compliance with all other city ordinances, state and federal laws the vendor, solicitor, temporary merchant or landowner possesses a valid vending license issued by the City of Sturgis.

(Chapter 2.03.14 replaced effective March 9, 2011, Ordinance 2010-16.)

### **2.03.15: REQUIREMENTS FOR TEMPORARY STRUCTURES**

The following requirements shall apply to all temporary structures, except those specifically exempted above.

- A. The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2" by 4" in width.
  - 1. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½" plywood, ½" chipboard, or particleboard.
  - 2. Wood, as defined above, may also be used for shelving temporary structure.
  - 3. Tarps, which are utilized on temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this Ordinance. All tarps not complying with this ordinance shall be removed.
- B. All temporary structures shall be removed upon expiration of the time limit stated on the Temporary Structure permit.
- C. If the structure is not removed by the expiration date stated on the permit, the City shall remove the structure without further notice to the owner and shall charge the cost of the removal to the owner. At the time the permit is issued, the Building Inspector or his designee shall provide the owner with a copy of this Ordinance. The owner or occupant of the temporary structure shall sign

the permit, which will serve as an acceptance of service, which will constitute sufficient notice that the structure is not to be placed for more than 30 days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.

- D. In the event that a structure erected pursuant to this Section is not removed by the expiration date and the City is forced to make repeated contacts with the owner of the property upon which the structure is erected or the individual who applied for the permit, the Building Inspector shall not issue subsequent permits under this Section to the owner of the property for the location unless the Building Inspector has reached an agreement with the owner of the property to assure the owner's future compliance with any temporary structures erected at that location.
- E. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public alley. (Exception: When the property owner provides a permanent barrier which is a minimum height of 5'0" between the temporary structure and the public right of way, the temporary structure may be placed closer than 5'0" to the public right of way. No sales may be permitted through the permanent barrier.)
- F. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Sturgis or the laws of the State of South Dakota.
- G. Temporary structures may not be used for housing permanent or seasonal businesses.

*The following are excerpts from the complete ordinances, to find complete and most updated Title 11 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2011%20Health%20and%20Sanitation%200710.pdf>*

**TITLE 11  
HEALTH AND SANITATION**

**Chapter 11.01  
GENERAL PROVISIONS**

**11.01.01: SCOPE AND PURPOSE**

The purpose of Title 11 is to regulate certain materials and actions within the City that raise an issue of health and sanitation. Said actions include but are not limited to the dumping, disposal, and collection of waste materials, regulation of sewers, and regulation of persons, businesses and establishments that may pose a health and sanitation issue.

**11.01.02: DEFINITIONS (Excerpts from)**

**BODY PIERCING:** Placement of a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician.

**BODY PIERCING AREA:** Within a body piercing establishment, the immediate vicinity where body piercing is performed.

**BODY PIERCING ARTIST:** An adult (not a minor) who engages in the practice of body piercing.

**BODY PIERCING ESTABLISHMENT:** The building or structure where body piercing is practiced.

**COMMUNICABLE DISEASE:** A disease which is capable of being transmitted from person to person.

**COOKING GREASE:** The substance created by the melting of the fat of animals and other waste that turns or may turn viscous or solidifies with a change of temperature conditions.

**FLOATABLE OIL:** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. Wastewater shall be considered floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

**GARBAGE:** Cans, bottles, ashes, kitchen refuse, and/or an accumulation of animal and vegetable matter which attends the preparation, cooking and eating of food, cans, bottles, and ashes.

**GREY WATER:** Any water generated by a vendor that contains no human waste.

**PERMANENT BODY PIERCING ESTABLISHMENT: A building where body piercing is practiced on a year-round basis exceeding thirty (30) consecutive days in a calendar year.**

**SANITARY SEWER:** A sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**SEWAGE:** The spent water of the community. The preferred term is wastewater.

**SEWER:** A pipe or conduit that carries wastewater or drainage water.

**SEWER USE CHARGE:** The monthly charge to all users of the wastewater facilities which is based upon sewage volume, strength, and/or flow.

**SHARPS:** Needles, punches, or any other single use item for piercing skin.

**TEMPORARY BODY PIERCING ESTABLISHMENT:** A building or structure where body piercing is practiced for not more than thirty (30) consecutive days in a calendar year.

**USED OIL:** Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

**USED OIL GENERATOR:** Any person whose act or process produces used oil or whose acts first causes used oil to become subject to regulation.

**WASTEWATER:** The spent water of the community. It may be a combination of the liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and/or storm water that may be present.

### **11.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

## **Chapter 11.04 COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH**

### **11.04.21: SANITATION FEE**

A sanitation fee in the amount of One Hundred Seventy-five Dollars (\$175.00) shall be imposed and collected for additional garbage and public collection disposal and for the provision of the temporary sanitation services within the City during any special event of over four (4) days in duration.

The owner of each establishment set forth below shall pay the sanitation fee prescribed above for the sanitation provided by the City during any special event of over four (4) days duration. Said fee shall be added to the next utility billing following the special event as shown by the records of the

Sturgis Water Department. The fee prescribed is for a maximum twelve (12) day period. Said fee shall be imposed and collected from the following establishments:

- A. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty (30) persons or less. (License Type 150)
- B. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty-one (31) persons or more. (License Type 150)
- C. Food service establishment which is not required to be licensed under the statutes and regulations of the South Dakota State Department of Health. (License Type 150)
- D. Establishments licensed pursuant to SDCL 35-4-2 (16) or SDCL 34-4-11, selling On-Sale Malt Beverages. (License Type 150)
- E. Establishments licensed pursuant to SDCL 35-4-2(17) selling Off-Sale or packaged Malt Beverages. (License Type 150)
- F. On-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(4).
  - i. (License Type 150)
- G. Off-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(3). (License Type 150)
- H. Temporary campground licensed by the State of South Dakota. (License Type 150)
- I. Business establishment not required to purchase a transient merchant's license required under The Sturgis City Ordinances where property has been modified and goods or services are provided in addition to or different from what is normally sold from property (food service establishment will be regulated under Section 1, 2, and 3). Fee is for each separate sales or service activity. (License Type 150)
- J. Any non-profit organization which sells raffle tickets or lottery tickets except those non-profit organizations established for religious, charitable or benevolent purposes as set forth in Section 501 of the Internal Revenue Code. Said exception shall only apply to those non-profit organizations that can prove qualifications under Section 501 and compliance with the notice provisions of SDCL 22-25-25(6).

Said sanitation fee shall be imposed for any other activity including, but not limited to, musical shows, demonstrations, or productions with two or more showings or sessions held during any event of over four (4) days in duration and not provided for above.

The Public Works Director and the Building Inspector shall have the right to charge rates in excess of the above rates set forth above on an individual basis, depending upon the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit or storage of the refuse prior to collection.

The sanitation rates set forth above shall be imposed regardless of whether the business is operated on a “not for profit” basis or otherwise. Any sales by youth ages fifteen (15) and under of lemonade or similar products and incidentals thereto, on property upon which the youth reside are exempt from the provisions of this ordinance.

## **Chapter 11.05 SEWERS**

### **11.05.01: UNSANITARY DEPOSIT PROHIBITED**

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City any human or animal excrement, garbage or objectionable waste.

### **11.05.02: DISCHARGE OF WASTEWATER IN NATURAL OUTLET PROHIBITED**

No person shall discharge to any natural outlet within the City any wastewater or other polluted waters, except in the case where suitable treatment has been provided in accordance with this Chapter.

## **CHAPTER 11.06 REGULATION OF TATTOO PARLORS**

### **11.06.01: VENDOR’S LICENSE REQUIRED FOR TEMPORARY BUSINESS**

No person shall operate or maintain a temporary place of business or tattoo parlor which performs tattooing on the human body in the City without having first applied for and received a vendor’s license from the Finance Office. Any place of business that operates a tattoo parlor or any person who performs tattoos in a “temporary operation” only is considered a “temporary business”.

The license issued by the Finance Office shall be for a period not to exceed twelve (12) days. The City Finance Office shall give the vendor’s license to the City’s designee who shall then go upon the premises of any person and/or business performing tattooing to insure that the provisions of this Chapter are being followed. If all applicable regulations are being followed, the City Health Officer shall then issue the vendor license to the person or business performing the tattooing.

### **11.06.02: COST OF LICENSE**

The cost of the vendor’s license shall be Six Hundred Dollars (\$600.00) per person performing tattooing services at each location. Said fee shall include all sanitation fees.

### **11.06.03: CLASSIFICATIONS OF TEMPORARY BUSINESS**

There shall be two categories of temporary businesses. A Class A temporary business is one established for a period of three (3) days or less or does not operate during an event with duration of four (4) days or more. A Class B temporary business is one established for a period of four (4) days or more. A business operated more than six (6) months in one place by the same person shall be deemed a “permanent business”, but one discontinued within six (6) months thereafter shall prima facie be presumed a temporary business and its operator a vendor.

#### **11.06.04: ADOPTION OF STATE STATUTES AND REGULATIONS**

The standards set forth in SDCL 9-34-17 and ARSD 44-12-01 shall constitute the standards for tattooing in the City.

### **Chapter 11.07 REGULATION OF BODY PIERCING ESTABLISHMENTS**

#### **11.07.01: PERMIT REQUIRED**

No person shall operate or maintain a temporary or permanent place of business which performs body piercing on the human body in the City without first having applied for and received a permit therefore. In the case of a temporary place of business, a vendor's license shall also be obtained from the Finance Office. Any place of business that operates a body piercing establishment or a person who performs body piercing in a temporary operation only is considered a temporary business.

#### **11.07.02: RESTRICTED ACTIVITIES**

No body piercing artist may engage in the practice of body piercing while under the influence of alcohol or other mind-altering substances.

Any body piercing artist who knowingly has an infectious disease in a communicable state may not body pierce a patron. Infectious diseases include but are not limited to rashes, skin lesions, boils, and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection.

Any body piercing artist may not body pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.

No body piercing artist may body pierce a patron who is under the influence of alcohol or other mind-altering drugs.

#### **11.07.03: CONSENT AND STATEMENT REQUIRED**

Any body piercing artist may not body pierce a patron without first obtaining a signed consent from said patron. The consent shall include a statement by the patron that he or she is free from infectious or contagious disease in a communicable stage, including but not limited to rashes, skin lesions, boils and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection.

#### **11.07.04: RESTRICTIONS REGARDING MINORS**

Minors are prohibited from participating in the practice of body piercing.

No body piercing artist shall pierce a minor unless the minor's parents have signed a consent form authorizing the body piercing. Any body piercing artist shall conspicuously post a notice stating that

it is illegal to body pierce any person under the age of eighteen (18) without the parent's written consent.

#### **11.07.05: BODY PIERCING ARTIST'S REQUIREMENTS FOR FACILITIES**

Any body piercing establishment shall be a minimum of sixty (60) square feet for one body piercing artist and an additional forty (40) square feet for each additional artist. A body piercing establishment shall be physically separated from other facilities used for practices other than body piercing or tattooing.

Floors and walls of the area shall be smooth, easily cleanable, nonabsorbent and in good repair. Ceilings above the body piercing area shall be smooth, easily cleanable and in good repair.

A minimum of thirty (30) foot-candles of light shall be provided for body piercing and a minimum of ten (10) foot-candles for general lighting.

An easily accessible hand washing facility supplied with warm, potable running water shall be provided in or directly adjacent to the body piercing area. Each hand washing facility shall be provided with liquid soap and single use paper towels.

Toilet facilities shall be available for employee and patron use.

Tables, chairs and other general use equipment shall be constructed of plastic, metal with enamel or porcelain costing or stainless steel. General use equipment shall be maintained in an easily cleanable condition.

Covered waste containers with single use plastic liners shall be provided.

Animals other than guide dogs are prohibited in body piercing establishments.

Smoking, eating and drinking shall be prohibited within ten (10) feet of the body piercing area. Except for beauty salons, body piercing establishments shall not be used for activities which are not directly associated with the practice of body piercing or tattooing.

Any body piercing establishment shall be maintained in a clean, sanitary, vermin-free condition and in good repair.

Any body piercing artist shall wear clean, laundered clothing and shall bathe daily.

#### **11.07.06: INSPECTIONS**

Any body piercing establishment shall be inspected at least annually by a designated health authority to determine compliance with this Chapter.

#### **11.07.07: REQUIRED EQUIPMENT**

Any body piercing artist shall have the following minimum equipment:

- A. One gallon each of germicidal soap, isopropyl alcohol and distilled water for prepping skin;
- B. Three Hundred (300) disposable latex or vinyl gloves;
- C. Access to the applicable sterilization and sanitization measures in this Chapter;
- D. Closed dustproof containers for the exclusive storage of instruments;
- E. Gauze and bandages; and
- F. Any other equipment required for compliance with any Section of this Chapter.

#### **11.07.08: COMMUNICABLE DISEASE REPORTING**

Any body piercing artist shall immediately report to the South Dakota Department of Health any known or suspected communicable disease.

#### **11.07.09: RECORD OF PATRONS**

Any body piercing artist shall keep a record of each patron. Said record shall include the name, address and age of each patron and shall have attached thereto the consent form with medical inquiry and the locations and descriptions of the body piercings. Said record shall be available for inspection and kept for a period of at least two (2) years.

#### **11.07.10: STERILIZATION**

All piercing equipment including but not limited to forceps, needles, snap gun and punches, shall be sterilized by using the method of steam pressure sterilization with at least fifteen (15) pounds of pressure per square inch for at least thirty (30) minutes at a temperature of two hundred fifty (250) degrees Fahrenheit. Said temperature requirement shall be certified by a chemical indicator attached to the autoclave bag, which turns color when the appropriate temperature has been reached.

Any body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested and passed on a monthly basis. Dry heat is not an acceptable method of sterilization for the purposes of this Chapter. (Check 44:12:01:10)

All sterile equipment and supplies shall be stored in a closed dustproof container in such a manner as to prevent being contaminated. Forceps and other equipment shall be packaged prior to autoclaving either individually or in quantities for individual body piercing.

Packages containing equipment which has been autoclaved shall be dated with an expiration date. The expiration date shall not exceed thirty (30) days from the date autoclaved. Sterile equipment shall not be used after the expiration date without being resterilized.

Any surface, counter and/or general use equipment in the body piercing area shall be cleaned and sanitized before a patron is seated.

### **11.07.11: APPROVED METHODS FOR IMMERSION OF SOILED EQUIPMENT**

The following methods are approved for immersion of soiled equipment such as instruments and straightedge razors prior to cleaning and sterilization:

- A. Immersion in Glutaraldehyde 2% solution mixed according to manufacturer's instructions. Minimum contact time shall be ten (10) minutes. Thorough rinsing of equipment is required after use. Gloves shall be worn as solution may cause chemical burns on the skin.
- B. Immersion in a 500 ppm solution of chlorine. This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to two (2) teaspoon bleach per quart of water. A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily and may corrode metal instruments.
- C. Immersion in a solution of 70% isopropyl alcohol for a minimum of ten (10) minutes. Said solution is flammable, and shall be used and stored in a cool, well-ventilated area.
- D. Immersion in a Phenolic germicidal detergent solution for a minimum of ten (10) minutes. Said solution shall be mixed according to manufacturer's instructions.
- E. Immersion in an Iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time shall be ten (10) minutes. Said solution may stain instruments.

After immersion in any of the above solutions, instruments, needles, tubes, razors or similar equipment shall be thoroughly cleaned, rinsed with warm water, dried thoroughly and individually packaged for sterilization as described in this Chapter.

### **11.07.12: APPROVED METHODS FOR CLEANING**

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls and chairs:

- A. Application of any EPA approved Quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions shall be according to manufacturer's instructions.
- B. Application of Phenolic germicidal detergent solution mixed according to manufacturer's instructions. Care shall be taken, as solution may cause skin irritation.
- C. Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to ½ teaspoon bleach per quart of water. A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily.

If spray bottles are used for application of these solutions, the following procedure shall be followed: each time the bottle needs refilling, any remaining old solution shall be discarded, the bottle rinsed and fresh solution poured into the spray bottle. Fresh solution shall never be added to remaining old solution.

### **11.07.13: NEEDLE CONSTRUCTION**

Any needles shall be either stainless steel or nickel plated carbon steel. Needles shall be a single serve item and shall be destroyed after one use. Rusty or faulty needles shall not be used for body piercing.

### **11.07.14: SNAP GUN PIERCING**

Snap gun piercing is restricted to the non-cartilaginous lobule portion of the ear. The gun shall be disinfected after each use with Glutaraldehyde 2% solution as noted in Section 11.07.11 or a disinfectant that will kill HIV and hepatitis virus, including but not limited to the following:

Let's Touch:	Benzyl-p-chlorophenol - 5.25% Phenyl phenol - 1% Inert ingredients - 93.75%
Ultracare:	Alkyl dimethyl benzyl ammonium chloride – 2.25% Alkyl ammonium chloride – 2.25% Inert ingredients – 95.5%
Barbicide Plus:	Sodium ortho benzyl para chlorphenate – 4% Sodium ortho phenzyl phenol – 2.85% Sodium para teriarzy aurylphenace – 2.49% Inert ingredients – 90.29%

### **11.07.15: RAZOR REQUIREMENTS**

Razors shall be disposable, single-use only. Single-use razors shall be used for one patron only and shall be discarded thereafter.

### **11.07.16: LINEN CLEANING AND STORAGE**

Cloth towels, robes and similar items used in conjunction with body piercing shall be laundered in a washing machine with hot water, laundry detergent and chlorine bleach between uses. A closed, dustproof container shall be provided for the storage of clean towels and linen. A hamper or similar receptacle shall be provided for the storage of oiled towels and linen.

### **11.07.17: HYGIENIC PRACTICE**

Each body piercing artist shall use antiseptic techniques at all time in the practice of body piercing. A body piercing artist shall scrub his hands with liquid soap and water thoroughly before beginning preparation to body pierce. Hands shall be dried with individual single use towels. At all times when preparing the skin while performing the actual body piercing, the body piercing artist shall wear latex or vinyl gloves, which shall be discarded upon completion of the body piercing.

#### **11.07.18: SKIN PREPARATION**

The skin area to be body pierced shall be shaved if needed and shall be washed with tincture of green soap or a similar antiseptic soap and water, rinsed, dried, then washed with 70% isopropyl alcohol. A single use gauze pad or tissue shall be used for washing the skin. Any single use product shall be discarded as it is used and becomes contaminated.

#### **11.07.19: USE OF STYPTICS**

Styptics, if used to arrest bleeding, shall be used only in liquid or powder form and shall be applied with cotton swabs or gauze which shall be immediately discarded.

#### **11.07.20: CARE OF PIERCED AREA**

Any body piercing artist shall provide complete instructions as to the care of the pierced area to each person to whom he or she provides piercing services.

#### **11.07.21: STORAGE OF SOILED EQUIPMENT**

Upon completion of body piercing, a body piercing artist shall immerse the equipment in an effective sanitizing solution, as identified in Section 11.07.11 until said equipment can be cleaned and sterilized.

#### **11.07.22: DISPOSAL OF CONTAMINATED PRODUCTS**

Gauze, cotton swabs or other single use products which are contaminated with body fluids shall be sealed. When needles or other multiple use products used in conjunction with the practice of body piercing are disposed of, they shall be securely sealed. Any Sharp's container for used needles or other contaminated sharps shall be stored or disposed of separately from other waste material.

#### **11.07.23: LICENSE REQUIRED FOR TEMPORARY FACILITIES**

Any person intending to operate a temporary body piercing establishment within the City for more than four (4) consecutive days in any twelve (12) day time span shall be required to purchase a vendor's license for each structure, stand, location or place for each artist performing body piercing. Said vendor's license shall be obtained from the Finance Office by following the applicable provisions of Title 3 Chapter 3.01.

An artist may apply for both body piercing and tattooing under the same licensure fee as long as the provisions under each respective ordinance are met.

#### **11.07.24: HEALTH OFFICER TO ISSUE LICENSE**

Upon completion of the application process set forth above, the Finance Officer shall give the vendor's license to the State Health Officer or his designee, who shall go upon the premises of any person performing body piercing to insure that the provisions of this Chapter are being followed. If the business is in compliance with all City Ordinances and State and Municipal regulations, the City Health Officer or his designee shall then issue the vendor's license to the person performing body piercing services at each location.

## **11.07.25: ASSISTANCE OF DEPARTMENT OF HEALTH**

The City may enlist the assistance of the South Dakota Department of Health to ensure that all provisions of this Chapter are being followed.

### **Chapter 11.08 DISPOSAL OF WASTE MATERIALS GENERATED BY VENDORS**

#### **11.08.01: APPLICATION**

Any landowner who rents or leases to any vendor, including but not limited to, any temporary food service establishment, motorcycle wash, oil changer, tattoo artist, and/or body piercer, shall be jointly responsible with the vendor for the disposal of waste as hereinafter set forth. The landowner and vendor shall be jointly responsible for completion of a Waste Collection & Disposal Form provided by the Engineering and Inspection Department. Said form shall be submitted to the Finance Office before any vendor may be issued a Transient Merchants License from the City.

The Waste Collection & Disposal Form shall include the following information:

- A. The name of the landowner;
- B. The location of the property upon which the vendor will be located;
- C. The name and address of the vendor;
- D. The name of the vendor's business;
- E. The name, address, contact person, and phone number of the agency responsible for collection and disposal of any cooking grease and/or used motor oil; and
- F. The landowner's signature and date signed.

#### **11.08.02: RESPONSIBILITY FOR DISPOSAL OF COOKING GREASE**

Any property owner subject to this Chapter shall be jointly responsible with the vendor to contract with a license hauler who runs an approved recycling facility to pick up and dispose of the collected cooking grease. No person shall dispose of any cooking grease into any port-a-pots, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land.

For purposes of this Section, an approved recycling facility shall be a recycling facility approved by the Department of Environment and Natural Resources.

#### **11.08.03: RESPONSIBILITY FOR DISPOSAL OF GREY WATER**

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately dispose of any grey water generated by the vendor into a legal discharge point.

Legal discharge points shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs. No person shall dump any grey water into any port-a-pot, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land.

All motorcycle washes must have an approved water containment system.

#### **11.08.04: RESPONSIBILITY FOR DISPOSAL OF LEAKING WATER SUPPLY LINES**

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately collect and dispose of any leaking water from supply lines into a legal discharge point.

Legal discharge points shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs.

#### **11.08.05: MEDICAL AND BIO HAZARDOUS WASTE**

Medical and bio hazardous waste shall be disposed of as set forth in Title 34 of the South Dakota Codified Laws and ARSD Titles 44 and 74.

#### **11.08.06: RESPONSIBILITY FOR DISPOSAL OF USED MOTOR OIL**

Any property owner subject to this Chapter shall be jointly responsible with the vendor, oil changer, handler, and/or any used oil generator located upon the owner's property to contract with a used oil transporter or marketer who runs an approved used oil collection center to pick up and dispose of the collected used oil.

For purposes of this Section, an approved used oil collection center shall mean any site or facility that is registered, licensed, permitted, and/or recognized by the State of South Dakota, Meade County, or the City to manage used oil and accepts, aggregates and stores used oil collected from used oil generators in compliance with 40 CFR Chapter 7.

The Finance Office shall have available to the public, a list of the transporter/marketers available in the area for collection of used motor oil.

#### **11.08.07: APPLICATION TO OIL CHANGING OPERATIONS**

Any oil changers, handlers and/or used oil generators, whether during the annual Motorcycle Rally or at any other time of the year shall be subject to this Chapter. Any oil changers and handlers of used oil shall be subject to the requirements set forth in 40 CFR Part 279 of the Code of Federal Regulations which are hereby incorporated herein as though fully set forth and any other applicable state or federal law, rule or regulation.

#### **11.08.08: USED OIL STORAGE**

Any oil changers, handlers and/or used oil generators, including but not limited to those storing containers in above-ground tanks shall only use receptacles that are in good condition and said receptacles shall not have any severe rusting, apparent structural defects, deterioration, or any visible leaks. Containers in above-ground tanks used to store oil at any location within the City shall be labeled and marked clearly with the words "used oil".

*The following are excerpts from the complete ordinances, to find complete and most updated Title 12 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2012%20General%20Nuisances.pdf>*

**TITLE 12  
GENERAL NUISANCES**

**CHAPTER 12.01  
GENERAL PROVISIONS**

**12.01.02: DEFINITIONS**

**INDECENT:** Conduct or language patently offensive in its content or application.

**LICENSED PREMISES:** Any premise which is licensed to allow sexually oriented performing and which is licensed for the sale of alcoholic beverages.

**LICENSEE:** Any person, association, partnership, corporation, club, or other entity which is licensed to allow sexually oriented performing and who possesses a license for the sale of alcoholic beverages.

**NUDITY:** The showing of the human male or female genitals with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernable turgid state.

**PATRON:** Any person present on licensed premises that is not in the employ of the licensee.

**PERFORMER/ENTERTAINER:** Any person who is present on licensed premises with the consent of the licensee for the purpose of entertaining any patrons on the premises, and who is licensed to perform such entertainment. This term includes those who are paid to perform as well as those as who are not paid.

**SEXUAL CONDUCT:** Any act of masturbation, sexual intercourse, or other physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the breast.

**SEXUALLY ORIENTED PERFORMER:** Any person who wears the fully opaque covering required by this Title, but who could not be described as "fully clothed", and who includes in his/her performance, activities, or body movements which are not only provocative or "sexually excitable" as that term is defined in SDCL 22-24-27 (15), but which are also without serious literary, artistic, political, or scientific value.

**STAGE:** That portion of the licensed premises in which an entertainer may perform and which may not, during any such performance, also be occupied by any patron who has not been specifically invited on stage by the performer to participate in the performance.

**12.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law. In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

## **CHAPTER 12.10 INDECENT ACTS**

### **12.10.01: INDECENT EXPOSURE**

No person shall appear in any public place or places exposed to public view in the state of nudity.

No person shall appear in any public place or places exposed to public view with his or her genitals or the female breast covered with paint or any similar substance without also having the genitals or breasts covered with a full opaque covering. Paint or any similar substance does not qualify as a full opaque covering as discussed in this Section.

### **12.10.02: INDECENT ACT**

No person shall commit any indecent act in a public place or a place exposed to public view.

### **12.10.03: INSULTING FEMALES**

No male person shall make any impudent, insulting or licentious advance or salutation to any female person upon any street, or in any store or other public place.

## **CHAPTER 12.11 REGULATION OF SEXUALLY ORIENTED PERFORMANCES AND PERFORMERS**

### **12.11.01: PROHIBITED ACTIVITIES ON LICENSED PREMISES**

No performer while on the licensed premises and in the presence of any other person shall perform any one or more of the following:

- A. Fail to conceal with a fully opaque covering the sexual parts of his/her body, to include the genitals, and the nipple and areola of the female breast;
- B. Expose any devise, costume, or covering, which gives the appearance of, or simulates, the genitals, pubic area, or the nipple and areola of the female breast; or
- C. To move or behave in a manner which constitutes sexual conduct.

### **12.11.02: CONTACT BETWEEN ANY PERFORMER AND PATRON**

No patron shall have physical contact with any performer during the course of a performance on licensed premises except under the following conditions:

- A. The performer shall have invited the patron to participate in the performance; and

- B. The contact, which takes place, does not involve any act by the patron or performer that is prohibited by this Chapter.

### **12.11.03: PERFORMANCE IN POSTED DESIGNATED AREAS ONLY**

No performer shall perform on the premises of a licensed business in any area other than that which the licensee has designated as the stage.

Any licensee shall post in a location clearly visible to patrons a written designation of the stage area on the premises.

Any stage shall be separated from the general area of the premises by a barrier or railing, the top of which shall be at least three (3) feet above floor level. No stage shall be larger than two hundred (200) square feet.

Any stage shall be located inside the premises of the licensed business in an enclosed area not visible to any person located outside of the licensed premises.

### **12.11.04: LICENSE REQUIRED FOR PREMISES**

No person shall operate a business where there is sexually oriented performing without a valid license issued by the Police Department or employ or allow a person to perform on the premises who is not licensed as a sexually oriented performer.

To obtain a business license authorizing sexually oriented performances, the business owner shall make application to the Police Department on a form prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Chapter. The application shall be signed under oath by the applicant and notarized. The application shall include and/or be accompanied by the following information:

- A. The name, telephone number and mailing address of the owner of the business making application;
- B. The name, telephone number and address of the business in which the performing is intended;
- C. If any prior license or permit has been denied, revoked or suspended, the reasons therefore and the effective date of such revocation or suspension;
- D. The name and address of the statutory agent or other agent authorized to receive service of process on behalf of the business; and
- E. Any other information determined to be necessary and relevant to the application process by the Chief of Police.

The application process shall be conducted at the Police Department. It shall be the responsibility of the applicant to contact the Police Department to obtain an appropriate date and time to complete the application process with the Police Department. If said applicant meets all qualifications and complies with all requirements of this Chapter, the Police Department shall issue the license within thirty (30) days of the date of the application.

### **12.11.05: LICENSE REQUIRED FOR SEXUALLY ORIENTED PERFORMER**

No person shall perform as a sexually oriented performer without a valid license. To obtain a sexually oriented performer license, the applicant shall make application to the Police Department on a form prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Chapter. The applicant will be signed under oath by the applicant and notarized. The application shall include and/or be accompanied by the following information:

- A. The applicant's full, legal name and any other names used in the preceding five (5) years;
- B. Current residential mailing address and telephone number;
- C. Written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency;
- D. If any prior license or permit has been denied, revoked or suspended the reasons therefore, the issuing jurisdiction and the effective date of such revocation or suspension;
- E. Any criminal charges, complaints, information, or indictments in the preceding five (5) years which resulted in a conviction, a plea of guilty, or no contest for any offense described in Chapters 22-22, 22-23, 22-24, of the South Dakota Codified Laws; and
- F. Any other information determined to be necessary and relevant to the application process by the Chief of Police.

The application process shall be conducted at the Police Department. It shall be the responsibility of the applicant to contact the Police Department to obtain an appropriate date and time to complete the application process with the Police Department. If said applicant meets all qualifications and complies with all requirements of this Chapter, the Police Department may issue the license the day the application is completed and all requirements of this Chapter complied with and in no event shall the Police Department wait any longer than thirty (30) days to either issue the license or advise the applicant of the denial of said issuance.

### **12.11.06: BASIS FOR DENIAL OF LICENSE**

The Police Department shall approve or deny the issuance of a license to an applicant for a sexually oriented business license or a sexually oriented performer license. The Police Department shall not approve the issuance of a license in the event one or more of the following is found to be true:

- A. The applicant is under eighteen (18) years of age;
- B. The applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant, in relation to a sexually oriented business or arising out of any other business activity owned and operated by the applicant and licensed by the City;
- C. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- D. The applicant has been convicted of a violation of a provision of this Chapter, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall be of no effect;

- E. The license application fee required by this Chapter has not been paid;
- F. The applicant or the proposed establishment is in violation of or is not in compliance with this Chapter or any other City Ordinance; or
- G. The applicant has been convicted of any of the offenses set forth in SDCL 22-22, 22-23, or 22-24;

#### **12.11.07: FEES**

The annual, non-refundable application fee for a business allowing sexually oriented performing shall be Two Hundred and Fifty Dollars (\$250.00). The annual application fee for a sexually oriented performer shall be One Hundred Dollars (\$100.00).

*(12.11.07 fees amended effective 3/31/07, Ordinance 2007-06)*

#### **12.11.08: DISPLAY OF LICENSE**

The license for a business allowing sexually oriented performing shall be displayed in a place clearly visible to the public and law enforcement.

#### **12.11.09: INSPECTION**

Any applicant, operator or licensee shall permit law enforcement officers, and any other federal, state, county, or city agency in the performance of any function connected with the enforcement of this Chapter, normally and regularly conducted by such agency, to inspect the premises of the business for the purpose of ensuring compliance with this Chapter, at any time it is occupied or open for business.

No licensee, operator, or employee of such a business shall refuse to permit a law enforcement officer or any agency enumerated in this Section to inspect the premises at any time the premises is occupied or open for business.

#### **12.11.10: EXPIRATION OF LICENSE**

Each sexually oriented business license and sexually oriented performer license shall expire on December 31<sup>st</sup> of the year issued and may be renewed only by making application as provided in this Chapter.

#### **12.11.11: SUSPENSION**

The Chief of Police shall suspend a business license as herein before set forth for a period not to exceed thirty (30) days if he/she determines that the licensee or an employee of the licensee has:

- A. Refused to allow an inspection of the business premises; or
- B. Has violated any other provision of this Chapter.

#### **12.11.12: REVOCATION**

The Chief of Police shall revoke the license of a business allowing sexually oriented performing if a cause for suspension set forth in the previous section occurs and the license has been suspended in the previous twelve (12) months.

The Chief of Police shall revoke the license of a business allowing sexually oriented performing if it is determined that:

- A. The licensee gave false or misleading information in the application;
- B. The licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- C. The licensee or an employee has knowingly allowed prostitution on the premises;
- D. The licensee has allowed a sexually oriented performer to perform on the premises without having obtained a sexually oriented performer's license as required by this Chapter;
- E. The licensee or an employee knowingly operated the business during a period of time when the licensee's license was suspended;
- F. The licensee has been convicted of an offense set forth in SDCL 22-22, 22-34, or 22-24;
- G. The licensee or an employee has knowingly allowed any act of sexual activity to occur on the licensed premises;
- H. The licensee is delinquent in payment to the City taxes or fees related to the business or arising out of any other business activity owned or operated by the licensee and licensed by the City; or
- I. The licensee has allowed sexually oriented performing to occur on its premises in a manner that is in violation of this Chapter and has failed and/or refused to immediately eliminate the violation.

#### **12.11.13: LIQUOR OR MALT BEVERAGE LICENSE**

Nothing contained in this Title shall be construed to prevent the City from seeking revocation or suspension of a licensee's liquor or malt beverage license for a violation of this Title pursuant to Title 35 of the South Dakota Codified Laws.

#### **12.11.14: APPEAL PROCESS**

Any person aggrieved by a decision of the Chief of Police made under this Chapter shall be entitled to have said decision reviewed by the Chief of Police. If after review the said person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

- A. An aggrieved person shall first file a written request for review with the Police Department setting forth the basis for which he or she believes the Chief of Police's decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the Chief of Police shall review his or her decision and mail a written response to the aggrieved person within five (5) days.
- C. If the aggrieved person is not satisfied with the decision of the Chief of Police following review, he or she may file a notice of appeal with the Police Department.
- D. Upon receipt of a notice of appeal, the Police Department shall notify the City Council and a hearing shall be held within thirty (30) days after the date said appeal was filed. The City Council shall provide notice to the person specifying the time, date, and location of the hearing.

- E. The City Council may notify the aggrieved person of its decision following the hearing, however, the City Council shall issue a written decision to the person within twenty (20) days of the hearing. The City Council may affirm or reverse the decision of the Chief of Police.

#### **12.11.15: VALIDITY IN CASE OF JUDICIAL DECLARATION**

Should any section, clause, or provision of this Chapter be judicially declared to be invalid, the same shall not affect the validity of the remainder of this Chapter.

*The following are excerpts from the complete ordinances, to find complete and most updated Title 13 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2013%20Offenses%20and%20Regulations%20update.pdf>*

**TITLE 13  
OFFENSES AND REGULATIONS**

**CHAPTER 13.01  
GENERAL PROVISIONS**

**13.01.01: SCOPE AND PURPOSE**

The purpose of this Title is set forth certain unlawful actions and the penalty therefore, violation of which shall be enforceable within the City and one mile thereof.

**13.01.01: DEFINITIONS**

**PUBLIC PLACE:** Any place whether within or without a building commonly and customarily open to or used by the general public and any street, highway, alley or sidewalk.

**13.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**CHAPTER 13.02  
OFFENSES**

**13.02.01: DISORDERLY CONDUCT**

No person shall intentionally cause serious public inconvenience, annoyance or alarm to any other person or creates a risk thereof by:

- A. Engaging in fighting or in violent or threatening behavior or inciting others to do the same;
- B. Making unreasonable noise or inciting others to do the same;
- C. Disturbing any lawful assembly or meeting of persons without lawful authority, or inciting others to do the same;
- D. Obstructing vehicular or pedestrian traffic;
- E. Failing to obey the lawful order of a lawful order of a law enforcement officer who is acting within the scope of his official duties; or

**13.02.02: CAUSING OR ENGAGING IN A RIOT**

No person shall cause or engage in a riot or incite a mob to destroy property or injure persons, nor shall any person commit or suffer to be committed in any house or building or premises by him occupied any rioting, quarreling, fighting, reveling, drunkenness, loud or boisterous conduct calculated to or which disturbs the neighborhood or annoys any person.

**13.02.03: RESISTING, ASSISTING TO RESIST, ESCAPING FROM OR ASSAULTING AN OFFICER**

No person shall in any way willfully resist, or aid or assist any person to resist or to escape from any law enforcement officer, or to assist any person to assault any law enforcement officer, or shall in any way interfere with a law enforcement officer, in making an arrest or in the discharge of his duties.

**13.02.04: IMPERSONATING AN OFFICER**

No person not duly authorized to exercise the duty conferred by Ordinance upon police officers of this City, shall wear a police officer's badge, or represent himself as being a police officer, or attempt to exercise the duties of a police officer.

**13.02.05: LURKING ABOUT PREMISES**

No person shall lurk or wait or conceal himself in or about any house or other building, or in or about any yard, street, alley or other public place, who being so found shall be unwilling or unable to give an explanation for his conduct consistent with a legitimate purpose.

**13.02.06: HINDERING OR MOLESTING PASSERBY**

No person shall upon any street, or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture or noise molest, annoy or insult or put in fear any person passing or attempting to pass on such street, alley or sidewalk or through the entrance to such buildings.

**13.02.07: PLAYING IN STREETS**

No person shall fly any kite, play any game, or engage in any exercise which obstructs or interferes with the use of the streets for traffic or passage, or endangers the safety and lives of those thereon.

**13.02.08: TRESPASS AND UNAUTHORIZED USE OF PROPERTY**

No person shall lodge, use or occupy any barn, garage, shed, shop or other house or building or structure or any automobile, truck, railroad car or other vehicle without permission of the owner or person entitled to possession.

No person shall camp or otherwise lodge in any public way, park or place which is not specifically designated as an area authorized for camping or other lodging.

No person shall knowingly enter upon any privately owned real property which is not open to the use of the public, unless he has first obtained the consent of the owner or person in possession or control thereof.

### **13.02.09: OPEN CONTAINERS**

No person shall consume, mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place excluding the property of the Sturgis Municipal Park and excluding upon the premises of a licensed on-sale dealer, where such alcoholic beverages were purchased from such dealer for on-sale purposes.

No person shall possess in any public place other than upon the premises of a licensed on-sale dealer, any glass, can, bottle or other container, containing an alcoholic beverage on which the seal has been broken.

No person shall throw, cast or otherwise put in motion, any bottle, can, glass or any other container, at any other person or vehicle, whether moving or parked, or to dispose of or deposit any bottle, can, glass or other container upon any street, alley, highway, sidewalk or park.

The City Council may by resolution, after a duly noticed public hearing, close off an area of a public street for special events. In the event that any area of a public street is closed by resolution duly passed by the City Council, said area shall not be construed as a "public place" as that term is defined in Section 13.01.01 of this Title and the restrictions upon open containers set forth in this Section shall not be enforced within said area during the timeframe of closure set forth in the resolution. The timeframe of the closure set forth in the resolution may not exceed twenty four (24) hours, and the hours of authorized consumption shall not exceed those permitted for on-sale licensees.

Any person requesting the closure of an area of a public street may do so by making application to the City Finance Office on a form to be provided by the City and paying a fee of Fifty Dollars (\$50.00). Said application shall include and/or be accompanied by the following information:

- A. The applicant's name, address and phone number;
- B. A detailed description of the area of street the applicant is requesting be closed;
- C. The date and time for which the applicant is requesting closure; and
- D. The purpose for which the closure is being requested.

Upon receipt of an appropriately completed application and fee, the Finance Officer shall set a public hearing and give notice of the hearing by publishing notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing.

### **13.02.10: USE OF MECHANICAL AND ELECTRONIC SOUND AMPLIFICATION DEVICES**

No person shall project their voice, or any type of sound, through a sound amplification device so as to disturb the public peace or decorum or to use such device to incite others to violate the Ordinances of the City or the statutes of the State of South Dakota, or to use such device in uttering profane, obscene, indecent or threatening language.

### **13.02.11: MOTORCYCLE AND AUTOMOBILE DYNAMOMETERS**

No person shall operate a motorcycle or automobile dynamometer within the City without first obtaining a permit from the Sturgis Police Department. Application for said permit shall be made to the Sturgis Police Department. Any applicant shall provide the following information:

- A. Name and address of responsible person;
- B. Desired location of the dynamometer;
- C. Name and address of the owner of the real property upon which the dynamometer is proposed to be placed; and
- D. The dates the dynamometer will be in operation.

There shall be no fee for any permit issued pursuant to this Section. The Chief of Police and the Building Inspector shall perform an investigation based upon the information provided by the applicant to determine whether the permit should be issued. Said investigation shall include observing the proposed location, including its distance from any residential district; interviewing the responsible person to determine if all steps have been taken to minimize the noise created by the dynamometer, and checking for any prior complaints involving the applicant.

Any dynamometer shall only be operated between the hours of 9:00 a.m. and 9:00 p.m.

The permit issued pursuant to this Section shall be presented to the Finance Officer before issuance of any Vendor/Transient Merchant License for any business involving a dynamometer.

### **13.02.12: PEDESTRIAN INTERFERENCE AND AGGRESSIVE SOLICITATION**

No person shall interfere with pedestrian traffic or free movement of pedestrians within the City, nor interfere with vehicle traffic within the City by Solicitation, Aggressive Solicitation or through any other prohibited activity. It is the City's intent to fairly and reasonably balance the need provide for safe pedestrian and traffic movement with interest of the public in the exercise of those rights secured by the Constitution of the State of South Dakota.

The Definitions that apply in this chapter are as follows:

A. **AGGRESSIVELY BEG:** To beg with the intent to intimidate another person into providing money or goods.

B. **AGGRESSIVE MANNER:**

- 1) Approaching or speaking to a person, or following a person before, during or after soliciting them, or acting in any other manner intended or reasonably likely to cause a reasonable person to fear bodily harm to themselves or another, or reasonable fear of damage to or loss of property, or conduct otherwise intended or likely to cause a person to be intimidated to give money or anything of value in response;

- 2) Continuing to solicit (from) a person after the person has given a negative response to the act of solicitation;
- 3) Intentionally touching or causing physical contact with another person without that other person's consent while in the course of soliciting;
- 4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- 5) Using violent or threatening gestures toward the person solicited;
- 6) Following the person being solicited, with the intent of asking or intimidating that person so that the person will give over money or other item of value;
- 7) Speaking at a volume unreasonably loud, under the circumstances; or
- 8) Soliciting money or thing of value from a person waiting in line for entry to building or waiting in line for any other purpose.

C. **AUTOMATED TELLER MACHINE.** A device, linked to an account record of a financial institution, which allows a person or customer to carry out transactions at the device, including but not limited to deposits, withdrawals, fund transfers, balance inquiries, payment of loan or other obligations or similar activities.

D. **BEG:** To ask for money or goods for the benefit of another, whether by words, bodily gestures signs or any other means.

E. **FINANCIAL INSTITUTION:** Any bank, credit union, savings and loan or other similar business.

F. **INTIMIDATE:** To engage in conduct or actions which would make a reasonable person fearful for their safety or feel compelled to act against their wishes.

G. **OBSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC:** To walk, stand, sit, lie, or place an object or the person's body in such a manner as to inhibit or interfere with passage by another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of the person's recognized constitutional right to exercise freedom of speech or expression, and acts authorized by a permit issued pursuant to the Exception provision of this subsection, do not constitute obstruction of pedestrian or vehicular traffic.

H. **PEDESTRIAN:** Any person moving or traveling on foot, including any person wearing roller skates or roller blades, riding on a skateboard or riding on an electric personal assistive device.

I. PUBLIC PLACE: An area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those facilities or establishments that serve food or provide entertainment, and including the area of doorways and entrances to those areas or establishments and the grounds immediately surrounding the same. It includes but is not limited to property to which a governmental entity has title or the right to exclusive use or possession, or other property or locations to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, playground, transportation facility, school and school property, place of amusement, park or plaza.

J. ROADWAY: That portion of a street or highway improved and paved and ordinarily used for authorized vehicular travel, exclusive of the berm or shoulder. A limited access highway may include within it two or more such separate roadway areas.

K. SIDEWALK: That area outside the public right of way and the area of a roadway, paved with concrete or a similar surface as set forth at Title 15.04 of these Ordinances, intended for use by pedestrians to travel.

L. SOLICITING: To ask for money, objects of value or a transfer or exchange of any benefit, with the intention that the money, object of value or benefit be transferred, or commence to be transferred, at that time and at that place. Included in this definition is the use of the written, spoken or printed word, bodily gestures, signs or any other means of communication with the purpose of obtaining the prompt transfer, donation or exchange of said money, object of value or benefit or otherwise soliciting the immediate sale of goods or services by the person so communicating.

#### Prohibited Acts.

A. No person shall solicit in an aggressive manner in any public place at any time.

B. No person shall solicit, on any private or residential property, without first having obtained the permission from the owner, lessee or other person lawfully in possession of that property.

C. No person shall solicit within 20 feet of any entrance or exit of any financial institution or 20 feet of any automated teller machine without the consent of the owner or lessee the property or another person legally in possession of the premises.

D. No person shall solicit an operator or other occupant of a motor vehicle.

E. No person shall solicit any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space, or directing the operator or occupant to a public parking space.

F. No person shall solicit in any manner while under the influence of an alcoholic beverage or a controlled substance.

G. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use the funds to meet that need, or does not have that need.

H. No person shall solicit in any public transportation vehicle or at any bus stop or in any public parking lot or public structure.

I. No person shall solicit within 6 feet of an entrance to a building.

J. No person shall solicit within 20 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, the distance shall be measured from the entrance or exit of the telephone booth or facility.

K. No person shall solicit in any manner or fashion at any time before sunrise or at any time after sunset.

L. No person shall solicit within 20 feet of any public restroom facility.

M. No person shall interfere with a pedestrian, and such interference has occurred if, in a public place where the person may otherwise be present, that person:

(1) Obstructs pedestrian or vehicular traffic as set defined in Subsection G herein, or

(2) Acts in a manner that is to beg aggressively, as defined in Subsections A, B and D herein.

N. No person shall solicit at any time or in any manner in the area between the sidewalk and the nearby roadway. If no authorized sidewalk is fully located within eight (8) feet of the edge of the roadway, then no person shall solicit at any time or in any manner within eight (8) feet of the edge of the roadway.

Exemption: By resolution, the City Council may, in the exercise of its discretion, temporarily suspend the provisions imposed by Section 13.02.12 so as to permit an authorized charitable fund raising event.

Severance: If any section, sentence, clause or phrase of this Title is held invalid or determined to be unconstitutional by a court of competent jurisdiction, that holding shall in no way affect the validity of any remaining portions of this section.

**(13.02.12 added effective July 21, 2010, Ordinance 2010-07)**

## **CHAPTER 13.04 PUBLIC SAFETY**

### **13.04.01: DISCHARGING FIREARMS**

No person, except an officer of the law in the performance of his duty, shall discharge any firearm within the City.

### **13.04.02: CONCEALED WEAPONS**

No person, except an officer of the law, or a person licensed under the South Dakota Law or a non-resident of the State possessing a valid permit issued in another State as recognized pursuant to SDCL 23-7-7.4 shall carry concealed about his person any pistol or other firearm, sling shot, brass knuckle or knuckles of other material or any dagger, bowie knife, kirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm.

### **13.04.03: CARRYING: PERSONS UNDER 18**

No person under the age of 18 years shall carry, discharge or shoot off any gun, pistol, rifle, air gun, carbon dioxide gun, bow or any other firearm, or use for any purpose any such device for throwing or forcing through the air missiles or projectiles of any character, upon the street or about or within the City, unless accompanied by his or her parent or guardian.

**(13.04.03 amended effective 3/31/07, Ordinance 2007-08)**

### **13.04.04: RECKLESS DISCHARGE PROHIBITED**

No person shall recklessly discharge or shoot off any air gun, carbon dioxide gun or bow or use in a reckless manner any of the aforementioned for any purpose such as throwing or forcing air missiles or projectiles of any character within the limits of the City.

## **CHAPTER 13.05 OFFENSES TO PROPERTY**

### **13.05.01: MALICIOUS DESTRUCTION OF PROPERTY**

No person shall willfully, maliciously, or wantonly destroy, injure, deface, or remove, without a right to do so, any private or City property or buildings.

### **13.05.02: INJURY TO TREES AND PLANTS**

No person shall willfully, maliciously or wantonly, injure, deface, destroy, uproot or cut down any tree, shrub, grass or flower being or growing upon or along any street, alley, highway or in any public park, or upon any public grounds within the City. Nor shall any person willfully injure or destroy any cultivated fruits or vegetables, crops, shrubs, trees, flowers, grass, hedges, or vines, nor injure or carry off any of the products thereof which are the property of another, unless permission from the owner has been secured.

*The following are excerpts from the complete ordinances, to find complete and most updated Title 15 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2015%20Streets,%20Sidewalks%20&%20Public%20Ways.pdf>*

**TITLE 15  
STREETS, SIDEWALKS, AND PUBLIC WAYS**

**15.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**15.04.01: UNLAWFUL TO OBSTRUCT STREETS AND SIDEWALKS**

No person shall encumber or obstruct any sidewalk, street, public way, public alley, or public ground within the City.

No person shall leave standing or store any vehicle, structure or object in any public right of way, street, sidewalk, or on public ground which obstructs the use of the same.

No person shall permit merchandise to be stored upon any public right of way, street, sidewalk or public ground unless authorized by City Council.

No person shall sell any goods or merchandise upon any public street, alley, sidewalk or public ground unless authorized by City Council.

**15.04.02: HINDERING STREET IMPROVEMENTS**

No person shall hinder or obstruct the employees of the City in lawfully making any improvement in any public street, road, alley, sidewalk, or on any public ground of this City, nor shall any person without proper authority tear up, break, or injure any pavement, cross walk, sidewalk, or other improvement in any public street, road, sidewalk, alley or public ground in the City.

**15.04.03: NO BURNING ON STREETS**

No person shall burn any trash, lumber, leaves, grass, straw or other material of any kind upon, or light or have a fire of any kind upon, or allow any gasoline or petroleum products upon, or place any dirt, trash, or any other kind of material upon any street, alley, or sidewalk in the City.

*The following are excerpts from the complete ordinances, to find complete and most updated Title 16 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2016%20Traffic%200710.pdf>*

**TITLE 16  
TRAFFIC**

**CHAPTER 16.02  
REGULATIONS AS TO THE OPERATION OF VEHICLES**

**16.02.22: TRUCK ROUTES AND USE OF STREETS OR HIGHWAYS BY TRUCKS**

It shall be unlawful for any truck, other than pickups pulling tandem or fifth wheel stock trailers, equipped with more than three (3) axles to travel or park upon any street in the City unless such street is a designated truck route, or unless it is necessary to travel or park upon such streets to pick up or make delivery of merchandise or material for a legitimate business purpose. In determining whether a truck is equipped with more than three (3) axles, the number of axles on the truck and the number of axles on any trailer which the truck is pulling shall be added together.

The designated truck routes in the City shall be all of Lazelle Street and Highway 14A in the City limits. Due to the construction project of the Department of Transportation, the designated truck route shall also include Junction Avenue from its intersection with Lazelle Street to the Exit 32 ramp for the period of April 1, 2009 through May 21, 2009.

If a detour should be posted around the streets included in the truck route, the detour shall constitute a part of the truck route.

**(Revision of 16.02.22 effective 3-16-09)**

**16.02.26: COMMERCIAL ADVERTISING VEHICLES**

No person shall operate, stand, or park a vehicle on any street for the purpose of commercial advertising. Advertisements relating to the business for which a vehicle is used may be put upon a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising.

Notwithstanding the forgoing provision of this Section, buses and taxi cabs operated for transportation of the public for hire or buses operated for transportation of the elderly or disabled whether for hire or at no charge and law enforcement and emergency vehicles may display commercial advertisements on the exterior surface areas of said vehicles.

**(16.02.26 added effective 9/21/07, Ordinance 2007-29)**

**CHAPTER 16.05  
PARKING AND STORAGE ON PUBLIC PROPERTY**

**16.05.03: PARKING OR STOPPING ON STREETS OR HIGHWAYS**

Any vehicle parked or stopped in the business district must be diagonally parked in the lanes designated for parking by appropriate signs on the pavement or curb, except in area designated for parallel parking or in areas which the Police Department may designate under authority and direction of the City Council by proper signs as "No Parking" and wherever said Police Department has so

designated "No Parking" it shall be unlawful for any person to fail to comply therewith.

On all other highways or streets in the City not otherwise designated by the foregoing subsections or succeeding Sections, or by the Police Department as directed by the City Council, all vehicles shall be parked parallel with the curb.

- A. No person shall park or leave standing any truck, except pick-up trucks, on Main Street between its intersection with Middle street and its intersection with Sixth Street and no person shall park a truck on any street or alley in the City in such a manners to impede traffic or so as to be dangerous or likely to be dangerous to other persons traveling on such street or alley.
- B. No person shall park or leave standing any vehicle upon Main Street from the intersection of Middle Street to the Main Street intersection with Sixth Street and to include all side streets one block either side of Main Street to include both sides of Sherman Street from Fourth Street to Junction Avenue, and Lazelle Street on the north, and also to include First Street, Third Street, and Fourth Street north of Lazelle Street to Bear Butte Creek, Middle Street from Lazelle Street to Sherman Street, between the hours of 2:00 a.m. and 6:00 a.m. Friday, or during anytime, when in the Director of Public Works opinion, such streets must be cleared of snow for the safe and orderly flow of traffic, or during such times as the City Council, by resolution, shall deem it necessary to prohibit parking for the safety, health and welfare of the general public.
- C. No person shall park or leave standing any vehicle upon Junction Avenue from its intersection with Main Street, South to Sturgis City Limits.
- D. No person shall park or leave standing any vehicle upon Cleveland Street from its intersection with Ninth Street, West to the Interstate Right-of-Way.
- E. No person shall park or leave standing any vehicle upon Moose Drive from its intersection with Dolan Creek Road to Highway 14A.

#### **16.05.05: STOP: ALLEY OR PRIVATE DRIVEWAY**

Any driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area extending across any alleyway.

#### **16.05.07: PARKING AND STOPPING PROHIBITED IN CERTAIN PLACES**

No person operating a vehicle shall stop, stand or park such vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

- A. Within an intersection;
- B. On a crosswalk;
- C. In front of a private driveway;

- D. On a sidewalk;
- E. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- F. Within 15 feet of the driveway entrance to any fire station;
- G. Within 15 feet of a fire hydrant;
- H. Within 15 feet of the point of intersection of curb lines;
- I. At a designated "loading or Passenger Zone";
- J. At a designated taxicab stand or bus stand;
- K. Any "No Parking" zone which may be designated by signs or by a curb which is painted with a solid yellow stripe; or
- L. In a public alley within the City limits, except that trucks and other vehicles may stop in such alleys for the purpose of loading or unloading merchandise or materials. The vehicles loading and/or unloading in the alleys on either side of Main Street from Middle Street to Fourth Street may stop to load or unload only while the vehicle is attended;
- M. On the roadway side of any other vehicle stopped or parked at the edge or curb of a street except temporarily engaged in the loading or unloading of passengers or materials;
- N. On the highways, streets and alleys of the City in such a manner as to obstruct vehicular or pedestrian traffic;
- O. It shall be unlawful for any person to park or leave standing any vehicle in a stall or a space designated for physically handicapped persons, if such stall or space is posted or marked in a prescribed way, unless the vehicle displays distinguishing license plates or place cards issued for handicapped persons, including disable veterans. A person convicted of violating this sub-section shall be punished by a mandatory fine of not less than \$100.00. The Police Department of the City is hereby authorized to remove any vehicle at the expense of the owner of the vehicle from a stall or a space designated for physically handicapped persons, if the vehicle is parked in violation of the above provisions.

**16.05.10: FIRES ON PUBLIC PROPERTY PROHIBITED**

No person shall ignite any bonfire or campfire on public property;

**16.05.11: STORAGE ON PUBLIC PROPERTY PROHIBITED**

No person shall, unless specifically authorized by the Sturgis Police Department, store or permit to be stored any trailer, recreational vehicle, implement, vehicle or other personal property on any public right-of-way.

For purposes of this Chapter, the term “store” shall include the following:

- A. Leaving any car, pick up, motorcycle, camper, or recreational vehicle in any public right of way for more than five (5) consecutive days;
- B. Leaving any farm tractor, implement, trailer, truck or truck tractor in any public right of way for more than twenty four (24) hours; or
- C. During the period of July 20<sup>th</sup> through August 15<sup>th</sup> leaving any recreational vehicle or camper in any public right of way for more than twenty four (24) hours.

Any trailer, recreational vehicle, implement, vehicle or other personal property being stored in violation of this Section shall be immediately removed from the right of way and may not be continued to be stored by moving said property to another location in any public right of way.

#### **16.05.12: POLICE DEPARTMENT GRANTED CERTAIN AUTHORITY**

The Sturgis Police Department shall have the power to authorize the storage of any vehicle or trailer in the public right a way upon request of an owner in the event said owner proves to the Police Department that the storage is necessary for a specific, temporary period of time at a certain location and that the vehicle or trailer is being used in connection with a construction, repair, or clean up project, or another event deemed appropriate by the Police Department and that said project is associated with real property adjacent to or closely located to the area of the public right away where the vehicle or trailer will be temporarily stored.

***The following are excerpts from the complete ordinances, to find complete and most updated Title 30 Ordinance, click on the link: <http://www.sturgis-sd.gov/archives/48/Title%2030%20City%20Beautification%20and%20Regulation%20of%20Advertising.pdf>***

**TITLE 30  
CITY BEAUTIFICATION AND REGULATION OF ADVERTISING**

**CHAPTER 30.04  
PROVISIONS APPLICABLE TO ALL SIGNS**

**30.04.04: PROHIBITED SIGNS**

The following signs, whether intended as permanent or temporary are prohibited within the limits of the City, except as otherwise provided by this Ordinance.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, and other unapproved supporting structures;
- B. Signs located within or encroaching on a public-right-of-way, including signs extending beyond a property line;
- C. Signs that constitute pedestrian or vehicular traffic hazard;
- D. Signs that could be confused with any governmental regulatory, directional or warning sign;
- E. Abandoned signs;
- F. Obliterated signs;
- G. Signs advertising obsolete advertising material;
- H. Signs not in compliance with this ordinance;
- I. Signs attached to any public property without permission, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building.
- J. Signs that interfere with traffic signs or signals;
- K. Permanent signs attached to or supported by a vehicle;
- L. Blank signs;
- M. Portable Reader Boards

**30.04.05: TEMPORARY SIGNS**

Signs, except video signs, for which no permanent sign permit is obtained as required by this Title shall be considered temporary and shall be registered with the Building Inspector.

Any person wishing to erect a temporary sign, other than a real estate sign, shall register with the Office of the Building Inspector. There will be no cost to register the temporary sign. The Building Inspector shall be informed of the time period for which said sign will be displayed. The time period, location and design of the sign, including the size, weight and condition must be approved by the Building Inspector and the Building Inspector shall have authority to deny approval of the erection of a temporary sign based thereon. The time period for which a temporary sign is erected shall correspond with the purpose for the sign, such as a special sale or event of a specified time period.

If any temporary sign is erected without the authority of the Building Inspector, remains up after its registered time period has expired or otherwise is in violation of any of the provisions of this Title, it shall be removed immediately upon written or verbal notice from the Building Inspector, his or her designated agent or a law enforcement officer. In the event, the sign is not removed by the owner within twenty four (24) hours of notice being received, the Building Inspector or his or her designated agent may remove the sign at the cost of the owner. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Temporary signs, except video and LED signs, need not be registered with the Building Inspector between July 15<sup>th</sup> and the Friday following the official last day of the Sturgis Motorcycle Rally and may be erected without permit. Any temporary sign, other than a real estate sign, remaining after the Sturgis Motorcycle Rally, which is not listed in the temporary sign register, will be removed by the Building Inspector. The owner(s) of the property, building, structure or premises upon which the sign sits and the owner(s) of the sign shall be jointly and severally liable to the City for any costs incurred by the City in removing a violating sign and the City may pursue any and all legal remedies authorized by State law to collect against the owners.

Video signs and LED signs shall only be allowed as specifically authorized by this Title

#### **30.04.06: BANNERS OVER PUBLIC RIGHT OF WAY**

Banners may not be suspended over any public right-of-way without the permission of the City Council. Permission shall be requested by submitting a written request to the Finance Office at least thirty (30) days prior to the date upon which it is requested that the banner be displayed. The written request shall include the dates upon which it is desired the banner be displayed, the location, and the size and contents of the banner.

#### **30.04.08: VIDEO SIGNS**

Permanent video signs shall only be permitted in General Commercial and Highway Service Districts. Permanent video signs shall only be used as on premise signs.

Persons may apply for a permit to be issued by the City Council for use of a video sign as a temporary sign during special events, including the Sturgis Motorcycle Rally. Said permission shall be requested in writing to the Finance Office at least ninety (90) days prior to the first day of the

Sturgis Motorcycle Rally or other special event. Temporary video signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial, and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section, the City Council shall consider traffic safety, the general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary video sign that is determined by the Chief of Police or Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued pursuant to this Section until the applicant has paid a permit fee of Six Hundred Dollars (\$600.00). In the case of removal of the temporary video sign by the City, said fee shall not be refunded.

### **30.04.09: LED SIGNS**

Permanent LED signs shall only be permitted in General Commercial and Highway Service Districts. Permanent LED signs shall only be used as on premise signs and are subject to the restrictions and regulations set forth within this Title.

No LED sign shall exceed a maximum of one hundred (100) square feet for each face or a total of two hundred (200) square feet for the entire sign and the sign shall contain a maximum of two (2) faces.

Any person may apply for a permit to be issued by the City Council for use of an LED sign as a temporary sign in connection with a special event, including the Sturgis Motorcycle Rally. Said permit shall be requested in writing to the Building Inspections Office at least thirty (30) days prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary LED signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section for a temporary LED sign, the City Council shall consider traffic safety, general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City shall have the authority to demand removal of any approved temporary LED sign that is determined by the Chief of Police or the Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit shall be issued for a temporary LED sign to be used during the Sturgis Motorcycle Rally until the applicant has paid a permit fee of Three Hundred Dollars (\$300.00). In the case of removal of a temporary LED sign by the City, due to violation of this Title, said fee shall not be refunded.

### **30.04.10: COMMERCIAL ADVERTISING UPON VEHICLES PURSUANT TO SECTION 16.02.26**

No Chapter or Section of Title 30 shall be construed to disallow the use of commercial advertisements upon vehicles as set forth in Section 16.02.26. Specifically, advertisements relating to the business for which a vehicle is used may be placed upon a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising; and buses and taxi cabs operated for the transportation of the public for hire

or buses operated for transportation of the elderly or disabled whether for hire or at no charge and law enforcement and emergency vehicles may display commercial advertisements on the exterior surface areas of said vehicles.

**30.04.11: PORTABLE “DAILY SPECIAL” SIGNS**

Business shall be allowed portable signs in the form of a sandwich board or other similar design, but not a portable reader board, to be used for advertisement of daily specials, events or services of the business. Said sign may be set out each day upon the opening of the business and shall be removed from the outside of the premises upon the end of business hours each day. Any sign used pursuant to this Section shall be approved by the Building Inspector and shall comply with all of the following:

- A. The sign shall be a maximum of sixteen (16) square feet in size, unless located within the General Commercial District;
- B. The sign shall be of a sufficient weight and structure to assure it will stay in place and not be moved by the wind or other natural element;
- C. In General Commercial District only, where the set back makes it impossible for a business to place the sign on the property of the business, the one portable sign may be placed in the public right away subject to the Building Inspector’s authority to control the specific location within the public right away to assure pedestrian and vehicular safety. Said sign shall be a maximum of nine (9) square feet in size.

Due to the increase in pedestrian traffic during the Sturgis Motorcycle Rally, any sign authorized by this Section to be within the public right of way shall not be used seven days prior to the official start of the Sturgis Motorcycle Rally or during the Sturgis Motorcycle Rally each year.

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The City of Sturgis follows the regulations according to the South Dakota Electrical Commission and the South Dakota Plumbing Commission.

All electrical and plumbing hookups need to be inspected by the State of South Dakota.

**SD Electrical Commission**  
308 S. Pierre St.  
% 1320 E. Sioux Ave.  
Pierre, SD 57501  
1-800-233-7765 or 605-773-3573

**SD Plumbing Commission**  
308 S. Pierre St.  
% 1320 E. Sioux Ave.  
Pierre, SD 57501  
605-773-3429