

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, December 3, 2012 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, David Hersrud, Jamie McVay, Joe DesJarlais, Tim Potts, Marcia Johnston, and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Kelly Vasknetz and Dane Sundstrom.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

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

Announcements:

Mayor Carstensen reported that the traffic lights at the intersection of Lazelle Street and Junction Avenue have been fixed by the Department of Transportation and that if there is a default with the lights again it will go to a flashing red/red situation in order to protect the community.

The Christmas Tree Lighting Ceremony will be held on December 5, 2012 at 6:00 pm.

The Police/Fire/Ambulance Departments have been working with the School District to react to situations that might arise at the Schools that would need the cooperation of the entities.

The United Way reported that they are at 68% of their goal for the Sturgis area and only have a few weeks to make this goal. The Mayor asked that everyone support the United Way in their efforts.

Informational Reports:

Pat Kurtenbach, Director of SEDC, gave the following report which described goals of the Board:

- Grow business – two businesses so far Samson Exhaust and Aspen Grove assisted living. They have had many inquires on businesses that want to locate to Sturgis. There will be announcements in the near future about other projects coming to the area. Projects on Exit 32 and working on the downtown area.
- Developing infrastructure in the Industrial Park – expanding the Industrial Park, building an incubator building and becoming a certified ready site through the State.
- Growing the Organization - increased by 62%.

Lisa Weyer, Director of the Chamber of Commerce, gave a summary of accomplishments over the past few months:

- The haunted house that utilized the old theater downtown brought in 300 people and allowed the Chamber to give \$500 to the School drama department.
- The Wine/Stein event was held in November and announced the winner of the vacation adventure.
- The Winter Frostible, beginning with the Parade of Lights on Friday with the Holiday Expo at the Community Center and two concerts throughout the weekend.
- The Young Sturgis Professional Group was formed, memberships to the Chamber have increased and there will be another Sturgis Leadership program this coming year.

City Manager Ainslie reported:

- Sales tax for the General Fund and Capital Improvement fund is up 2.4% over last year and the Gross Receipts Tax (triple B) is up 8.3%.

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

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve the following claims with the exception of Hersrud, \$1108.50, repair:

Wages – Ambulance \$13,147.51; Attorney \$2884.62; Auditorium \$98.24; Buildings \$831.15; Cemetery \$1033.99; City Manager \$4719.72; Community Center \$12,719.40; Community Development \$4921.34; Finance Office \$8635.05; Fire Department \$1632.29; Human Resource \$2121.81; Library \$8503.83; Liquor \$4414.94; Mayor and Council \$3333.27; Parks \$10,125.26; Police \$36,956.48; Rally \$3273.04; Sanitary Service \$8323.40; Streets \$7886.32; Wastewater \$8612.33; Water \$13,438.44; Federal Withholding \$14,981.22; FICA \$11,567.70.

General – A&B Business, \$150.57, supp; Ace Steele & Recycling, \$363.84, supp; Amazon, \$591.69, supp; Associated Supply, \$25.41, supp; Avaya, \$36.39, util; Baker & Taylor, \$213.88, supp; Andrew Barff, \$30.00, other; BH Occupational Medicine, \$582.12, prof fee; BH Power, \$1399.53, util; Blackhills.com, \$120.00, repair; Bob Barker Co, \$158.20, supp; Border States Electric, \$153.00, supp; Sean Briscoe, \$500.00, grp insur; Jerry Burnham, \$2490.88, prof fee; Butler Machinery, \$231.42, repair; CBH Cooperative, \$613.29, supp; Century Business Products, \$98.25, supp; Chain Saw Center, \$315.71, repair; Chamber of Commerce, \$75.00, other gen govt; Clark Printing, \$354.80, supp; Coca Cola, \$57.25, supp; Corbon Law Enforcement, \$146.16, supp; Crouch Recreational Design, \$1354.18, repair; Degrata Tactical, \$329.45, supp; Diamond Vogel Paints, \$142.20, supp; Double Star Computing, \$2120.00, repair; Fastenal Co, \$66.71, supp; Fedex, \$22.00, insur; Foothills Seed, \$104.25, supp; Glover Investments, \$600.00, rental-rally; Great Western Tire, \$681.00, supp; Hauff Mid-America Sports, \$347.25, cc prog exp; J&L Services, \$240.00, repair; Jacobs Auto Repair, \$186.00, supp; Jenner Equip, \$183.40, repair; Knecht Home Center, \$462.14, repair; Knology, \$2019.90, util; MB Services, \$100.00, other; Adam Martin, \$500.00, grp insur; Harvey Matz, \$1000.00, grp insur; Menard's, \$445.04, supp; MidAmerica Books, \$184.30, supp; Midcontinent Comm, \$41.75, util; Candy Morrell, \$3311.09, maint; Motionsoft, \$1350.00, prof fee; Motoring USA, \$375.00, prof fee; Muscular Dystrophy, \$75.00, other gen govt; Tanya Neuschwander, \$524.00, grp insur; Northern Hills Vet, \$252.30, prof fee; Northern Truck Equip, \$238.75, repair; Pitney Bowes, \$120.56, rent; Precision Carpet Contractors, \$95.71, repair; Rasmussen Mechanical, \$527.86, repair; Regional Health Physicians, \$18.00, prof fee; Rockingtree Landscape, \$2775.50, other; Rushmore Office, \$872.99, supp; Sacrison Asphalt, \$214.80, supp; Doyle Schaefer, \$89.45, grp insur; SD Public Assurance Alliance, \$144.24, insur; Shoener Machine, \$1390.00, supp; Jeanie Shyne, \$500.00, grp insur; Street Dept Petty Cash, \$13.98, repair; Sturgis Motorcycle Museum, \$75.00, other gen govt; Sturgis Photo & Frames, \$852.50, merch for resale; Swoop Productions, \$1250.00, prof fee; TASC-Client Invoices, \$971.62, other; Taste of Home, \$19.98, supp; The Sharpening Shop, \$28.00, repair; Tom's T's, \$1238.00, cc prog exp; Steve Tucker, \$500.00, grp insur; Pat Urbaniak, \$30.00, other; Verizon, \$1871.98, util; West Payment Center, \$229.60, supp; Elaine Wolken, \$1000.00, grp insur.

Special Sales Tax – Chamber of Commerce, \$10,666.63, chamber; SEDC, \$8333.37, ind dev.

Capital Improvement – Double Star Computing, \$4080.00, cap imp; Rasmussen Mechanical Services, \$115,340.54, cap imp; West Plains Engineering, \$707.50, cap imp.

Liquor – Barney's Signs, \$771.43, publ; BH Occupational Medicine, \$84.60, prof fee; Century Business Products, \$1.13, supp; Knology, \$148.36, util; SD Dept of Revenue, \$25.00, other; Sturgis Cigar & Knife, \$383.33, repair; TASC-Client Invoices, \$46.27, other; Verizon, \$53.50, util.

Water – BH Occupational, \$54.60, prof fee; BH Power, \$2937.62, util; Double Star Computing, \$285.00, prof fee; Knology, \$114.95, util; Candy Morrell, \$362.55, maint; Sacrison Asphalt, \$60.00, repair; TASC-Client Invoices, \$107.96, other; Verizon, \$230.96, util.

Wastewater – AT&T Mobility, \$56.72, util; BH Occupational, \$136.50, prof fee; BH Power, \$2390.76, util; Candy Morrell, \$238.18, maint; TASC-Client Invoices, \$61.69, other; Verizon, \$147.39, util.

Sanitary Service – BH Occupational Medicine, \$177.30, prof fee; BH Power, \$257.73, util; Century Business, \$68.65, prof fee; Century Link, \$57.88, util; Inland Truck Parts, \$132.92, repair; Candy Morrell, \$238.18, maint; Northwest Peterbilt, \$1879.67, repair; Regional Health Physician, \$87.00, prof fee; TASC-Client Invoices, \$107.96, other; Verizon, \$28.48, util.

TIF #9 Palisades – First Interstate Bank, \$24,397.56, other.

Ambulance – CBH Cooperative, \$2775.98, supp; Century Business, \$28.23, supp; Dale Aviation, \$1000.00, supp; DB Billing, \$2660.36, prof fee; Degrata Tactical, \$179.70, supp; HEDS, \$264.00, other; Knology, \$102.76, util; Regional Health, \$1361.32, supp; Regional Home Medical Equip, \$2523.42, supp; Richter’s Tire, \$57.06, repair; Subway, \$68.22, supp; TASC-Client Invoices, \$92.54, other; Verizon, \$20.22, util; Zylstra Body & Frame, \$1110.85, repair.

Motion by DesJarlais, second by Waterland and carried with Carstensen, DesJarlais, Johnston, McVay, Potts and Waterland voting yes and Hersrud abstaining to approve the following claim: Hersrud, \$1108.50, repair.

Motion by Hersrud, second by DesJarlais and carried with all members present voting yes to approve a Special Events Alcoholic Beverage License for JJ Davenport for a Christmas party at the Fire Hall on December 5, 2012.

Mike Bachand asked the Council to discuss agenda item number 9B, items 2 and 3. Bachand had concerns about the legal descriptions on these two liquor applications and also if the beer gardens represented the footprint of their building. The Council will let the State know about the discrepancy in the legal description and also will look at the ordinance on beer gardens.

Motion by McVay, second by Hersrud and carried with all members present voting yes to approve renewal of the following Liquor and Wine Licenses for 2013 and to include any if needed corrections to the legal descriptions to the State:

Package (off-sale) Liquor

1. City of Sturgis, dba – Sturgis Liquor – 1075 Lazelle

Retail (on-sale w/Sunday Sales) Liquor

1. PSI Enterprises, LLC, dba – Oasis Bar & Lounge – 1145 Main St
2. KSLB & D, dba – Easy Riders Steakhouse – 888 Junction Ave.
3. Homeslice Management, LLC, dba – Loud American Roadhouse – 1305 Main St
4. One Eyed Jacks Saloon of Sturgis Inc, dba – One Eyed Jack’s Saloon – 1304 Main St
5. American Legion Mead Post 33/ VFW Paha Sapa Post 2730 – 868 Main St.
6. Schmid Investments, dba – Sidehack Saloon – 1027 Lazelle Street
7. Key City Enterprises, dba – The Knuckle Saloon – 931 1st Street
8. Phil-Town Inn Inc., dba – Phil Town Inn – 2431 S. Junction

Wine (on-off sale) License

1. Billy & Jason Fields, dba – Rosco’z – 976 Lazelle
2. Fresh Start Convenience Store, Inc. – 2620 Lazelle St.
3. Dungeon Bar, dba – Royal Flush Casino and Sports Bar – 1030 Main Street
4. Sturgis Wine Company LLC, dba – Sturgis Wine Company – 1117 Main Street
5. Willie Nillie Inc., dba – Willie Nillie – 2715 Lazelle Street
6. MAJR, LLC, dba – Sturgis Coffee Company – 2275 Lazelle Street
7. Sturgis Water Works Com LLC, dba – JJ Davenport’s Restaurant
8. KSLB & D, dba – Easy Riders Steakhouse – 888 Junction Ave.

9. Matthew Goodine, dba – Goodine’s – 2214 Junction Ave.
10. Lynn’s Discount Foods, Inc., dba – Lynn’s Dakota Mart – 1111 Lazelle St.
11. Key City Enterprises, dba – The Knuckle Saloon – 931 1st Street

Motion by Waterland, second by DesJarlais and carried with all members present voting yes to approve the following payroll changes: Community Center – Lifeguard – Taber Baldwin - \$7.75

Motion by Johnston, second by Waterland and carried with all members present voting to approve second reading of Ordinance 2012-19 – Title 11 – Health and Sanitation.

ORDINANCE 2012-19
AN ORDINANCE AMENDING TITLE 11– HEALTH AND SANITATION

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 11–Chapters 11.02, 11.03, 11.04, AND 11.05, 11.06, 11.07 and 11.08– Health and Sanitation is amended to read as follows:

Chapter 11.02
HEALTH OFFICER

SECTIONS:

11.02.01: Appointment of Health Officer

11.02.01: APPOINTMENT OF HEALTH OFFICER

At the first meeting of the Council in the month of June of each year there may be recommended for appointment, by the City Manager, a Health Officer. If appointed, said officer shall hold office for a term of one year, and perform the duties of the office subject to the supervision of the South Dakota Department of Health and consistent with the ordinances and policies of the City of Sturgis.

Chapter 11.03
RUBBLE SITE AND DUMPING

SECTIONS:

- 11.03.01: Creation of Rubble Site
- 11.03.02: Duties and Powers of Rubble Site Supervisor
- 11.03.03: Unlawful to Dump Certain Materials
- 11.03.04: Removal Restrictions
- 11.03.05: Fires at Rubble Site
- 11.03.06: Prohibited Dumping
- 11.03.07: Rates for Use of Rubble Site
- 11.03.08: Disposal of Syringes or Medical Waste Prohibited
- 11.03.09: Disposal of Tires

11.03.01: CREATION OF A RUBBLE SITE

The City shall provide a place or places, known as the Rubble Site, for the deposit of rubbish materials as defined in this Title. Any rubble material shall be taken to and deposited in such place, in accordance with the provisions of this Chapter and any rules and regulations approved

by the City Council in accordance with the rules, regulations and statutes of the State of South Dakota and the United States of America.

11.03.02: DUTIES AND POWERS OF RUBBLE SITE SUPERVISOR:

The Public Works Director shall be the supervisor of operations at the Rubble Site. It shall be the duty of the Public Works Director to direct the disposal of the material hauled on or to said Rubble Site and the Rubble Site Supervisor shall generally be in charge of the Rubble Site. No material shall be deposited in the Rubble Site without the approval and direction of the Rubble Site Supervisor.

11.03.03: UNLAWFUL TO DUMP CERTAIN MATERIALS

The Rubble Site shall be used exclusively for the dumping or depositing of materials such as automobile bodies, appliances, building materials, grass, iron, tree branches, and other permitted materials. No domestic waste, hazardous waste, loose paper, or dead animals shall be deposited at the Rubble Site. It shall be unlawful to dump any of the aforesaid materials or any materials not permitted by the Department of Environment & Natural Resources and the City's permit.

11.03.04: REMOVAL RESTRICTIONS

It shall be unlawful for any person to remove or cause to be removed from the Rubble Site, any article or material of any kind after the same has been deposited therein, except by contract with the City of Sturgis.

11.03.05: FIRES AT RUBBLE SITE

No burning shall take place at the Rubble Site unless approved by the Rubble Site Supervisor and the Sturgis Fire Chief

All burning must be in compliance with the South Dakota Department of Environment and Natural Resources requirements and other state, local and federal laws and/or standards.

To avoid potential false alarms for the Fire Department, the Rubble Site Supervisor shall on the day he intends to burn, contact the Meade County Dispatch Center and advise of the following:

- A. The name and phone number of the person to contact in case a complaint is filed;
- B. The name and phone number of the person who will be on site when open flame is visible; and
- C. The duration in days if the burn is intended to last for several days.

Any person found guilty of starting a fire, whether intentional or accidental at the Rubble Site without the permission of the Rubble Site Supervisor and the Fire Chief shall be responsible for all fire suppression costs and be punished for a violation of this section.

11.03.06: PROHIBITED DUMPING

No person shall bury, burn, or dump petroleum products of any type, garbage or rubbish upon any street, alley, public or private place within the City, within one (1) mile of the limits of the City or outside of the Rubble Site fence enclosure, unless authorized by City Ordinance.

No person shall transport within the City or upon the road from the City to the Rubble Site any garbage, rubbish or building waste, which is not properly tied down or covered in such a manner as to prevent said materials from spilling or blowing onto the road or other properties while being transported.

Any compostable materials must be delivered to the Rubble Site in compostable bags or debagged and disposed of properly.

11.03.07: RATES FOR USE OF RUBBLE SITE

Any person who has paid all current rates for the hauling of rubbish from within the City as set forth in this Chapter, shall upon presentation of a copy of the utility bill and proof of identity, be entitled to access to the Rubble Site for the purpose of depositing rubble originating from a residence or a commercial unit within the City, so long as the quantity of the rubble being hauled to the Rubble Site is a pickup load or a smaller trailer containing no more than 1 1/2 yards.

The fees for dumping material at the Rubble Site shall be a base rate of \$6.00 per yard, and the rate for containers shall be as follows:

CATEGORIES FEE

1 YARD	\$6.00
10 YARDS	\$60.00
20 YARDS	\$120.00
30 YARDS	\$180.00
40 YARDS	\$240.00
50 YARDS	\$300.00
60 YARDS	\$360.00
70 YARDS	\$420.00
80 YARDS	\$480.00
90 YARDS	\$540.00
100 YARDS	\$600.00

The fees set forth above are based on container size, not by the amount of rubbish in said container. If the size of the container is not listed above, the size of the container shall be rounded up to the larger size as determined by City Public Works staff and the appropriate fee shall be paid on that size.

Mobile Home disposal may be permitted subject to inspection and acceptance by Public Works employees at the Rubble Site. No Mobile Home or similar prefabricated unit will be accepted for disposal if it contains household goods, clothing, trash, garbage or other hazardous or toxic items. The rate for disposal shall be \$15.00 per linear foot, including hitch length.

For convenience, punch cards shall be sold by the City, which shall allow the owner thereof to dump in quantities equal to the value of the categories hereinbefore set forth at said Rubble Site.

For the purpose of this Section, rubble and waste material originates at the place where it first

becomes rubble or waste material.

It shall be unlawful to dump any rubble or waste material at the Rubble Site without paying the required fee as set forth herein.

The Rubble Site may be unlocked on Sundays or holidays provided the person requesting this service in writing shall pay to the City a fee to reimburse the City for its costs, in an amount to be determined by the Public Works Director.

11.03.08: DISPOSAL OF SYRINGES OR MEDICAL WASTE PROHIBITED

No person shall deposit any syringe or other medical waste of any type in any garbage or trash container provided by the City under the terms of this ordinance.

11.03.09: DISPOSAL OF TIRES

Tires accepted for the Restricted Use of Solid Waste Facility shall be handled as follows:

- Type 1. \$3.00 each – Bicycle tires.
- Type 2. \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.
- Type 3. \$10.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.
- Type 4. \$20.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.
- Type 5. \$40.00 each-- Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

No tires larger than 24 inches inside diameter shall be accepted.

Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the City or its designee.

The City may no longer haul or accept tires in the refuse trucks. City sanitation dump trucks may pick up tires of Type 1, 2, and 3 within the City. Billing for said tire pick up shall be assessed on the resident's monthly sanitation utility bill sent by the Sturgis Water Department.

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

SECTIONS:

- 11.04.01: Council May adopt System for Collection and Disposal
- 11.04.02: City Collection System
- 11.04.03: Rates
- 11.04.04: Council Authority Over Rates
- 11.04.05: Billing and Failure to Pay
- 11.04.06: Container Regulations

- 11.04.07: Placement of Garbage Cans and Rubbish
- 11.04.08: Accumulation of Garbage and Rubbish
- 11.04.09: Compulsory and Universal System
- 11.04.10: Hazardous or Toxic Waste Not to be Placed in Any Container for Collection
- 11.04.11: Sanitation Fee
- 11.04.12: Billing and Failure to Pay
- 11.04.13: Appeal Process

11.04.01: COUNCIL MAY ADOPT SYSTEM FOR COLLECTION AND DISPOSAL

The City Council shall have the power and duty to provide for the removal of garbage and rubbish by the system outlined in Section 11.04.09 or by developing a separate licensing procedure.

11.04.02: CITY COLLECTION SYSTEM

In lieu of issuing a license or licenses to collectors, the City Council is hereby authorized to purchase or rent the necessary equipment and employ the necessary personnel to collect and dispose of the garbage and rubbish found in the City and collect and retain the collection fees as hereinafter provided.

11.04.03: RATES

It is hereby determined that the following are reasonable and necessary charges to be levied, imposed and collected for said garbage and rubbish collection and disposal in order to provide proper sanitary control within the City.

Each unit in the City, regardless of the amount of garbage and rubbish placed for disposal, shall be charged the following sums per month for the collection and disposal of garbage and rubbish service provided pursuant to this Chapter:

	1-3 CANS	1 YARD	2 YARDS	3 YARDS	4 YARDS
	1 UNIT	2 UNITS	4 UNITS	6 UNITS	8 UNITS
TIMES PER WEEK					
1	\$11.00	\$22.00	\$44.00	\$66.00	\$88.00
2	\$21.00	\$42.00	\$84.00	\$126.00	\$168.00
3	\$31.00	\$62.00	\$124.00	\$186.00	\$248.00
4	\$41.00	\$82.00	\$164.00	\$246.00	\$328.00
5	\$51.00	\$102.00	\$204.00	\$306.00	\$408.00
6	\$61.00	\$122.00	\$244.00	\$366.00	\$488.00
7	\$71.00	\$142.00	\$284.00	\$426.00	\$548.00

The rates set forth above include a \$1.00 per 90 gallon and \$3.00 per 300 gallon container surcharge for the purpose of providing recycling units in the future at selected locations within the city.

Starting January 1, 2013 the fees charged shall be increased by 3%. From that point forward the Council will adjust the fee by resolution. Additional pick up service beyond the curbside

household garbage tote pickup may be provided by the City. In the event such service is provided, the City may charge a fee commensurate to the costs associated with the service.

The City reserves the right to charge rates in excess of the rate classification set forth above, on an individual basis, depending on the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit for storage of refuse prior to collection. Any rubbish or garbage placed outside the garbage can or dumpster shall be surcharged at the rate of \$2.50 per minute and \$2.50 per cubic yard in addition to the regular rate.

Each multi-family unit or apartment house, where the structure housing the multi-family unit contains between one (1) and twenty-four (24) apartment units, shall be charged \$10.00 per unit, per apartment, per month, and each multi-family unit or apartment house containing twenty-five (25) units or more shall be charged \$7.40 per apartment, per month, and each multi-family unit or apartment house. This rate applies only to a single pickup location with a dumpster. The owner of the multi-family unit shall be responsible for paying the charges imposed herein for the whole unit.

The Council may by resolution annually approve an additional voluntary recycling fee or reduction to fund a curbside recycling program. Such a fee would be charged on a voluntary basis to pay for the additional curbside recycling service if and when the City offers such a program.

11.04.04: COUNCIL AUTHORITY OVER RATES

The City shall have the power in the annual budget ordinance to lower or raise the charges herein set forth. The City shall have this power before the expiration of any license which might be granted to a Refuse Collector under the provisions of this Chapter. The Refuse Collector, upon being awarded a license for garbage collection in the City, is charged with knowledge of the right of the City to adjust rates as in this Section provided and shall be deemed to have accepted a license of Refuse Collector subject to such rights of the City.

11.04.05: BILLING AND FAILURE TO PAY

Any charges for services as provided for in the preceding Sections shall be paid with the City utility bill. The City shall not be obligated to collect and dispose of the garbage and rubbish from that unit until such time that all charges are paid up-to-date.

11.04.06: CONTAINER REGULATIONS

Solid waste containers shall be kept closed and all of the contents shall be protected so that the wind cannot blow out and scatter the contents over the streets, alleys or property within the City. All refuse shall be placed in garbage bags and the bags must be securely fastened shut at the opening, and all boxes and containers must be sealed in such a fashion that no refuse can fall, blow away, or leak out.

In the event that a commercial unit provides a dumpster container at its own expense, this dumpster shall be compatible with the garbage collection trucks used by the City.

Any person who feels that his commercial unit should not be required to have a the sanitation totes as determined by the Public Works Director, shall have the right to appeal the decision of the Public Works Director to the City Manager and Council as provided in this Section 11.04.23 herein.

Garbage shall be placed in containers provided by the City. No family unit shall place any garbage in a garbage can without having drained off the moisture and placed it in plastic garbage bags or wrapped it in paper to avoid odor and freezing to the garbage can. Ashes must be cold before being placed in any garbage container. All rubbish shall be placed in sufficiently strong containers to adequately hold and confine such waste materials. Sanitation workers shall not be responsible for picking up garbage which has been strewn about or not in proper containers.

11.04.07: PLACEMENT OF GARBAGE CANS AND RUBBISH

All garbage cans and rubbish shall be placed on the premises adjacent to an alley bordering on said premises so as to be accessible from the alley adjoining the premises. Where no alley is available, garbage cans and rubbish shall be placed at any other convenient location where the garbage collectors can get at it, but in no case shall any garbage truck be required to use any private driveway in collecting garbage and rubbish. Garbage and rubbish shall be placed for pick-up in a location adjacent to the public right of way so as to allow safe operation of City equipment.

11.04.08: ACCUMULATION OF GARBAGE AND RUBBISH

No person shall allow garbage and rubbish to accumulate and collect in the City beyond a period of one week.

11.04.09: COMPULSORY AND UNIVERSAL SYSTEM

The maintenance of health, sanitation and safety require and it is the intention hereof to make the collection, removal and disposal of garbage and rubbish within the City compulsory and universal. No private refuse collection firms shall be allowed to pick up any garbage or trash in the City unless licensed by or under contract with the City to do so.

11.04.10: HAZARDOUS OR TOXIC WASTE NOT TO BE PLACED IN ANY CONTAINER FOR COLLECTION

Hazardous or toxic waste shall not be placed in any container for collection, transport, processing or disposal by the City. The terms hazardous or toxic waste as used herein shall be deemed to mean any pesticides, herbicides, insecticides, or any narcotic, drug, barbiturates, or stimulant drug which is not permitted under South Dakota state law to be sold over the counter without prescription.

11.04.11: SANITATION FEE

A sanitation fee in the amount of Two Hundred Twenty-Five Dollars (\$225.00) shall be imposed and collected for additional garbage and public collection disposal and for the provision of the temporary sanitation services to all temporary vendors within the City during any special event of over four (4) days in duration, unless specifically exempted from payment under the language of the Temporary Vendor License requirements set out in Title 31, Sturgis City Ordinances.

The fee of \$225.00 shall be imposed for access up to five (5) refuse "totes". An additional fee of \$425.00 shall be imposed for access to six (6) to ten (10) refuse totes; a fee of \$600.00 shall be imposed for access to eleven (11) to fifteen (15) refuse totes; a fee of \$750.00 shall be imposed for access to sixteen (16) to twenty (20) refuse totes, and a fee of \$900.00 shall be imposed for access to more than 20 refuse totes. Beginning January 1, 2013 the fees stated herein shall

increase to \$235.00, \$435.00, \$610.00, \$760.00 and \$910.00 respectively. Beginning January 1, 2014 the fees stated herein shall increase to \$245.00, \$445.00, \$620.00, \$770.00 and \$920.00 respectively.

The number of additional refuse totes required for each property during a special event shall be determined by the Public Works Director or his/her designee. A property owner may dispute the determination and request a review of that determination by the Public Works Director within 72 hours of delivery of the additional totes to the property by providing a written objection and any supporting documentation to the City Finance Office. The City Manager will review the complaint and provide a written decision to the property owner within 5 days. If the property owner still disputes the fee for the additional refuse totes, the remedy for the property owner is to submit a formal appeal as provided for at Section 11.04.23 herein.

Material permitted to be disposed of in these totes does not include disposal of any tires, inner tubes or similar items. Vendors that have paid the Special Sanitation Fee set forth above can request disposal of used tires at the time the Vendor permit and Special Sanitation Fee is paid by paying for 1/2 of the total expected tire disposal cost, calculated at the following rate per tire:

Type 1 - \$4.00 each – Bicycle tires.

Type 2 - \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$11.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$22.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5 - \$42.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

No tires larger than 24 inches inside diameter shall be accepted. Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the directions of the Public Works director or his designee.

Billing for said tire pick up shall be sent to both the Vendor and the property owner. Any tire disposal so arranged but not paid in full within 45 days after the end of the annual motorcycle rally shall be assessed to the property owners resident's monthly sanitation/utility bill sent by the Sturgis Water Department and subject to collection by the City of Sturgis by any means authorized by city Ordinance or state law.

Tires which are left on private property and not removed within 7 days of the end of the annual motorcycle rally, or for which full payment for removal as set forth above has not been received, shall be removed by City personnel and the following fees assessed to the property owner for such removal:

Type 1 - \$5.00 each – Bicycle tires.

Type 2 - \$7.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$12.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$25.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5 - \$45.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

For any tire larger than 24" left on public or private property and picked up by public Works or other authorized City personnel to avoid the existence of a trash nuisance, the handling and disposal fee

shall be \$150.00 or the actual disposal cost to the City, whichever is greater. Billing for all tires picked up by City employees shall be assessed at these rates on the property owner's resident's monthly sanitation/utility bill sent by the Sturgis Water Department.

In addition to being required to pay the Special Sanitation Fee provided for herein, trash piled upon or next to a refuse tote may constitute a nuisance in violation of Title 12 of Sturgis ordinances, and the property owner may be subject to prosecution for any such violation under Ordinance Title 12, or under the Administrative Code Violation provisions of Ordinance Title 36.

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, unless specifically exempted from payment by the language of ordinance Title 31:

- 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). (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. An exception shall only apply to those non-profit organizations that can prove qualifications under Section 501, compliance with the notice provisions of SDCL 22-25-25(6), and which are identified as exempt from this fee by the language of Title 31, Temporary Vendor License.

This Special 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 sanitation rates set forth above shall be imposed regardless of whether the business is operated on a “not for profit” basis or otherwise.

11.04.12: BILLING AND FAILURE TO PAY

In the event the payment is not made within the time noted on the utility bill, any applicable penalties of this Chapter shall apply.

Notwithstanding any other collection provision provided for under this Chapter, the City shall have the power to collect the sanitation fee imposed herein through any other remedy available to it under the statutes of the state of South Dakota.

11.04.13: APPEAL PROCESS

Any person aggrieved by a decision of the Public Works Director made under this Chapter shall be entitled to have said decision reviewed by the Public Works Director. In the case of an appeal of the decision of the Public Works Director, the subsequent review shall be by the City Manager. If after that review the appeal is not resolved the person may appeal the decision to the City Council, following the procedure established in Title 36. The process shall begin as follows:

- A. An aggrieved person shall first file a written request for review with the Public Works Director setting forth the basis for which he or she believes the Public Works Director’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 Public Works Director shall review his or her decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the Public Works Director following review, he or she may file a notice of appeal following the procedure established in Title 36.

Chapter 11.05 SEWERS

SECTIONS:

11.05.01: Unsanitary Deposit Prohibited

11.05.02: Discharge of Wastewater in Natural Outlet Prohibited

- 11.05.03: Prohibited Construction and Maintenance
- 11.05.04: Required Installation and Connection
- 11.05.05: Required Capping of Lines
- 11.05.06: On-Site Wastewater Disposal
- 11.05.07: On-Site Wastewater Disposal Permit Required
- 11.05.08: Application for On-Site Wastewater Disposal Permit
- 11.05.09: Fee for On-Site Wastewater Disposal Permit
- 11.05.10: Approval and Inspection of On-Site Wastewater Facility Required
- 11.05.11: Required Compliance
- 11.05.12: Public Connection Required When Available
- 11.05.13: Sanitary Maintenance Required
- 11.05.14: Sewer Tap Permit Required
- 11.05.15: Application for Sewer Tap Permit
- 11.05.16: Fee for Sewer Tap Permit
- 11.05.17: Costs and Expenses Incidental to Connection
- 11.05.18: Separate Sewer Required for Each Building
- 11.05.19: Required Building Sewer Specifications
- 11.05.20: Inspection and Connection
- 11.05.21: Groundwater Drainage Prohibited
- 11.05.22: Unpolluted Water Drainage
- 11.05.23: Discharge of Prohibited Materials
- 11.05.24: Discharge Allowed with Limitation
- 11.05.25: Grease, Oil, and Sand Interceptors
- 11.05.26: Maintenance of Pretreatment Facilities
- 11.05.27: Structure Required for Industrial Waste
- 11.05.28: Adoption of Standard Methods for the Examination of Water and Wastewater
- 11.05.29: Agreements for Special Circumstances
- 11.05.30: Powers and Authority of Public Works Director
- 11.05.31: Sewer Use Charges
- 11.05.32: Billing and Delinquent Accounts
- 11.05.33: Protection from Damage
- 11.05.34: Sump Pump Usage
- 11.05.35: Appeal Process

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.

11.05.03: PROHIBITED CONSTRUCTION AND MAINTENANCE

No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or facility intended to be or actually used for the disposal of wastewater.

11.05.04: REQUIRED INSTALLATION AND CONNECTION

Any owner of any building or property used for human occupancy, employment, recreation, or other purpose which abuts any street, alley, or right-of-way in which there is currently located or may in the future be located a public sanitary sewer of the City shall, at the owner's expense, install suitable toilet facilities and connect said facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days of the date of official notice.

This requirement shall only apply in the event said public sewer is located within Four hundred (400) feet of the property line. No private sanitary sewer service lines shall exceed 100' feet in length unless approved by the Public Works Director. Separate service lines shall be provided for each dwelling unit or parcel, as defined in Title 2 of Sturgis City Ordinances.

All sanitary sewer lines, including private systems, must run at right angles to the street and may not run in the ROW parallel to the street. Service lines shall not cross adjoining property lines and shall connect to mains fronting the property. Private Service lines may not cross adjoining properties even if located within private easements. Where services lines are being replaced to bring properties into compliance, the new service line shall connect to a sewer main in the manner approved by the City.

Existing services lines may be used for a new building only if they are examined by the Public Works Department before the issuance of a Building Permit and are found to comply in all respects with City Ordinance and Design Standards and the State Plumbing Code.

11.05.05: REQUIRED CAPPING OF LINES

Any owner of property upon which any structure is removed, demolished or raised shall be responsible for capping or plugging any sanitary sewer service lines. Said lines shall be capped at the point where the building sewer is tapped into the City's sanitary sewer main.

The procedure for capping or plugging the tap shall be approved by the Public Works Director.

All plugs and/or caps shall be inspected by the Public Works Director or his designee prior to any trench being filled and compacted.

A minimum twenty-four (24) hour notice shall be given for inspections.

11.05.06: ON SITE WASTEWATER DISPOSAL

In the event a public sanitary sewer is not available under the provisions of Section 11.05.04, the building sewer shall be connected to a private wastewater disposal system that is in compliance with this Title.

11.05.07: ON SITE WASTEWATER DISPOSAL PERMIT REQUIRED

Before any person may commence construction of a private wastewater disposal system, he or she shall obtain a written permit signed by the Public Works Director and approved by the South Dakota State DENR.

11.05.08: APPLICATION FOR ON SITE WASTEWATER DISPOSAL PERMIT

To obtain a permit to construct a private wastewater disposal system, the applicant shall make application to the Inspection Office in duplicate on forms to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The name of the owner of the property on which the system is to be constructed;
- B. The legal description and address of the property on which the system is to be constructed;
- C. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

11.05.09: FEE FOR ON SITE WASTEWATER DISPOSAL PERMIT

Upon making application for a permit to construct a private wastewater disposal, any applicant shall pay a fee in an amount established by Title 2 of Sturgis City Ordinances.

11.05.10: APPROVAL AND INSPECTION OF ON SITE WASTEWATER FACILITY REQUIRED

Any permit for the installation or construction of any private wastewater disposal system shall be conditional upon the installation and construction being completed to the satisfaction of the Public Works Department and in accordance with South Dakota DENR administrative codes. . .

Public Works Department shall be authorized to inspect the work at any state of construction. Any applicant shall notify the Public Works Department when the installation and/or construction work is ready for final inspection. Said notification and subsequent inspection shall occur before any underground portions are covered. Public Works Department shall complete the requisite inspection within twenty-four (24) hours of receipt of notice.

11.05.11: REQUIRED COMPLIANCE

The type, capacities and layout of any private wastewater disposal system shall comply with all recommendations of the Department of Water and Natural Resources of the State of South Dakota.

No private wastewater disposal system shall employ subsurface soil absorption facilities. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

11.05.12: PUBLIC CONNECTION REQUIRED WHEN AVAILABLE

In the event a public sewer becomes available to a property served by a private wastewater disposal system as provided in Section 11.05.04, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Chapter. Any septic tank, cesspool, and similar private wastewater disposal facility shall be cleaned of any sludge and filled with a suitable material.

11.05.13: SANITARY MAINTENANCE REQUIRED

Any owner shall operate and maintain his or her private wastewater disposal facility in a sanitary manner at all times at no expense to the City.

11.05.14: SEWER TAP PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a sewer tap permit from the Public Works Director.

There shall be two (2) classes of sewer tap permits. The first class shall be for residential and commercial service and the second shall be for service to establishments producing industrial waste.

11.05.15: APPLICATION FOR SEWER TAP PERMIT

To obtain either classification of sewer tap permit from the Public Works Director, the applicant shall make application to the Public Works Office in duplicate form to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The name of the owner of the property to which the sewer will be tapped;
- B. The legal description and address of the property from which the sewer will be tapped; and
- C. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

11.05.16: FEE FOR SEWER TAP PERMIT

Upon making application for either class of sewer tap permit, any applicant shall pay a fee of One Hundred Dollars (\$100.00). Said fee shall be deposited into the Wastewater Enterprise Fund.

11.05.17: COSTS AND EXPENSES INCIDENTAL TO CONNECTION

Any costs and/or expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property to which the sewer is to be connected. The City shall not be responsible for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

11.05.18: SEPARATE SEWER REQUIRED FOR EACH BUILDING

A separate and independent building sewer shall be provided for every building, except in the case where one building stands at the rear of another on an interior lot and no private sewer is available or capable of being constructed to the rear building through an adjoining alley, court, yard, or driveway. Under said circumstances, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the City shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Old building sewers may be used in connection with new buildings only when they are found by the Public Works Director to meet all requirements of this Chapter. It shall be the responsibility of the building owner to notify the Public Works Department and request an inspection.

11.05.19: REQUIRED BUILDING SEWER SPECIFICATIONS

The size, slope, alignment, materials of construction, excavation methods, placement of pipe, jointing testing and backfilling of a building sewer shall conform to the requirements of the South

Dakota State Plumbing Code or other requirements which may be prescribed by the Public Works Director.

Unless determined impractical by the Public Works Director, any building sewer shall be brought to the building at an elevation below the basement floor. In any building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means approved by the Public Works Director and discharged to the building sewer.

The connection of any building sewer into the public sewer shall conform to the requirements of the South Dakota Plumbing Code or other special requirements which may be established by the Public Works Director. Any such connections shall be made gastight and watertight and verified by proper testing procedures approved by the Public Works Director. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director prior to installation.

11.05.20: INSPECTION AND CONNECTION

Any applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Public Works Director or his designee and shall be accomplished by a licensed plumber or installer in accordance with the South Dakota State Plumbing Code and this Chapter.

11.05.21: GROUNDWATER DRAINAGE PROHIBITED

No person shall make connection of roof downspout, foundation drains, areaway drains, or other sources of surface runoff of groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

11.05.22: UNPOLLUTED WATER DRAINAGE

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers to a natural outlet approved by the Public Works Director and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged to a storm sewer, with approval of the Public Works Director, the South Dakota Department of Energy and Natural Resources, and the Environmental Protection Agency.

11.05.23: DISCHARGE OF PROHIBITED MATERIALS

No person shall discharge or cause to be discharged any of the following described water or waste to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- B. Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either alone or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant.

- C. Any water or waste having a pH lower than 5.5 or higher than 9.0 or having any other chemical property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or sizes capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Said prohibited materials shall include, but not be limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, milk, whey, paper dishes, cups, milk containers, etcetera, either whole or ground by garbage grinders.

11.05.24: DISCHARGE ALLOWED WITH LIMITATION

The discharge into the municipal system of the substances set forth in this Section shall be limited to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream, constitute a nuisance or otherwise endanger lives, limb, or public property. Said substances subject to the limitations of this Chapter are as follows:

- A. Wastewater having a temperature higher than one hundred and fifty (150) degrees Fahrenheit, sixty-five (65) degrees Celsius;
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non- biodegradable cutting oils, or product of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fat, or grease;
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Building Inspector for such materials;
- F. Any water or wastes containing odor-producing substances exceeding limits established by the Public Works Director;
- G. Any radioactive waste or isotopes or such half-life or concentration as may exceed limits established by the Building Inspector in compliance with applicable state or federal regulations;
- H. Quantities of flow, concentrations or both that constitute a slug;
- I. Water or waste containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater plant effluent cannot meet requirements of the South Dakota Department of Environmental Protection, the

Environmental Protection Agency or other agencies having jurisdiction over discharge to the receiving water; and

- J. Any water or waste which, by interaction with other water or waste in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, create a condition deleterious to structures and treatment processes, or contribute to the production of odors, floating materials or nuisance conditions in the wastewater collection or treatment system.

Public Works Director shall have the authority to set limitations lower than the limitations established in the regulations of this Section if the Building Inspector determines more severe limitations are necessary to meet the objectives of this Section. In determining whether more severe limitations are necessary, the Public Works Director shall be guided by the following factors:

- A. The quantity of waste in relation to flows and velocities in the sewers;
- B. The materials of construction of the sewers;
- C. The wastewater treatment employed;
- D. The capacity of the wastewater treatment plant; and
- E. The degree of treatability of the waste in the wastewater treatment plant.

In the event any water or waste described in A-J of this Section are discharged or are proposed to be discharged into the public sewers and the Public Works Director determines that said discharge may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving water, or would otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may take any or all of the following actions:

- A. Reject the waste;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover added costs of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of this Chapter. If the Public Works Director permits the pretreatment of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director.

11.05.25: GREASE, OIL AND SAND INTERCEPTORS

Grease, oil and sand interceptors shall be provided in the event the Public Works Director determines that they are necessary for the proper handling of liquid waste containing floatable grease in excessive amounts, as specified in this Chapter or any flammable waste, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Any interceptor shall be of a type and capacity approved by the Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

Any owner shall be responsible for the maintenance of said interceptors. Any owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to review by the Public Works Director. Any removal and hauling of the collected materials shall be performed by a licensee of the South Dakota Department of Environmental Protection.

11.05.26: MAINTENANCE OF PRETREATMENT FACILITIES

In the event pretreatment or flow-equalizing facilities are provided or required for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

11.05.27: STRUCTURE REQUIRED FOR INDUSTRIAL WASTE

When required by the Public Works Director, any owner of any property serviced by a building sewer carrying industrial waste shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Said structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Public Works Director. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

11.05.28: ADOPTION OF STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER

Any measurement, test, and/or analysis of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association.

Any sampling method, location, time, duration and/or frequency is to be determined on an individual basis subject to the approval of the Public Works Director.

11.05.29: AGREEMENTS FOR SPECIAL CIRCUMSTANCES

No provision contained in this Title shall be construed as preventing any special agreement or contractual arrangement between the City and any industrial entity whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

11.05.30: POWERS AND AUTHORITY OF PUBLIC WORKS DIRECTOR

The Public Works Director and any other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge of wastewater to the community system in accordance with the provisions of this Chapter.

The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry shall establish that the revelation to the public of the information in question would likely result in an advantage to competitors.

While performing necessary work on private properties as set forth in this Section, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees.

The Public Works Director and other duly authorized employees of the City bearing proper credentials and other identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full compliance with the terms of the fully negotiated easement pertaining to the private property involved.

11.05.31: SEWER USE CHARGES

The sewer charge for any one residential unit shall be a flat rate of Twenty-three Dollars (\$23.00) per month effective June 1, 2000.

If water service to a property is shut off, the monthly availability fee will still be charged to that account. That monthly fee will be \$18.00. This fee shall not be charged to accounts that used solely for irrigation purposes. The Council may adjust the fee by resolution.

The sewer charge for commercial and institutional units shall be billed to the owner or operator of the commercial or institutional property at the following rates, based upon the size of domestic water lines effective June 1, 2000.

¾ inch to 1 inch	1 minimum	\$ 27.00
1 ¼ inch	2 minimum	\$ 43.00
1 ½ inch	3 minimum	\$ 59.00
2 inch	4 minimum	\$ 75.00
3 inch	6 minimum	\$107.00
4 inch	8 minimum	\$139.00

Whenever the BOD concentration exceeds 200 mg/l or the suspended solids concentration exceeds 250 mg/l based on a twenty-four (24) hour, flow-proportioned composite sample the sewage use shall be increased according to the following schedule:

24/Hour Composite Surchage		Suspended		
Concentration (mg/1) Solids	Class	Solids Class	(1,000 gallons) BOD	Suspended
0-200	I	A	0.000	0.000
200-250	II	B	0.004	0.000
250-300	III	C	0.008	0.004
300-350	IV	D	0.012	0.008
350-400	V	E	0.016	0.012
400-450	VI	F	0.020	0.016
450-500	VII	G	0.024	0.020

500-550	VIII	H	0.028	0.024
550-600	IX	I	0.032	0.028
600-650	X	J	0.036	0.032
650-700	XI	K	0.040	0.036
700-750	XII	L	0.044	0.040
750-800	XIII	M	0.048	0.044
800-850	XIV	N	0.052	0.048
850-900	XV	O	0.056	0.052
900-950	XVI	P	0.060	0.056
Greater than 950	XVII	Q	0.004 per each 50 Increment	

The institutional users shall include schools and City, County and State buildings. Sewage use charge shall be increased according to the schedule set forth herein, pursuant to EPA and DENR regulations.

Starting January 1, 2013 the fees charged shall be increased by 3%. From that point forward the Council will adjust the fee by resolution.

11.05.32: BILLING AND DELINQUENT ACCOUNTS

The City shall charge payment for use as follows:

- A. Sewer Use Charge: Commencing July 1, 1978, all sewer use charge billings shall be as set by City Policy and shall be based upon the rates established by the City.
- B. Industrial Cost Recovery Charges: The City shall submit an annual statement to each industry for the industrial cost recovery amount.
- C. All sewer use charges shall be due and payable on the 15th day of each and every month, and if not paid on or before the 15th day of each month, it shall become delinquent. The account holder shall be given notice on the following month’s bill that said account is delinquent and if not paid by the 15th of the next month, the Sturgis Water Department shall promptly discontinue water service to such account. In the event of the discontinuance of such water service for non-payment of the sewer use charge, no water shall be turned on until all back sewer use bills and other charges have been paid.
- D. Sewer use charges cannot be paid without first paying the water bill.

11.05.33: PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision is guilty of disorderly conduct and shall be subject to immediate arrest therefore.

11.05.34: SUMP PUMP USAGE

No person shall discharge or cause to be discharged any unpolluted waters, including but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, with the exception that basement sump pumps may be discharged to the

sanitary sewer between October 15th and April 1st upon application and receipt of a permit from the Public Works Director. Any such permit shall be valid as limited herein and subject to annual renewal.

11.05.35: APPEAL PROCESS

Any person aggrieved by a decision of the Public Works Director made under this Chapter shall be entitled to have said decision reviewed by the Public Works Director. If after review the said person is unsatisfied, he or she may appeal the decision to the City Manager and then to the City Council in the manner for an Appeal as established in Title 36

**CHAPTER 11.06
REGULATION OF TATTOO PARLORS**

SECTIONS:

- 11.06.01: Vendor's License Required for Temporary Business
- 11.06.02: Adoption of State Statutes and Regulations

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 person that operates a tattoo parlor or who provides tattoos shall first obtain the required Sturgis business license as provided for in title 18 and Title 31 of Sturgis City Ordinances and be in compliance with all the requirements set forth in Section 11.06.02.

11.06.02: 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**

SECTIONS:

- 11.07.01: Permit Required
- 11.07.02: Adoption of State Statute and Regulations
- 11.07.03: Assistance of Department of Health

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 Sturgis business license as required by Title 18 and Title 31 of Sturgis City Ordinances and be in compliance with all the requirements set forth in Section 11.06.02.

11.07.02: ADOPTION OF STATE STATUTES AND REGULATIONS

The standards set forth in SDCL 9-34-17 and ARSD 44-12-02 shall constitute the standards for body piercing within the City of Sturgis.

11.07.03: 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**

SECTIONS:

- 11.08.01: Application
- 11.08.02: Responsibility for Disposal of Cooking Grease
- 11.08.03: Responsibility for Disposal of Grey Water
- 11.08.04: Responsibility for Disposal of Leaking Water Supply Lines
- 11.08.05: Medical and Bio Hazardous Waste
- 11.08.06: Responsibility for Disposal of Used Motor Oil
- 11.08.07: Application to Oil Changing Operations
- 11.08.08: Used Oil Storage

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. 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 water leaking from a 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 BIOLOGICAL 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 Officer or Public Works Director 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".

Dated this 3rd day of December, 2012.

First reading: October 15, 2012
Second reading: December 3, 2012
Adopted: December 3, 2012
Published: December 12, 2012
Effective: January 2, 2013

Motion by Hersrud, second by DesJarlais and carried with all members present voting to approve second reading of Ordinance 2012-20 – Title 9 – Fire Prevention.

**ORDINANCE 2012-20
AN ORDINANCE AMENDING TITLE 9– FIRE PREVENTION AND REGULATION**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 9–Chapters 9.01, 9.02, 9.03, 9.04 and 9.05– Fire Prevention and Regulation is amended to read as follows:

**TITLE 9
FIRE PREVENTION AND REGULATION**

CHAPTERS:

9.01: General Provisions
9.02: Adoption of Fire Codes
9.03: Fire Department
9.04: General Fire Provisions

**CHAPTER 9.01
GENERAL PROVISIONS**

SECTIONS:

9.01.01: Scope and Purpose
9.01.02: Definitions
9.01.03: Penalty

9.01.01: SCOPE AND PURPOSE

The purpose of this Title is to set forth regulations governing the formation of the Sturgis Fire Department and regulations relating to fire prevention and public safety.

9.01.02: DEFINITIONS

AUTOMATIC EXTERNAL DEFIBRILLATOR "AED": A device used to deliver a shock to the heart of a person suffering from ventricular fibrillation or sudden cardiac death.

CENTRAL STATIONS: Central stations shall immediately notify the Emergency Services Communication Center (Meade County Dispatch) for dispatch of the fire department. The fire department must be notified by fax or electronic report of all trouble signals which exist for greater than a single 8 hour time period.

CHARCOAL GRILL: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

CHIEF: The Sturgis Volunteer Fire Department Chief or his or her designee.

CODE OFFICIAL: The fire chief, fire marshal, code enforcement officer, or other person designated by the City Manager to perform the duties of administration and enforcement of the code.

CONTROLLED OR PRESCRIBED BURN: An intentionally-ignited fire contained within a designated area. The goal of which is to remove highly-flammable undergrowth and thus reduce the risk of forest or wildfire.

CURBS: Where deemed necessary by the City Manager or his/her designee the fire apparatus access road shall be identified with red painted curbs as deemed necessary. Where no curb exists, a 6-inch-wide red stripe the length as deemed necessary shall be acceptable.

DIMENSIONS: Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Additional width may be required when multiple responding emergency apparatus is expected to pass. The width, length, and interval will be as approved by the City Manager or his/her designee.

DISPOSITION OF SIGNALS: In all cases involving alarm and supervisory signals the Emergency Services Communication Center, for dispatch of the fire department, shall be contacted prior to notification of the subscriber.

EMS: Emergency Medical Services

EMS AUTHORITY: The entity operated by the City of Sturgis which occasionally operates in conjunction with the Sturgis Volunteer Fire Department (designated as the Ambulance Service or Department)

EXHIBITS AND TRADE SHOWS – IFC 105.6.12

FAILURE TO COMPLY: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine and/or imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

FIRE ALARM ACTIVATION: No person shall silence a fire alarm until the fire department arrives, unless the person responsible for the property or fire alarm system has thoroughly investigated the building or area of alarm and found no evidence of fire, at which time the fire alarm system may be silenced, and may be reset, provided the fire department is notified of such action and investigation findings.

FIRE APPLIANCE: Any device, fire hydrant, fire department connection, water or sprinkler valve used by the fire department for the purpose of fire fighting activities.

FIREWORKS: Any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used.

The term “fireworks” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

The term “fireworks” shall not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

LIQUID FUEL GRILL: A metal or stone device designed to cook food using liquefied or gaseous combustible fuel

LIQUEFIED-PETROLEUM-GAS-FUELED COOKING DEVICES: IFC definition

MANUAL FIRE ALARM SYSTEM: A system comprised of only manually operated fire alarm initiating devices installed in accordance with the applicable code requirements.

OPEN BURNING: An operational permit is required from the City Manager or designee for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instruction and stipulations of the permit shall be adhered to.

OPEN BURNING AND RECREATIONAL FIRES: IFC definition

OPEN FIRE: Any outdoor fire, including campfires, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. The term “open fire” shall not include charcoal grills or liquid fuel grills.

OPEN FLAMES: IFC definition

OPEN FLAME COOKING DEVICES: IFC definition

OPEN FLAME DEVICES: IFC definition

PERMITS: IFC definition

PLACES OF TEMPORARY ASSEMBLY: An operational permit is required to operate an indoor or outdoor public assembly function where a tent or multiple tents, structures, or canopies exceeding an aggregate area of 1,000 sq. ft. and is utilized as an assembly occupancy. Two sets of plans for all indoor/outdoor public assembly functions shall be submitted to the Building Department for review at least 45 days prior to its use as an assembly area. The event layout design must be in accordance with the Sturgis Volunteer Fire Department.

PUBLIC: Any person who is not a part of the City’s Emergency Service response.

REQUIRED ACCESS: Where access to or within a structure or an area is restricted of secure openings or where immediate access is necessary for life-saving or firefighting purposes or minimum of three (3) feet clear and unobstructed access shall be maintained on the sides of and in-front of fire protection systems and associated equipment. Specific equipment referenced is as follows but not limited to, fire extinguishers, fire sprinkler control valves, risers, hose stations, standpipes, and fire alarm and control panels.

REQUIRED CONSTRUCTION PERMITS: The City manager or his/her designee is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.12.

SPRAYING OR DIPPING: A construction permit is required from the City of Sturgis to install or modify a spray room, dip tank or booth.

TEMPORAY MEMBRANE STRUCTURES, TENTS AND CANOPIES: IFC 105-6.44

VIOLATION PENALTIES: Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official or of a permit or certificate used under provisions of this code, shall be guilty of a Class II Misdemeanor, punishable by fine and/or imprisonment pursuant to state statute. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

WASTE OIL: A waste liquid from the use of Class II-B Combustible liquids such as motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids. It does not include the products classified as Class I, III-A liquids or corrosives, toxics or highly toxic material as defined in Article 79 and Article 80. (See Section 2211.2.2)

9.01.03: 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.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 9.02 ADOPTION OF FIRE CODES

SECTIONS:

- 9.02.01: Adoption of International Fire Code
- 9.02.02: Bureau of Fire Prevention
- 9.02.03: Permits
- 9.02.04: Conflicts between this Title and the Fire Code
- 9.02.05: NFPA Fire Prevention Standards

9.02.01: ADOPTION OF INTERNATIONAL FIRE CODE

IFC Chapter 15, Flammable Finishes shall be amended by deleting Section 1501.2 Permits.

IFC Chapter 16, Fruit and Crop Ripening shall be amended by deleting Section 1601.2 Permits.

IFC Chapter 17, Fumigation and Thermal Insecticidal Fogging shall be amended by deleting Section 1701.2 Permits.

IFC Chapter 18, Semiconductor Fabrication Facilities shall be amended by deleting Section 1801.2 Permits.

9.02.02: BUREAU OF FIRE PREVENTION

The Fire Safety Provisions of this Ordinance may be enforced by the Bureau of Fire Prevention, which shall operate under supervision of the Chief of the Fire Department.

The City Manager may designate such members of the SVFD Department or City Employees as inspectors as shall from time to time be necessary.

No person may deny entrance to fire personnel acting within their official duties. .

9.02.03: PERMITS

The City may require permits by administrative rule. All required permits shall be obtained from the City Manager or his/her designee All permits shall expire within one year or sooner if noted on the permit. An additional permit may be obtained under the discretion of the City Manager or his/her designee upon expiration.

Any person wanting to have open fires or burns within the confines of the City or one mile thereof, shall first make a written request to the Sturgis City Manager. The City Manager shall then approve or disapprove the burn project. If it is the decision of the City Manager to deny the application for a burn permit, the applicant may appeal to the City Council as provided for in Appeals under Title 36 of Sturgis City Ordinances.

9.02.04: CONFLICTS BETWEEN THIS TITLE AND THE FIRE CODE

If any provision of this Title conflicts with the provisions of the Fire Code or the NFPA Standards, the provisions of this Title shall take precedence.

9.02.05: GOAL OF NFPA FIRE PREVENTION STANDARDS

There is hereby adopted by the City, the goal of meeting the purposes of the of the NFPA by prescribing regulations consistent with nationally recognized good practice for safeguarding to a reasonable degree the lives and property of the residents of the City of Sturgis from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devises, and from conditions hazardous to life or property and the use of occupancy of building or premises, by adopting this ordinance and any all revisions to it.

**CHAPTER 9.03
FIRE DEPARTMENT**

SECTIONS:

- 9.03.01: Establishment, Duties and Responsibilities
- 9.03.02: Officers
- 9.03.03: Selection and Term of Fire Chief and Assistant Fire Chiefs
- 9.03.04: Equipment and Care of Property
- 9.03.05: Insignia
- 9.03.06: Required Aid
- 9.03.07: Failure to Assist
- 9.03.08: Interference with the Department
- 9.03.09: Damaging Apparatus
- 9.03.10: Obedience to Officers and Police Powers
- 9.03.11: Deferred Compensation Program Established
- 9.03.12: Deferred Compensation Program Purpose
- 9.03.13: Program Eligibility Requirements
- 9.03.14: Program Funding and Investment
- 9.03.15: Program Disbursement of Deferred Compensation

9.03.01: ESTABLISHMENT, DUTIES AND RESPONSIBILITIES

There is hereby established and created a municipal Fire Department to provide fire protection services to the residents and business of the City. At its sole discretion, the City may contract with the Sturgis Volunteer Fire Department or similar outside agency to provide these services.

9.03.02: OFFICERS

The Department may include employees as recommended by the City Manager and approved by the City Council for the effective operation of the Fire Department. Should the City contract with an outside agency such as the Sturgis Volunteer Fire Department to provide services, the City may choose to only employ administrative and other support positions.

9.03.03: SELECTION AND TERM OF FIRE CHIEF AND ASSISTANT FIRE CHIEFS

The City Council may, as recommended by the City Manager, hire a "Fire Chief" to oversee all or any portion of the Fire Department, Search & Rescue or Hazardous Materials response services.

9.03.04: EQUIPMENT AND CARE OF PROPERTY

The Fire Department shall report to the City Council each year during budget review the status and condition of all equipment currently under the Fire Department's care. Under the guidance of the City Manager and Fire Department, the City from time to time may provide additional equipment which is required to maintain the City's ISO Rating and as needed to maintain efficiency and properly protect life and property from fire and other hazards.

All City owned equipment under the care of the Fire Department shall be maintained in a proper working manner consistent with industry standards.

All City owned equipment of the Fire Department shall be safely and conveniently housed in such places as may be designated by the City Council. Said places shall be heated during the winter season.

No person shall use any City owned fire apparatus or equipment for any private purpose, without first receiving approval from the City Manager, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Fire Department.

No person not otherwise authorized shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.

9.03.05: INSIGNIA

Each member of the Fire Department shall be issued a badge designating his or her rank. Each member of the Fire Department driving a vehicle may be issued a suitable insignia to be attached to the vehicle or vehicles.

On the first day in June each member shall be issued a new ID card from the Fire Department stating that the individual is an accepted member of the Sturgis Fire Department.

No person may display any badge, card, sign, decal, license plate or similar items representing themselves as a Fire Department member unless authorized by the Fire Chief-and/or City Manager.

No person shall willfully impersonate themselves as a fire officer or a member of a fire department by wearing a cap, hat, badge, insignia or in any other way give the impression they are a member of the Fire Department.

9.03.06: REQUIRED AID

The Fire Chief or other member of the Fire Department may request the aid of any reasonable person, citizen, inhabitant or bystander, in conveying any engine, fire apparatus or other

equipment to an emergency scene. Said individuals may also be requested to lend assistance at the emergency scene.

9.03.07: FAILURE TO ASSIST

No person present at or going to an emergency scene shall refuse upon command of the Fire Chief, Assistant Chief or person in charge, to render such assistance as may be requested, or to refuse to obey any lawful order of an officer in command or interfere with any member of the Fire Department who is on duty and engaged in an emergency.

9.03.08: INTERFERENCE WITH THE DEPARTMENT

No person shall willfully hinder or interfere with any City Officer or member of the Fire Department in the performance of his/her duty as a member of the Fire Department.

No unauthorized person shall willfully cut, deface, destroy, or injure any telecommunications wire, pole or signal box.

No unauthorized person shall ride upon or attempt to ride upon any emergency vehicle or fire apparatus of the Fire Department when responding to or returning from any emergency. No person, not on official duty with the Fire Department, shall follow within 500 feet of any Emergency Vehicle.

9.03.09: DAMAGING APPARATUS

No person shall willfully damage any engine, or other equipment belonging or pertaining to the Fire Department.

9.03.10: OBEDIENCE TO OFFICERS AND POLICE POWERS

Any person present at an emergency scene shall be subject and obedient to the orders of the Fire Chief or such person in charge of the emergency scene. All regularly appointed members of the Fire Department, who are thereby wearing the insignia provided for in this Title, are hereby given the necessary special police powers for the purpose of enforcing provisions of this Title.

9.03.11: DEFERRED COMPENSATION PROGRAM ESTABLISHED

The City of Sturgis recognizes the unique contribution to the public safety system of the City of Sturgis provided by the Sturgis Volunteer Fire Department. The City further recognizes the need to encourage continued participation by and retention of trained volunteers by the Volunteer Fire Department to ensure the Department can respond to Fire and other service calls within the City. Accordingly, there is hereby established by the Sturgis City Council, as authorized by the South Dakota legislature, a Deferred Compensation Program for the eligible members of the Sturgis Volunteer Fire Department. Upon signature by both parties, the Deferred Compensation Program agreement shall be maintained on file in the City Finance Office.

9.03.12: DEFERRED COMPENSATION PROGRAM PURPOSE

The program is intended to help meet this need for retention and continued participation by establishing a modest financial contribution by the City to a special reserve fund within the City budget to permit eligible Volunteer Fire Department members to earn deferred compensation payment for 5 years or more of approved service to the combined benefit of the Sturgis Volunteer Fire Department and the City.

9.03.13: PROGRAM ELIGIBILITY REQUIREMENTS

The eligibility requirements to determine the qualification of a Department member for the Deferred Compensation Plan shall be those eligibility standards established in the Program Agreement currently in effect between the City and Sturgis Volunteer Fire Department. In the event the Fire Protection Contract Services should be terminated, ended or not renewed, any continuing obligation of the City for continuing the Deferred Compensation Program, notwithstanding the terms of this ordinance, shall terminate as well.

9.03.14: PROGRAM FUNDING AND INVESTMENT

By January 10th of each year in which the Fire Protection Contract between the Sturgis Volunteer Fire Department and the City of Sturgis is in effect, the Secretary of the SVFD shall provide to the City Finance Office written confirmation signed by the President of the Board of Directors of the SVFD, naming each Department members approved to participate in the program based on their service in the preceding calendar year. In addition, this list shall name all other active members for the preceding year, all Reserve members for the preceding year, all members that retired during the preceding year and all honorary members for the preceding year. Within 10 days of receipt of that written confirmation, the City shall transfer to the duly authorized fund for the Volunteer Fire Department Fire Deferred Compensation Program the amount of \$560.00 per approved Volunteer member. Thereafter the Program Investment Committee, consisting of the City Finance Officer, the President of the Board of Directors of the Volunteers or his/her designee, and the City Manager or his/her designee, shall meet quarterly to provide the City Finance Officer with their recommendation for the investment of those funds held in the Deferred Compensation Program fund. Any investment of those funds shall be governed by and subject to the restrictions on Municipal investment set out at SDCL 9-22-6 and the companion statutes.

9.03.15: PROGRAM DISBURSEMENT OF DEFERRED COMPENSATION

Any approved member of the SVFD, having completed a minimum of five years of approved service, shall be eligible to receive those funds and any earnings accrued thereon, upon the retirement of that member from the SVFD. Withdrawal and payment shall be made by the City Finance Office within 10 business days of written notification by SVFD secretary that the SVFD has accepted the resignation of the retiring member, and confirming each of the years for which the retiring member had been approved as a participant in the Deferred Compensation Program, and further stating the total number of years of approved service provided by the retiring member for which payment is claimed by the retiring member. However, during the period of the first five (5) years of the operation of the Deferred Compensation Program, any member in good standing as of January 1, 2011 who may achieve 1, 2, 3, or 4 years of eligible service after January 1, 2012, and who shall retire between January 1, 2012 and December 31, 2015, shall be able receive payment of the Deferred Compensation Benefit calculated upon the approved years of service achieved by that retiring member after January 1, 2012.

**CHAPTER 9.04
GENERAL FIRE PROVISIONS**

SECTIONS:

- 9.04.01: Driving Over or on a Fire Hose
- 9.04.02: Parking Near Station or Hydrant
- 9.04.03: Unlawful to Tamper with Fire Appliances or Hydrants
- 9.04.04: False Alarm
- 9.04.05: Problematic Systems
- 9.04.06: Refuse Fires

- 9.04.07: Controlled Burns by Permit
- 9.04.08: Authorized Controlled Burns
- 9.04.09: Open Fires
- 9.04.10: Ban on Outside Burning
- 9.04.11: Fireworks
- 9.04.12: Installation of Key Boxes
- 9.04.13: Hazardous Materials
- 9.04.14: Unattended Gas Pumps
- 9.04.15: Fire Lane
- 9.04.16: Address Numbering
- 9.04.17: Fire Service Billing

9.04.01: DRIVING OVER OR ON A FIRE HOSE

No vehicle shall drive over any unprotected hose of the Fire Department when laid down on any street or alley or elsewhere to be used during any emergency or during any training session without the consent of the Fire Chief or designated officer in charge of the scene.

9.04.02: PARKING NEAR STATION OR HYDRANT

As provided for at Section 16.05.07 of Sturgis City Ordinances, no person shall park on any street or public ground within fifteen (15) feet of a fire hydrant.

No person shall place any vehicle or object within fifteen (15) feet of an entrance to a place where fire apparatus are stored.

No person shall place on public or private ground any posts, fences, structures, vehicles, growth, trash, storage or any obstruction within a three (3) foot circumference of any fire hydrant, fire department connections or fire system controls. The fire department shall not be deterred or hindered in any way from gaining immediate access to fire-protection equipment private or public.

9.04.03: UNLAWFUL TO TAMPER WITH FIRE APPLIANCES OR HYDRANTS

No person shall tamper with, remove, disturb or deface fire hydrants and/or appliances utilized by the fire department for firefighting except for the purpose of extinguishing fire, training, testing, recharging or making necessary repairs, when allowed by the City Manager or the Fire Chief, when so authorized.

9.04.04: FALSE ALARM

No person shall signal or transmit an alarm which is false in nature.

9.04.05: PROBLEMATIC SYSTEMS

As an alternative to the provisions of Code Enforcement as provided for at Title 36 of Sturgis City Ordinances, any owner of a building and/or structure having a fire alarm system which has more than three (3) false alarms in any calendar year may be billed by the City a minimum amount of Twenty Five Dollars (\$25.00) and a maximum amount of One Hundred Dollars (\$100.00) for each false alarm above three (3).

Any owner of an apartment building or multi-unit structure having a fire alarm system which has more than three (3) false alarms called to an individual apartment or unit within any calendar year may be billed by the City a minimum amount of Twenty Five Dollars (\$25.00) and a maximum amount of One Hundred Dollars (\$100.00) for each false alarm above three (3) from the individual apartment or unit.

In the event of a failure of a fire alarm system or an excessive number of accidental activations, the City Manager or designee is authorized to require the building owner or occupant to provide fire watch personnel until the system is repaired and in proper operating order.

The required fire watch personnel shall provide at least one approved means for notification of the Fire Department and/or Meade County Dispatch and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

All expenses incurred for fire watch, shall be paid by the building owner.

9.04.06: REFUSE FIRES

No person shall set or cause to be set or allow upon their premises public or private any fire or the purpose of destroying any paper, rubbish, trees, leaves, grass, household trash, or other materials.

9.04.07: CONTROLLED BURNS BY PERMIT

No controlled burns shall be allowed without first obtaining a permit from the City. To obtain a permit, the applicant shall make application to the Fire Department on a form to be furnished by the City. The Fire Chief shall then submit a recommendation to the City Manager. The applicant may appeal any negative decision to the City Council, as provided for in Title 36. The permit application shall include and/or be accompanied by the following:

- A. The applicant's name and address;
- B. The proposed purpose of the burn;
- C. A detailed description of the location and vegetation to be burned;
- D. The proposed date and time of the burn; and
- E. A permit issued by the South Dakota Division of Wildlife if the proposed location is located within the Black Hills Fire Prevention District.

In determining whether to issue a permit, the Fire Chief shall consider and advise the City Manager as to whether the requested burn is in the best interest of the public for prevention and control of fire or fuel mitigation.

The City Manager shall not approve any permit until the landowner has provided a certificate of insurance or a Hold Harmless Agreement fully indemnifying the Fire Department and the City for any actions taken or not taken during the controlled burn.

At all times a controlled burn is in progress on private land, the landowner shall be present to assist the Fire Department.

Unless the City Manager or his/her designee waives costs incurred for suppression and/or control of the fire, the landowner shall pay any and all expenses incurred during a controlled or prescribed burn. Compensation for manpower and apparatus shall be equal to the rates established annually by the State Division of Wildland Fire.

9.04.08: AUTHORIZED CONTROLLED BURN

The City may, when approved by the City Manager or his/her designee utilize open fire for the disposal of goods at the Sturgis Ruble Site.

When deemed necessary for the purpose of fire prevention, pest or rodent control, the City, may conduct a controlled burn on property under its control.

9.04.09: OPEN FIRES

No person shall set or cause to be set or allow to be set upon their premises any open fire exposed to the wind and elements so that the coal, flame, cinders, or burning parts thereof may be blown towards or against any surrounding or adjacent property.

9.04.10: BAN ON OUTSIDE BURNING

During extended periods of drought, dryness or at any time a high fire danger rating has been issued by the South Dakota Division of Forestry, the City Manager or his/her designee shall have the authority to issue a proclamation, which prohibits open or outdoor burning within the City or one mile thereof.

When the fire danger is past, the City Manager or his/her designee shall issue a proclamation that the ban on burning is lifted.

9.04.11: FIREWORKS

No person may sell or ignite any fireworks within the City limits, except as herein provided.

All professional pyrotechnic fireworks displays and other activities believed by the City Manager or his/her designee to be of similar nature in risk shall be completed in conjunction with a valid fireworks display which complies with NFPA 1123 and as specifically authorized in writing by the City Manager or his/her designee. The City Manager or his/her designee shall have the authority to ban the use of fireworks if in his/her opinion the potential fire risk is unacceptably high. This ban may be appealed by any resident of Sturgis to the City Council as provided for in Title 36.

9.04.12: INSTALLATION OF KEY BOXES

The following properties shall be required to have key boxes installed which contain keys to allow the Fire Department immediate access necessary for life saving, fire fighting and/or law enforcement purposes:

- A. All Multiple dwelling housing units;
- B. Motels and Hotels with four (4) or more units not having doors from each guest room going directly to the outside or not having an employee on premises 24 hours each day;
- C. All buildings or structures which are three or more stories high;
- D. Buildings with fire alarm systems and/or fire suppression systems;
- E. All buildings with elevators;
- F. Buildings, other than commercial, the owner of which requests that the Police and/or Fire Department have a key;
- G. All buildings in Commercial, Highway Service and Industrial zoned areas of the City for which a permit is required;
- H. Covered malls as defined in the Building Code;
- I. Buildings or sites containing Hazardous Materials;
- J. Schools;
- K. Public or government owned buildings; and
- L. Buildings, which are determined by the City Manager or his/her designee to be difficult to access or those buildings having absentee landowners.

All properties failing within the foregoing categories shall be required to have key boxes installed. The type and location of boxes must be approved by the City Manager or his/her designee. Key boxes shall contain keys to gain access to the property as required by the City Manager or his/her designee.

All existing buildings, which fall into the above categories but are not in compliance with this Section shall, within twelve (12) months of written notification from the City Manager or his/her designee install a key box in compliance with this Section.

The Fire Department shall maintain a list of occupancies where key boxes are installed. The Department shall visit each site annually and open key boxes and notify landowners of any required maintenance.

At anytime a landowner changes locks on a structure with a key box, the landowner shall notify the Fire Department of said key change. The Fire Department shall arrange a time to place new master keys in the lock boxes.

Any building with a twenty-four (24) hour, seven (7) day-a-week guard service or personnel on duty who is awake within the interior of the site may be exempt from installation of a key box upon the approval of the City Manager or his/her designee.

9.04.13: HAZARDOUS MATERIALS

No person shall store, manufacture, distribute, or in any way handle any materials declared to-be hazardous by the International Fire Code in violation of Sturgis City Ordinance 18, and without also first notifying the Sturgis City Manager.

Persons storing, manufacturing, distributing or in any way handling any hazardous material must register with the City Manager and receive approval as required by Title 18 prior to beginning his/her operation.

The following information shall be provided to the City:

- A. Names of contact person;
- B. Phone number of contact person;
- C. List of materials, quantities, storage location;
- D. Use of material;
- E. Site Plan of property; and
- F. Emergency Plan

Any person storing, manufacturing, distributing or in any way handling hazardous materials shall provide the Sturgis Fire Department with a MSDS (Material Safety Data Sheet) for each material stored, handled or distributed.

Any person manufacturing, distributing or in any way handling hazardous materials shall be responsible for any and all cost incurred by the Fire Department and/or the City during any event, fire or spill caused by the person.

Any person shall placard his/her property, structures and storage facilities as required by NFPA 701 (National Fire Protection Agency) and as required by the Codes adopted by the City.

9.04.14: UNATTENDED GAS PUMPS

Any gas filling station within the City which provides 24 hour service or pay at the pump service must provide 24 hour staffing or install recorded video monitoring devices, which provide surveillance of pumps which are accessible during all hours of operation.

9.04.15: FIRE LANE

Prior to issuance of any Building Permit, and upon review of plans and specifications for new structures, the City Manager or his/her designee may require the installation and maintenance of a fire lane.

Any required fire lane shall not be less than fourteen (14) feet wide and shall be signed and properly identified by ground markings. Signs shall be not less than twelve inches (12") by eighteen inches (18") and spaced not more than fifty feet (50') apart unless otherwise approved by the Fire Chief.

No person shall stop, or park a vehicle in any area on public or private property designated as a fire lane.

The driver of a commercial vehicle may stop temporarily at a place designated as a fire lane, if the area has also been designated as a joint use loading zone/fire lane by the City Manager or his/her designee. No vehicle shall, however, be allowed to remain parked in any zone so designated for a period exceeding fifteen (15) minutes. Any vehicle parked within any zone designated as a fire lane is required to activate and maintain emergency signal flashers in continuous operation.

9.04.16: ADDRESS NUMBERING

Numbers shall be posted on all structures in such a way that they will be visible at night and in the daylight and shall comply with requirements established in Title 2 and Title 18.

9.04.17: FIRE SERVICE BILLING

When deemed necessary by the City Manager or his/her designee and/or the City Council the Sturgis Volunteer Fire Department may bill for costs and expenses incurred during the suppression of fire(s) or for services rendered to which the Fire Department was dispatched.

The billing may include, but is not limited to, the following: travel, man-hours accrued, equipment, material used, and meals for personnel.

The billing rates for said services and apparatus shall be as set annually by the City Manager or his/her designee and shall be equal to those set by FEMA for the Rocky Mountain Region.

Dated this 3rd day of December, 2012.

First reading: 11-5-12

Second reading: 12-3-2012

Adopted: 12-3-2012

Published: 12-12-2012

Effective: 1-2-2013

Johnston introduced the following written resolution and moved its adoption:

RESOLUTION 2012 - 46
A RESOLUTION AUTHORIZING CITY MANAGER DANIEL AINSLIE AND
MAYOR MARK CARSTENSEN TO SIGN A CONTRACT BETWEEN
OPERATING ENGINEERS LOCAL UNION #49 AND THE CITY OF STURGIS

WHEREAS, the City of Sturgis desires to enter into a contract with Operating Engineers Local Union #49 to define the employer-employee relationship which exists between the City and those employees covered by the Contract and to enter into a complete contract covering wages, rates of pay, hours of work, and other conditions of employment;

WHEREAS, the Operating Engineers Local Union #49 desires to enter into such Contract;

WHEREAS, the parties do hereby acknowledge that both parties have met, conferred, and negotiated in good faith regarding wages, hours and other terms and conditions of employment for the employees in said bargaining unit and that this Contract is the result of the unlimited right and opportunity afforded to each of the parties to make any and all demands and proposals with respect to the wages, rates of pay, hours of work and other conditions of employment with respect to the unit of employees covered hereby;

WHEREAS, an agreement needs to be entered into between the parties due to the upcoming expiration of the existing Contract between the two parties; and

WHEREAS, a copy of such Contract is attached hereto.

NOW THEREFORE, City Manager Daniel Ainslie and Mayor Mark Carstensen are hereby authorized to execute said Agreement for the above intended purposes.

Dated this 3rd day of December, 2012.

Published: 12-12-2012

Effective: 01-02-2013

Hersrud seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution is declared passed and adopted.

City Manager Ainslie gave a Council report on the draft ordinance of the Bid District. Ainslie reported that this ordinance would form a bid district for the central downtown area which would assess a fee of \$2 per liner foot and capped at \$600 to businesses in this district. This district would also include other commercial properties outside of the central downtown area and they would be assessed a .25 cents a liner foot and capped at \$300. This money would be spent on events and promoting the district. Several citizens stated their opinions, questions and suggestions on how to improve this ordinance.

City Manager Ainslie gave a Council report on the draft ordinance on a downtown zoning overlay. Ainslie explained that there will be the following items included in the ordinance: mixed use zoning including residential. The use would also include motorcycle and other motorized dealerships. There will be a design standards and criteria for new construction and facades. Any demolition of a building will require a 10% performance bond in order to give the developer an incentive to rebuild. The setbacks for new construction will be looked at and changed. Before a change of use or if a temporary vendors license is issued, the building will be an inspected and brought up to code for health and safety reasons. Several citizens stated their opinions, questions and suggestions on how to improve this ordinance.

City Manager Ainslie gave a Council report on the draft ordinance on Vendor Licensing. The change in licensing would base the fee on square footage of the vending area. The mathematical equation would allow the "Mom and Pop" businesses to pay a different amount than the large vendors. This equation would also take into consideration the full-time, year around businesses. Right now this charge would be \$2.40 a square foot with a cap at 6000 square feet. This fee

would be paid by the property owner. Several citizens stated their opinions, questions and suggestions on how to improve this ordinance.

City Manager Ainslie explained that the Ordinance committee will take all comments and questions into consideration and will discuss this over the next few weeks. If anyone else has questions or comments, they can e-mail Mr. Ainslie. There will be a special meeting held the second week in January to discuss these ordinances. The first reading will potentially be scheduled for January 22, 2012.

Any other business:
None

Motion by Waterland, seconded by Johnston and carried with all members present voting yes to adjourn the meeting at 9:22 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$