

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, July 2, 2012 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Joe DesJarlais, David Hersrud, Marcia Johnston, Tim Potts, Kelly Vasknetz and Ron Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Dane Sundstrom and Jamie McVay.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to approve the agenda.

### Announcements:

Mayor Carstensen asked for a moment of silence for Curt Nulle, the City's Animal Control Officer that passed away recently.

Mayor Carstensen proclaimed July as Fort Meade History Month; he also thanked Randy Bender for all of his information about Fort Meade.

Councilor DesJarlais thanked Gene Stock for having the parks so clean and beautiful.

### Informational Reports:

Rally Director Brenda Vasknetz gave an update on her Department:

- The Rally is 34 days away and her Department is busy getting ready for it.
- They will be doing the layout of 2012 sidewalk bricks (bricks-454 and granites-14) in front of the Sturgis Motorcycle Museum.
- The 2012 magazine and pocket guide is here and will be delivered through the Black Hills.
- This will be the 10<sup>th</sup> annual Mayor's Ride.
- The Rally Department is working on several other events such as, the Camaro Rally, 4<sup>th</sup> of July events, B.A.M., the Community Centers 20<sup>th</sup> birthday on August 18, Sturgis Mustang Rally and the Motorcycle Canon Ball Races that involves pre-1930 motorcycles.

Julie Moore-Petersen, Head Librarian gave an update on her Department:

- Total program attendance at the Library since March is 1064 children and 1158 adults.
- The Library has several partnerships including the Sturgis Area Art Council which provides Art exhibits, History at High Noon and the New Harmonies exhibit.
- This Fall the "Making Sense of the Civil War" literature and history of the Civil War will be presented at the Library.
- Other partnerships with the Library include the Greater Sturgis Area Foundation, Sturgis Rally Motorcycle and SD State Arts Council.
- The Library is now open at 8:00 am and they will be doing e-mails for overdue books.

City Manager Ainslie reported:

- As of the end of June the 2<sup>nd</sup> cent sales tax is up 6.3% over last year and the gross receipts (triple B) is up 11.4%.
- The City will not be using the soccer fields this year for Rally venues. These venues will be moved to the 900 block of Main Street. There will not be a Liquor Store annex in this area either. For 2013, it is budgeted to have the soccer fields used for a rally venue.

Motion by DesJarlais, second by Johnston and carried with all members voting yes to approve the consent calendar.

Motion by Johnston, second by Waterland and carried with all members voting yes to approve the following claims:

**Wages** – Ambulance \$13,068.11; Attorney \$2884.62; Auditorium \$223.98; Buildings \$2,126.02; Cemetery \$3,279.58; City Manager \$4697.23; Community Center \$14,673.67; Community Development \$5,190.85; Finance Office \$8562.47; Fire Department \$1362.38; Human Resource \$2,121.81; Library \$8,488.18; Liquor \$4,635.13; Mayor and Council \$3,333.27; Parks \$16,930.87; Police \$35,854.57; Rally \$4,513.02; Sanitary Service \$7,821.39; Streets \$7,548.98; Wastewater \$8,314.74; Water \$13,356.47; Federal Withholding \$15,151.93; FICA \$12,428.66.

**General** – A&B Business, \$234.55, supp; ABC, \$1887.50, other; Laurie Adkins, \$100.00, cc prog exp; Amazon, \$177.99, supp; Amcon, \$803.27, merch for resale; Avaya, \$36.39, util; Baker & Taylor, \$252.74, supp; Lane Barden, \$240.00, cc prog exp; Andrew Barff, \$30.00, other; Best Western of Huron, \$378.00, travel; BHSU RSVP, \$250.00, other; BH Harley Davidson, \$3684.90, repair; BH Power, \$1874.77, util; Jerry Burnham, \$2490.92, prof fee; Carmel Creations, \$100.00, rally rentals, CASA Program, \$2000.00, other; CBH Cooperative, \$258.40, supp; City of Sturgis Water Dept, \$5805.57, util; Community Center Petty Cash, \$34.50, cc prog exp; Crisis Intervention Shelter, \$4500.00, other; D&F Transmissions, \$46.90, supp; Dakota Backup, \$50.41, supp; Dakota Supply Group, \$231.12, repair; Diamond Vogel Paints, \$142.20, supp; Display Sales, \$512.50, supp; Double Star Computing, \$373.31, prof fee; Ed Roehr Safety Products, \$666.55, supp; Faith Independent, \$34.00, supp; Finance Office Petty Cash, \$64.73, travel; Fry Communications, \$235.00, publ-rally; G&H Distributing, \$40.32, supp; Gaylord Brothers, \$188.69, supp; Hasler, \$654.00, repair; Hillyard, \$571.84, supp; Integrity Sheet Metal, \$3858.05, repair; Interstate All Batteries, \$85.95, supp; Jim's Auto Salvage, \$35.00, repair; Knology, \$1755.10, util; Michelle McAuley, \$180.00, cc prog exp; Meade Co Senior Citizens, \$4000.00, other; Meade Co Times, \$180.33, publ; Midstates Printing, \$429.90, publ; Keith Morell, \$80.00, cc prog exp; Candy Morrell, \$3311.09, repair; Motoring USA, \$3810.60, prof fee; Neighborhood Housing, \$2250.00, other; Northern Hills Drug, \$5250.00, other; P&P Enterprises, \$90.00, other; Pete Lien & Sons, \$600.50, supp; Pitney Bowes, \$120.56, rent; Elvira Pittman, \$32.93, travel; Polar Engraving, \$927.00, repair; Power House, \$92.02, repair; Print Mark-et, \$833.47, publ; Public Safety Center, \$122.23, other; Purchase Power, \$47.12, supp; Rapid City Journal, \$36.00, supp; Reiman Publications, \$19.98, supp; Ricoh USA, \$714.86, supp; Rockingtree Floral, \$36.90, other; Rushmore Communications, \$140.67, prof fee; Sacrison Asphalt, \$241.80, supp; Sanitation Products, \$466.64, supp; SBT Mowing, \$355.00, other; SD 211, \$500.00, other; SD National Guard, \$1500.00, other; Sturgis Area Transportation, \$7000.00, other; Sturgis Center for the Arts, \$3500.00, other; Sturgis Community Center, \$90.00, other; Trugreen, \$886.25, supp; Twilight Extinguisher, \$116.75, repair; Verizon, \$1931.37, util; Warne Chemical, \$173.57, supp; West Payment Center, \$99.10, prof fee; Amanda Whelchel, \$100.00, cc prog exp; Donald Whitehead, \$30.00, other.

**Special Sales Tax** – Chamber of Commerce, \$10,666.67, chamber; SEDC, \$8333.33, ind dev; Sturgis Area Arts Council, \$2500.00, city promo; Sturgis Motorcycle Museum, \$4000.00, city promo; Sturgis Mustang Rally, \$3500.00, city promo; Sturgis Wild West Days, \$500.00, city promo.

**Capital Improvement** – Brosz Engineering, \$6090.00, cap imp; Fourfront Design, \$2000.00, cap imp; Hills Materials, \$171,875.13, cap imp; Johner & Sons, \$197,168.18, cap imp; SD Dept of Transportation, \$2.00, cap imp.

**Liquor** – Amcon Distributing, \$3114.06, cig for resale; Bellboy Corporation, \$67.18, prof fee; City of Sturgis Water Dept, \$69.19, util; Double Star Computing, \$13.34, prof fee; Knology, \$164.65, util; Outlaw's LTD, \$790.68, merch for resale; Print Mark-et, \$55.57, publ; Sand Creek Printing, \$429.32, supp; The Homeslice Group, \$5969.06, publ; Verizon, \$53.92, util.

**Water** – A&B Business, \$6.44, supp; BH Power, \$599.83, util; City of Sturgis Water Dept, \$85.00, util; Double Star Computing, \$13.33, prof fee; First Nat'l Bank-Sioux Falls, \$15,325.46, prin,int; Knology, \$120.08, util; Candy Morrell, \$362.55, maint; Print Mark-et, \$55.57, publ; Verizon, \$315.30, util.

**Wastewater** - AT&T Mobility, \$133.58, util; BH Power, \$2797.11, util; Chain Saw Center, \$152.83, repair; City of Sturgis Water Dept, \$25.84, util; Double Star Computing, \$38.34, prof fee; First Nat'l Bank-Sioux Falls, \$4977.41, prin,int; G&H Distributing, \$171.28, supp; LPN Holdings, \$797.64, supp; Candy Morrell, \$238.18, maint; Print Mark-et, \$55.57, publ; Rushmore Communications, \$140.66, prof fee; Tracker Software, \$9791.18, sup; Verizon, \$84.61, util.

**Sanitary Service** – BH Power, \$195.88, util; Century Business, \$87.64, prof fee; Century Link, \$53.58, util; Double Star Computing, \$38.34, prof fee; Fastenal Company, \$18.50, repair; Jim's Auto Salvage, \$30.00, repair; Candy Morrell, \$238.18, maint; Print Mark-et, \$55.57, publ; Rushmore Communications, \$140.67, prof fee; Tracker Software, \$9791.18, repair; Verizon, \$28.74, util.

**Ambulance** – David Campbell, \$100.00, ambul chrg; CBH Cooperative, \$1688.88, supp; City of Sturgis Water Dept, \$366.25, util; Dakota Backup, \$50.42, supp; DB Billing, \$540.60, prof fee; Gerald Derby, \$100.00, ambul chrg; Connie Donahey, \$100.00, ambul chrg; Double Star Computing, \$13.34, prof fee; Finance Office Petty Cash, \$5.00, other; Justin Foster, \$100.00, ambul chrg; Peter Henry, \$100.00, ambul chrg; Knology, \$88.93, util; Jim Kruse, \$100.00, ambul chrg; Naida McKinney, \$200.00, ambul chrg; Elizabeth Morin, \$100.00, ambul chrg; Spencer Paladino, \$100.00, ambul chrg; Amy Pauley, \$100.00, ambul chrg; Print Mark-et, \$55.57, publ; Purchase Power, \$47.12, supp; Sharon Sulzbach, \$100.00, ambul chrg; Verizon, \$78.38, util.

Motion by Hersrud, second by Waterland and carried with all members voting yes to deny a zoning variance at 1801 Ballpark Rd for Keith Bender to build a garage without a concrete or blacktop driveway.

The following homeowners spoke against the rezoning: Courtney Mack, Erin Wolf, Dale Mack, Jerrod Williams, and Steve Jensen. Landowner Mike Strain spoke to the Council about his vision for this area and that he plans on building townhomes on this land.

Motion by Hersrud, second by Johnston and carried with all members voting yes to table this zoning amendment at 2242 Split Rock Rd for G.S.G.S., LLC to rezone from R-2 to R-3 and direct the staff to work with the landowner on this.

Motion by DesJarlais, second by Johnston and carried with all members voting yes to approve a setback variance to build a garage at 2921 1<sup>st</sup> Avenue for Blake and Jenny Karp.

Motion by Hersrud, second by Waterland and carried with all members voting yes to approve the following payroll changes: Streets/Sanitation/Wastewater Department – Public Works Director Full-time – Rick Bush (promotion) - \$2653.85 per pay period. Ambulance Department – Seasonal EMT-B – Dave McCarthy - \$8/hr. Community Center Department – Temporary Custodian – Jeremy Guttierrez - \$8.75/hr.; Temporary Rally Custodian – Charles Graner - \$8.50/hr.; All SCC Staff part-time from August 1-12, 2012 - \$8.75/hr for staff normally at less; Gabriel Zeigler – Basketball Camp Coach - \$40 per child enrolled. Cemetery Department – Seasonal part-time – Bryan Cooley - \$8/hr. Community Development Department – Rally Inspectors Temporary – Lisa Anderson, Sue Regan, Jamalee Stone, Erin Williams, Darcie Dennard, Sheila Aspen, Stacy Ross - \$10.50/hr. Rally Department – Rally Temporary Photo Tower East – Jean Karn - \$8.25/hr. Police Department – Animal Control Officer – Christine Oliver - \$16.49/hr. Liquor Store – Temporary Rally – Levi Brownell, Tommy Cook, Shyler Sutherland-\$8.00; Sue Smith, Tiffany Smith, Calvin Wheeler-\$8.25; Mike Delancey-\$8.50

Potts introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-31  
TO APROVE OR DENY A PUBLIC LOTTERY**

**WHEREAS**, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

**WHEREAS**, the Olive Branch #47 Masonic Temple has submitted a application to conduct a public raffle within the City of Sturgis beginning on July 25, 2012 and continuing until September 5, 2012 at which time the lottery prize will be awarded by a drawing at 3747 Old Whitewood Road at 7:00 pm on December 19, 2012, and

**WHEREAS**, the Olive Branch #47 Masonic Temple presented its application to conduct this lottery to the City Finance Office on June 25, 2012 seeks to commence and seeks to begin to sell such raffle tickets on July 25, 2012, and

**WHEREAS**, the request of the Olive Branch #47 Masonic Temple to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Sturgis City Council that the application of the Olive Branch #47 Masonic Temple to conduct a public lottery/raffle in the City of Sturgis is hereby

  X   Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

       Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 2nd day of July, 2012.

Published: July 11, 2012  
Effective: August 1, 2012

DesJarlais seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Hersrud introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-30  
TO APROVE OR DENY A PUBLIC LOTTERY**

**WHEREAS**, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

**WHEREAS**, the American Legion Post 33 has submitted a application to conduct a public raffle within the City of Sturgis beginning on August 1, 2012 and continuing until August 31, 2012 at which time the lottery prize will be awarded by a drawing at the Sturgis Vets Club at 868 Main St. at 4:00 pm starting weekly on September 1, 2012 for 30 days, and

**WHEREAS**, the American Legion Post 33 presented its application to conduct this lottery to the City Finance Office on June 25, 2012 seeks to commence and seeks to begin to sell such raffle tickets on August 1, 2012, and

**WHEREAS**, the request of the American Legion Post 33 to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Sturgis City Council that the application of the American Legion Post 33 to conduct a public lottery/raffle in the City of Sturgis is hereby

  X   Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

       Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 2nd day of July, 2012.

Published: July 11, 2012  
Effective: August 1, 2012

Johnston seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Waterland introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-29  
TO APROVE OR DENY A PUBLIC LOTTERY**

**WHEREAS**, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

**WHEREAS**, St. Francis of Assisi Church has submitted a application to conduct a public raffle within the City of Sturgis beginning on September 24, 2012 and continuing until October 7, 2012 at which time the lottery prize will be awarded by a drawing at St. Francis of Assisi Church at 1:00 pm on October 7, 2012, and

**WHEREAS**, St. Francis of Assisi Church presented its application to conduct this lottery to the City Finance Office on June 13, 2012 seeks to commence and seeks to begin to sell such raffle tickets on September 24, 2012, and

**WHEREAS**, the request of St. Francis of Assisi Church to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Sturgis City Council that the application of St. Francis of Assisi Church to conduct a public lottery/raffle in the City of Sturgis is hereby

  X   Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

       Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 2nd day of July, 2012.

Published: July 22, 2012  
Effective: August 1, 2012

Potts seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Motion by Waterland, second by Johnston and carried with all members voting to approve second reading of Ordinance 2012-12 – Title 18 – Zoning, Article IV District Regulations – Section 18.08.18 – Temporary Camping at a Residence within the City with the inclusion of alternative text removing side and back lot setback.

**ORDINANCE 2012-12  
AN ORDINANCE AMENDING TITLE 18 – ZONING – ARTICLE IV-DISTRICT  
REGULATIONS- SECTION 18.05.18 – TEMPORARY CAMPING AT A RESIDENCE  
WITHIN THE CITY**

**BE IT ORDAINED** by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18 –Section 18.05.18 – Temporary Camping at a Residence within the City is hereby amended to read as follows:

**TITLE 18.05.18  
TEMPORARY CAMPING AT A RESIDENCE WITHIN THE CITY**

Sections:

- 18.05.18.01 Purpose
- 18.05.18.02 Definitions
- 18.05.18.03 Penalty
- 18.05.18.04 Activity Authorized
- 18.05.18.05 Density Limitations
- 18.05.18.06 Setback from Public Streets, Sidewalks and Lot Lines
- 18.05.18.07 Campsite Area
- 18:05.18.08 Parking
- 18.05.18.09 Soil and Ground Cover Requirements
- 18.05.18.10 Water Service and Plumbing

18.05.18.11	Electrical System
18.05.18.12	Wastewater Disposal, Gray Water Disposal and Portable Toilets
18.05.18.13	Toilet and Bathing Facilities
18.05.18.14	Fire Protection
18.05.18.15	Barbecue Pits, Fireplaces, Stoves and Cooking Fires
18.05.18.16	Garbage and Rubbish Storage, Disposal and Vermin Control
18.05.18.17	Reporting Communicable Disease
18.05.18.18	Pet Kennels and Control of Animals
18.05.18.19	Camping Cabins

**18.05.18.01: Purpose**

The purpose of these provisions is to establish and regulate temporary non-public camping activities or camping not otherwise subject to state regulation within the City of Sturgis. Any homeowner seeking to provide temporary non-public camping as described in this ordinance shall be subject to the requirements of this ordinance. Non-profit organizations and licensees exempted from state campground license requirements by SDCL 34-18-20 that conduct non-public camping activities within the City shall be subject to the requirements of this ordinance.

**18.05.18.02: Definitions**

**A. Temporary Camping:** As used in this subdivision, temporary camping shall mean for a period not to exceed 15 consecutive days within any 30 day period.

**B. Residential Parcel:** A plot of land within the city shown on the Equalization Office records to be taxed as one parcel, containing a single family home, used or occupied by the owner as a residence year round together with any accessory buildings, and including such open spaces as may be required under the provisions of this ordinance, having its principal frontage on a public highway, road, street or private road or right-of-way as meets the requirements of Title 18 and Title 19 of Sturgis City Ordinances.

**C. Camping unit:** Any trailer, tent camper, camper, camping cabin, tent, recreational park trailer, self-contained recreational vehicle or other equipment that may be used by the traveling public at individual campsites located at campgrounds or areas used by the public as campgrounds;

**D. Campsite:** A specific parcel of land in a campground intended for occupancy and use by a camping unit or units.

**E. Pre-existing Non-Conforming Use:** A use of an improvement to real property, such as a building, structure, parking lot use, sign or portion thereof, or of the residential property, which was lawfully established prior to the passage of this Ordinance but which, due to the application of Chapter 18.05 of Sturgis City Ordinances, is no longer authorized to continue.

**F. Temporary structure:** Any structure, building, enclosure, weather shelter or provision of water, electrical sewer or other utility services which is not placed on a foundation and is utilized for a period of less than 30 days.

**18.05.18.03: Penalty**

As provided for at SDCL 9-19-3 and SDCL 22-6-2(2), any person found to be guilty of violating any of the provisions of this Ordinance shall be subject to a maximum punishment of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Each day of temporary camping in violation of this ordinance shall constitute a separate violation. In addition, a violation of this ordinance may be subject to the nuisance abatement provisions contained in Title 12 of the Sturgis City Ordinances.

**18.05.18.04: Activity Authorized**

Any non-public camping for more than 2 consecutive nights on a residential parcel, or public camping limited to one camping unit, occurring within the City, shall require that the property owner limit those activities in compliance with the requirements of this Ordinance unless otherwise licensed by the State of South Dakota. Any non-public campsite or public camping with one camping unit shall be located only on a residential parcel having a single family home, and shall only be for use by camping units, and shall not include the use of any temporary structure. No camping shall be permitted on any undeveloped lot, parcel, or non-residential parcel adjoining the residential parcel as defined herein, or on any other unimproved or vacant lot or nonresidential parcel. No more than 19 campers may be allowed at any campsite, subject to state law and regulations.

**18.05.18.05: Density limitations**

No temporary non-public camping activities permitted by this ordinance shall authorize more than 19 campers to stay on any residential parcel. In addition to meeting all setback requirements stated in this ordinance, non-public camping activities shall be located at one campsite on the residential parcel or be licensed by the State of South Dakota.

**18.05.18.06: Setback from public streets, sidewalks and lot lines**

Any camping unit located within a campsite as permitted by this ordinance shall have a front setback at least five (5) feet from the back of the sidewalk or the front lot line, and shall be located so as to allow a ten (10) foot access lane to an entry door of the residence. Similar to the Temporary Structure requirement of Section 2.03.15 of Sturgis City Ordinances, any camping unit allowed by this ordinance shall not be located within five (5) feet of any public Right of Way, any easement dedicated for public use, or any publicly owned property, specific prior authorization by the City Council.

**18.05.18.07: Campsite area**

The campsite area is defined as the area defined by the combination of all setback and access requirements on the subject residential parcel. All camping units, equipment, storage containers, food and beverage items, temporary sanitation facilities, cooking area and related material or equipment shall be located within this campsite area. Only one campsite area per residential parcel shall be allowed.

**18.05.18.08: Parking**

The homeowner shall provide sufficient temporary parking for all those persons provided temporary non-public camping on that residential parcel.

**18.05.18.09: Soil and ground cover requirements**

The soil must provide sufficient slope to ensure that no drainage or runoff caused by camping activities will go onto the adjoining property. Ground cover shall be grass, landscaping or hardscape.

**18.05.18.10: Water service and Plumbing**

No permanent separate, non-residential water supply or service facilities shall be permitted to be constructed or located outside the residence on the parcel. During the period of temporary non-public camping, the homeowner may provide temporary water service from the residence as may otherwise be permitted on a construction site by Title 2 of the Sturgis City Ordinances and by Title 17, the Sturgis Municipal Utility Regulations.

**18.05.18.11: Electrical system**

No permanent separate, non-residential electrical service facilities shall be permitted to be constructed or located outside the residence on the parcel. During the period of temporary non-public camping, the homeowner may provide a temporary electrical service as permitted on a construction site by the IBC as adopted under Title 2 of the Sturgis City Ordinances. A pre-existing, non-conforming camping use on a non-residential parcel, which the property owner can demonstrate was established and has existed continuously during each annual Rally period prior to the enactment of this Ordinance, may continue so long as that pre-existing use on that parcel does not change or expand.

**18.05.18.12: Wastewater disposal, gray water disposal and portable toilets**

No permanent separate, non-residential waste water or gray water facilities shall be located outside the residence on the parcel where the campsite is located. During the period of temporary non-public camping, the homeowner may provide temporary self-contained portable toilet facilities of the type required to be provided on a construction site by Title 2 of the Sturgis City Ordinances. No waste water or gray water resulting from temporary camping shall be permitted to be disposed of in any storm sewer drainpipe or other drainage. All waste water and gray water shall be disposed of only at an approved dump station or similar facility open to the public.

**18.05.18.13: Toilet and bathing facilities**

No permanent separate, non-residential toilet and bathing facilities shall be permitted to be located outside the residence on the parcel. All waste water or gray water resulting from any temporary toilet or bathing facilities for camping shall be disposed of only at an approved dump station or similar facility open to the public, or by the use of a temporary type facility permitted on a construction site by the IBC as adopted under Title 2 of the Sturgis City Ordinances.

**18.05.18.14: Fire protection**

The Open Fire requirements of Sturgis City Ordinance Chapter 9.04 shall remain in effect at all times at the residential parcel at which any temporary non-public camping may occur. No open fire of any kind shall be permitted during the period in which a Burning Ban is in effect within the City of Sturgis.

**18.05.18.15: Barbecue pits, fireplaces, stoves and cooking fires**

During the period of temporary camping, only a temporary, contained fire structure of a type permitted by Title 2 of Sturgis City Ordinances shall be allowed.

**18.05.18.16: Garbage and rubbish storage, disposal and vermin control**

No permanent separate garbage or rubbish containers or facilities shall be permitted to be constructed outside the residence on the parcel. During the period of temporary non-public camping, the homeowner shall provide the necessary temporary sanitation and garbage service of the type permitted and subject to the requirements of Title 11 of Sturgis City Ordinances. The rates as set forth in subdivision 11.04, and the authority to require additional waste disposal totes as provided for at 11.04.10, shall apply to all residences at which temporary camping occurs.

**18.05.18.17: Reporting communicable disease**

During the period of temporary non-public camping, the homeowner shall be obligated to comply with all health reporting requirements of state law and Title 11.02 of Sturgis City Ordinances.

**18.05.18.18: Pet kennels and control of animals.**

No separate, non-residential pet or kennel facilities shall be permitted to be constructed or located outside the residence on the parcel. During the period of any temporary non-public camping, any animal at the campsite will be subject to the provisions of Title 32 of Sturgis City Ordinances, concerning animals and animal control authority of the City.

**18.05.18.19: Camping cabins**

Camping cabins as defined in South Dakota Administrative Rule 44.02.12.24, or any temporary structure intended for similar or like use, shall not be permitted at any temporary campsite.

Dated this 2nd day of July, 2012.

First reading: 06/04/12

Second reading: 07/02/12

Adopted: 07/02/12

Published: 07/11/12

Effective: 08/01/12

Motion by DesJarlais to reconsider the approved Ordinance with the following language: The Ordinance would be effective on August 15, 2012. The motion died with a lack of a second.

Motion by DesJarlais, second by Waterland and carried with Carstensen, DesJarlais, Johnston, Hersrud and Waterland voting yes, Potts and Vasknetz voting nay to reconsider the original Ordinance 2012-12 with the following language:

**18.05.18.04 Activity Authorized**

Any non-public camping for more than 2 consecutive nights on a residential parcel, or public camping limited to one camping unit, occurring within the City, shall require that the property owner limit those activities in compliance with the requirements of this Ordinance unless otherwise licensed by the State of South Dakota. Any non-public campsite or public camping with one camping unit shall be located only on a residential parcel having a single family home, and shall only be for use by camping units, and shall not include the use of any temporary structure. No camping shall be permitted on any undeveloped lot, parcel, or non-residential parcel adjoining the residential parcel as defined herein, or on any other unimproved or vacant lot or nonresidential parcel. A pre-existing, non-conforming camping use on non-commercial property,

which the property owner can demonstrate was established and has existed continuously during each annual Rally since August 1, 2011, may continue so long as that pre-existing use on that parcel does not change or expand. No more than 19 campers may be allowed at any campsite, subject to state law and regulations.

**18.05.18.10: Water service and Plumbing**

No permanent separate, non-residential water supply or service facilities shall be permitted to be constructed or located outside the residence on the parcel. During the period of temporary non-public camping, the homeowner may provide temporary water service from the residence as may otherwise be permitted on a construction site by Title 2 of the Sturgis City Ordinances and by Title 17, the Sturgis Municipal Utility Regulations. A pre-existing, non-conforming camping use on non-commercial property, which the property owner can demonstrate was established and has existed continuously during each annual Rally since August 1, 2011, period prior to the enactment of this Ordinance, may continue so long as that pre-existing use does not change or expand.

**18.05.18.11: Electrical system**

No permanent separate, non-residential electrical service facilities shall be permitted to be constructed or located outside the residence on the parcel. During the period of temporary non-public camping, the homeowner may provide a temporary electrical service as permitted on a construction site by the IBC as adopted under Title 2 of the Sturgis City Ordinances. A pre-existing, non-conforming camping use on non-commercial property, which the property owner can demonstrate was established and has existed continuously during each annual Rally period since August 1, 2011, may continue so long as that pre-existing use does not change or expand.

**18.05.18.12: Wastewater disposal, gray water disposal and portable toilets**

No permanent separate, non-residential waste water or gray water facilities shall be located outside the residence on the parcel where the campsite is located. During the period of temporary non-public camping, the homeowner may provide temporary self-contained portable toilet facilities of the type required to be provided on a construction site by Title 2 of the Sturgis City Ordinances. No waste water or gray water resulting from temporary camping shall be permitted to be disposed of in any storm sewer drainpipe or other drainage. All waste water and gray water shall be disposed of only at an approved dump station or similar facility open to the public. A pre-existing, non-conforming camping use on non-commercial property, which the property owner can demonstrate was established and has existed continuously during each annual Rally period since August 1, 2011, may continue so long as that pre-existing use does not change or expand.

**18.05.18.13: Toilet and bathing facilities**

No permanent separate, non-residential toilet and bathing facilities shall be permitted to be located outside the residence on the parcel. All waste water or gray water resulting from any temporary toilet or bathing facilities for camping shall be disposed of only at an approved dump station or similar facility open to the public, or by the use of a temporary type facility permitted on a construction site by the IBC as adopted under Title 2 of the Sturgis City Ordinances. A pre-existing, non-conforming camping use on non-commercial property, which the property owner can demonstrate was established and has existed continuously during each annual Rally period since August 1, 2011, may continue so long as that pre-existing use does not change or expand.

Motion by Hersrud, second by Potts and carried with Carstensen, DesJarlais, Johnston, Hersrud, Potts, Vasknetz voting yes and Waterland voting nay to approve second reading of Ordinance

2012-13 – Title 37 – City Transit, with the direction that the ordinance include the alternative text language recommended by City Attorney Barnier and the additional language the Council directed be included in the Purpose section.

**ORDINANCE 2012-13  
AN ORDINANCE ADDING TITLE 37 – CITY TRANSIT**

**BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South  
Dakota that Title 37 –City Transit hereby reads as follows:**

**TITLE 37  
CITY TRANSIT ORDINANCE**

**SECTION: 37.01**

- 37.01.01: Purpose
- 37.01.02: Definitions
- 37.01.03: Penalty

**SECTION: 37.02**

- 37.02.01: License-Application-False Statements
- 37.02.02: Expiration of License
- 37.02.03: Annual Inspection and Verification Required
- 37.02.04: Business License Required
- 37.02.05: Application
- 37.02.06: Application-Investigation-Issuance
- 37.02.07: Issuance-Required Findings
- 37.02.08: Fee
- 37.02.09: License Number to be displayed on Vehicle
- 37.02.10: Minimum Limits of Insurance Coverage
- 37.02.11: Rate Schedule
- 37.02.12: Payment of Fare
- 37.02.13: Driver's License required
- 37.02.14: To be Carried on Person and exhibited upon request
- 37.02.15: Smoking prohibited
- 37.02.16: Transporting intoxicating Liquor prohibited
- 37.02.17: Air Transit Prohibited
- 37.02.18: Suspension-Revocation

**37.01.01 PURPOSE**

The purpose of this ordinance is to allow the City to provide a limited framework of regulations to ensure that transit operators accepting fares for services originating within the City are providing an acceptable level of safe and affordable service that will meet transit needs of the community. All Sturgis permanent business license holders are exempt from the provisions of this ordinance.

**37.01.02 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. **DRIVER:** One who actually engages in the driving of a vehicle for hire.
- B. **OPERATOR:** A person engaged in operating a taxicab or transit business.
- C. **OPERATING:** A person is operating a transit business within the meaning of this Ordinance if any fare or transportation service, whether on a public right of way or in airspace over the City, of any kind or nature which originates within the City of Sturgis.
- D. **SEATING CAPACITY:** The number of persons, not including the driver, who can be conveniently seated in a taxicab without crowding.
- E. **TAXICAB:** A motor vehicle for carrying passengers, with a seating capacity for 7 persons or less, not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire. The term taxicab shall not include funeral cars or ambulances.
- F. **PEDICAB:** A vehicle not otherwise defined in this section, regardless of the source of power, operated for the purpose of carrying passenger(s), not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire. The term taxicab shall not include funeral cars or ambulances. If this vehicle is powered completely or in part by the physical effort of the driver, it shall also be required to meet the slow moving vehicle equipment requirements set forth at Chapter 34-15 of the South Dakota Code.
- G. **VEHICLE FOR HIRE:** means any vehicle licensed under this chapter, including, but not limited to, bus or motorbus, pedicab, taxicab or limousine.
- H. **ENGAGING IN BUSINESS:** Any person shall be deemed to have engaged in the business of operating a vehicle for hire if he keeps or maintains any such vehicle for the purpose of engaging in a vehicle for hire business or if he accepts or permits any employee to accept any money or other thing of value from any such passenger for transportation in such vehicle. Accepting such a passenger under the guise that such transportation is purely gratuitous and that no payment of compensation or consideration is required shall not be deemed to remove such transaction from the effect of this article. In any case where the driver or any person in charge of any such vehicle does in fact accept any money or other thing of value, even though the money or thing of value is accepted or purported to be accepted as a gift or present or purported gift or present, such gift or present, or such purported gift or present, shall constitute prima facie evidence of an intent to accept compensation or hire for such transportation.
- I. **AIR TRANSPORT SERVICE:** An air transport service is any transit service providing observation, sightseeing or passenger transportation or delivery services originating or terminating with the city limits of and within the immediate airspace over the City of Sturgis, in a manner not specifically authorized or approved by the Federal Aviation Administration.
- J. **TRANSIT BUSINESS LICENSE:** The license issued to an applicant when the application which they have submitted is approved as provided for in this ordinance.

### 37.01.03 PENALTY

As provided for at SDCL 9-19-3 and SDCL 22-6-2(2), any person found to be guilty of violating any of the provisions of this Ordinance shall be subject to a maximum punishment of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

## **SECTIONS 37.02**

### **37.02.01 LICENSE-APPLICATION-FALSE STATEMENTS**

Any Transit Operation License issued under the provisions of this chapter shall be revoked by the Finance Office by giving fifteen (15) days notice to the License holder upon discovery of any false, material statement or document submitted as part of or in support of the application for the license.

### **37.02.02 EXPIRATION OF LICENSES**

Any Transit Business license issued under the provisions of this ordinance shall expire on January 31 of the calendar year following the licensing year for which the license was issued. A licensing year, for the purposes of this section, begins February 1 and ends January 31 of the next calendar year, unless sooner revoked, canceled or otherwise terminated. After a completed application is submitted to the City Finance Office, the applicant will be notified within ten (10) business days if the license is issued.

### **37.02.03 ANNUAL INSPECTION AND VERIFICATION REQUIRED**

When submitting an application or renewal for a Transit Operation License, or applying to add another vehicle to operate during the license period, the applicant/operator shall document that each vehicle has been inspected and that at the time the application is submitted the operator shall provide a separate verification that each vehicle sought to be licensed meets all state laws for all safety standards for equipment specifications, lighting and brakes. Thereafter the

### **37.02.04 BUSINESS LICENSE REQUIRED**

No person shall engage in the business of operating a transit business without a Business License as provided by Chapter 18.10 of the Sturgis City Ordinances or without obtaining a Temporary Vendor permit for each vehicle under the requirements of Title 31, Sturgis City Ordinances, in addition to the Transit Business License requirements set forth in this ordinance.

### **37.02.05 APPLICATION**

Every person desiring to obtain a Transit Business license to operate a taxicab or transit business in the city shall make application in writing to the Finance Office in the general form required to obtain all information necessary for consideration for the issuance of a Transit Operation license, which shall include the following additional information:

- A. Previous experience in the business, if the applicant has not been licensed before; and
- B. Number and description of the type of vehicles to be operated.

C. The names, dates of birth and other relevant identifying information of all employees, drivers, and contractors associated in any manner with providing the service for fares originating within the City of Sturgis.

D. Documentation for each vehicle proposed to be licensed verifying that it has been inspected and that on the date of application that vehicle meets all applicable laws of the state concerning equipment, lights, tires and all other safety-related equipment.

E. Documentation that each vehicle sought to be licensed is covered by liability insurance with a minimum of two million dollar limit of liability and fifty thousand dollars medical cost coverage.

F. Make a sworn statement giving full name, residence, length of time applicant has resided in applicant's current residence, previous employment history, whether applicant has ever been convicted of a felony or a misdemeanor, and whether applicant has been previously licensed as a driver, and if so, where and when, and whether applicant's license has ever been revoked, and for what cause.

G. Provide the name and Driver's license number of each driver/operator of the vehicles to be operated under the authority of the license requested, and verify that such driver/operator will meet the following requirements:

- (1) Be of the age of 18 years or over.
- (2) Have good eyesight, and not subject to any physical or mental condition which would impair the driver's ability to operate safely a vehicle for hire.
- (3) Be able to read and write the English language.
- (4) Provide a sworn statement from each driver and actual operator giving his full name, residence, length of time employed by the applicant, residence, place of previous employment, whether he has ever been convicted of a felony, and whether he has been previously licensed as a driver, and if so, when and in what states, and whether his license has ever been revoked, and for what cause.
- (5) For each driver or operator to be employed, the applicant for a Transit Operation license under this article shall provide a fingerprint record of the driver on a record or in a format approved by the Police Department.

### **37.02.06 APPLICATION-~~INVESTIGATION~~-ISSUANCE**

The application for a taxicab driver's license shall be investigated by the Chief of Police who shall approve or deny the application based on the results of the investigation and applicant's submitted information. Any denial is subject to appeal to the City Council as set forth in Title 36, Code Enforcement

### **37.02.07 ISSUANCE-REQUIRED FINDINGS**

The Finance Officer shall approve the issuance of a license applied for under this ordinance if satisfied that the applicant has met the following requirements:

A. That applicant has submitted all the information requested by the Finance Office as part of the application process and applicant appears qualified to engage in the business; and

B. Has provided verified information submitted with the application that each vehicle which applicant seeks to license is in a condition that meets all applicable safety requirements of South Dakota law and as are consistent with the safety and convenience of the public.

### **37.02.08 FEE**

For each vehicle authorized to operate within the City of Sturgis under a Transit Business license for a business also licensed by the City of Sturgis under the requirements of Chapter 18.10 of Sturgis City Ordinances, there shall be no annual fee. For each vehicle authorized to operate within the City under the requirements of a Temporary Vendor License, the fee shall be as set forth in the requirements of Chapter 31.02.03.3 of Sturgis City Ordinances.

### **37.02.09 LICENSE TO BE DISPLAYED ON VEHICLE**

Every operator of any taxicab licensed under this article shall carry on each vehicle, on the rear window in the lower left hand corner of same and in a clearly visible area, a license plate or decal issued by the City Finance Office showing his or her license number as provided by the city at the time of issuing the license.

### **37.02.10 MINIMUM LIMITS OF INSURANCE COVERAGE**

- A. The liability insurance required by this division shall provide at least the following coverage:
1. General liability of comprehensive form shall be provided with minimum limits of \$1,000,000.00 bodily injury and property damage, combined single limit.
  2. Auto liability of comprehensive form shall be provided on all vehicles of not less than \$500,000.00 bodily injury and property damage combined single limit.
  3. The policy or certificate shall not be modified or cancelled without 30 days' actual notice to the city's licensing specialist.

The limits established in this subsection can be provided on one policy or base policy in combination with excess limits policy in a manner and combination acceptable to the city.

- B. Such coverage shall be continuing, notwithstanding any recovery or settlement under that policy.

### **37.02.11 RATE SCHEDULE**

Each vehicle of any type licensed and operated under this ordinance shall post the standard transit rates in a legible and readable manner, with letters at least 2 inches tall, in a location clearly visible to all passengers within the vehicle, the standard rates which will be charged to transport passengers for a stated distance or to a stated destination. .

**37.02.12 PAYMENT OF FARE**

Each passenger must pay the fare to the operator based upon the registered rate displayed on the transit vehicle.

**37.02.13 DRIVER'S LICENSES REQUIRED**

No person shall drive, or be engaged or employed in the business of driving or operating, upon the streets of the city, any transit vehicle without first having obtained a valid South Dakota driver's license.

**37.03.14 TO BE CARRIED ON PERSON AND EXHIBITED UPON REQUEST**

Each operator of a vehicle licensed under this ordinance shall have their valid South Dakota driver's license in his/her or her possession whenever he or she is operating, occupying or in control of a licensed transit vehicle, and shall exhibit the same for inspection whenever the operator is directed to do so by a law enforcement officer.

**37.02.15 SMOKING PROHIBITED**

All vehicles operated under a Transit Business license within the City of Sturgis shall not permit passengers or operators to smoke, chew or otherwise utilize tobacco or similar unsafe products while operating or occupying the licensed vehicle, as required by South Dakota laws 34-46-13 and 34-46-14.

**37.02.16 TRANSPORTING INTOXICATING LIQUOR PROHIBITED**

All licenses issued under this chapter shall be subject to revocation at any time by the Common Council, if any taxicab operated or used by the licensee shall be used for the delivery or transportation of intoxicating liquor in a manner that is in violation of state law or state regulations. Upon the revocation, the license fee paid shall be retained by the.

**37.02.17 AIR TRANSIT PROHIBITED**

No person or business shall be permitted to operate an air transit or air sightseeing business within the airspace over or within the municipal limits of the City of Sturgis, except as specifically approved by a regulation, rule or decision of the Federal Aviation Administration.

**37.03.18 SUSPENSION-REVOCATION**

Any license issued under this chapter may be revoked, for cause, by the Council, after notice to the holder of the license and an opportunity for hearing before the Council. The Chief of Police shall have the authority to suspend any license issued under this chapter for good cause pending a hearing before the Council. The power to suspend the license shall be exercised only if it shall appear to the Chief of Police that there is probable cause to believe that the holder of the license has committed a crime involving moral turpitude. The holder of any license suspended by the Chief of Police shall have a right to a hearing before the Chief of Police within 48 hours of a written request therefore. As used herein the term Chief of Police shall include the Chief of

Police and any subordinate officer temporarily acting as the officer in charge of the Police Department.

Dated this 2nd day of July, 2012.

First reading: 06/18/2012  
Second reading: 07/02/2012  
Adopted: 07/02/2012  
Published: 07/11/2012  
Effective: 08/01/2012

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to adopt written procedures for dealing with tax and arbitrage matters relating to its bond issues.

Motion by Potts, second by Vasknetz and carried with all members voting yes to approve Use of City Property – Dining on the Diamond on July 12, 2012.

Motion by Waterland, second by Johnston and carried with all members voting yes to approve Use of City Property – 4<sup>th</sup> of July celebration – Jackpine Gypsies – July 4, 2012.

DesJarlais introduced the following written resolution and moved its adoption:

#### **RESOLUTION 2012 -32**

#### **RESOLUTION AUTHORIZING 900 BLOCK OF MAIN STREET UTILIZED FOR ENTERTAINMENT DURING THE ANNUAL STURGIS MOTORCYCLE RALLY**

**WHEREAS** the Sturgis Motorcycle Rally will be held in the City of Sturgis, August 6, 2012 through August 12, 2012; and

**WHEREAS** it is necessary for portions of the 900 Block of Main Street to be closed for the purpose of holding entertainment and special events from Middle Street to 960 Main Street (city owned property). The entertainment to be held Sunday, August 5, 2012 through Thursday, August 9, 2012, events would be provided for approximately six hours between the hours of 10:00 a.m. – 4:00 p.m. daily.

**WHEREAS** it is in the public's interest to provide a safe venue for these non-admission special events to entertain the many tourists that are expected to attend.

**NOW, THEREFORE, BE IT RESOLVED** that to accommodate the safe presentation of this entertainment and special events, Main Street in the City of Sturgis, from its intersection from Middle Street to 960 Main Street, shall be closed to all through traffic from 9:00 a.m. to 5:00 p.m. on Sunday, August 5, 2012 through Thursday, August 9, 2012 for the purpose of hosting entertainment. Before and after event show hours this portion of the 900 Block of Main Street would allow through traffic for motorcycles only on the street and on Friday, August 10, 2012 would be open to motorcycle traffic and parking.

Dated this 2nd day of July, 2012.

Published: 07/11/12  
Effective: 08/01/12

Waterland seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

DesJarlais introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-33  
A RESOLUTION RESTRICTING THE USE OF FIREWORKS**

The Common Council of the City of Sturgis, Meade County, South Dakota, hereby resolves as follows:

**WHEREAS** the Common Council received a request from the Fire Chief that fireworks not be allowed in City limits due to the extreme fire danger.

**WHEREAS** pursuant to Sturgis City Ordinance Title 12, Chapter 12.08, Section 12.08.04 the use of fireworks within the limits of the city may be restricted by resolution of the City Council as the City Council may deem necessary due to the existence of heightened fire danger.

**NOW, THEREFORE, BE IT RESOLVED** The Sturgis City Council deems it necessary due to the existence of heightened fire danger to prohibit the use of fireworks which includes use of sparklers and other small fireworks within the limits of the City and thus no fireworks shall be allowed within the City or within one mile thereof commencing 6 a.m. July 3 and ending 12 a.m. July 5, 2012.

Dated this 2<sup>nd</sup> day of July, 2012.

Published: 07/11/12

Effective: Immediately

Johnston seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Motion by Potts, second by Vasknetz and carried with all members voting yes to approve the formation of the Boulder Canyon Road District.

Motion by Potts, second by Hersrud and carried with all members voting yes to set a public hearing date of July 16, 2012 for a location change for the on-sale liquor license held by the Loud American Roadhouse.

Any other business:

Mike Bachand approached the Council with some questions and concerns.

Melody Hopkins thanked the Council for not using the soccer fields this year during the Rally.

Motion by Potts, seconded by Johnston and carried with all members voting yes to adjourn the meeting at 9:30 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$519.53.