

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

(Title replaced in its entirety effective 4/29/05, Ordinance 2005-09)

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- 15.01: General Provisions
- 15.02: Names and Numbering
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**CHAPTER 15.01
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15.01.01: SCOPE AND PURPOSE

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15.01.03: PENALTY

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

**CHAPTER 15.02
NAMES AND NUMBERING.**

SECTIONS:

- 15.02.01: Names of Streets and Avenues
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15.02.01: NAMES OF STREETS AND AVENUES

The names of the streets and avenues of the City shall be known and designated by those names shown upon the several plats of the divisions and subdivisions of the City within its corporate limits and as may be changed by ordinance or resolution by the City Council, as filed and of record in the Finance Office

15.02.02: SYSTEM OF NUMBERING: BASE LINES

The dwelling houses, business places and frontages on the streets and avenues of the City shall be and are hereby numbered, and the respective places of residence and of business therein shall be hereafter known and designated by number within the limits hereinafter provided as follows: That for the purpose of numbering said residences and places of business, on streets and avenues, above stated, Main Street and Junction Avenue shall be used as base lines, and that the residences and places of business on streets and avenues lying north and east of said base lines shall be numbered from the base number of one thousand and said numbers for business places and residences on said street and avenues shall decrease at the rate of one hundred for each block. That residences and places of business on streets and avenues lying south and west of said base lines shall be numbered from the base number of one thousand, and said numbers for business places and residences on said streets and avenues shall increase at the rate of one hundred for each block.

15.02.03: ODD AND EVEN NUMBERS: HOW ARRANGED

Each twenty-five foot space, measuring east, north, west and south from the base lines, shall have two numbers, one odd and one even on each street, the odd numbers being on the right hand sides of the streets and corresponding even number (the next number greater) shall, where the streets run parallel to the section lines, be directly opposite on the left hand sides of the streets. For the purpose of determining the right and left hand sides of the streets, a person is supposed to be standing with his back to the base line and facing in the direction in which the numbers increase or decrease. On diagonal streets, except as outlined above, the numbers shall be directly north and south or east and west of their corresponding number. Diagonal streets, other than those excepted above, shall take the set of numbers corresponding to the direction most nearly assumed by the street. That is, a street running more nearly north and south than east and west will take the northerly set of numbers. On curbed streets, the set of numbers shall be used corresponding to their average direction.

15.02.04: SIZE AND COLOR OF NUMBERS

All houses or buildings fronting on any public street or avenue in the City shall be numbered with numbers of sufficient size and of such color, and shall be located as to be easily read from the street. All houses shall

bear the number corresponding to the space on the street line where a line through the center of the door, at right angles to street line intersects the center line.

15.02.05: CERTIFICATES OF NUMBERS

All certificates of correct numbers will be furnished by the Building Inspector.

15.02.06: TIME LIMIT FOR NUMBERING

All buildings which may at any time hereafter be built within the City shall be so numbered within ten days after such buildings shall become occupied as a dwelling or place of business.

**CHAPTER 15.03
SNOW AND ICE REMOVAL**

SECTIONS:

- 15.03.01: Public Nuisance
- 15.03.02: Removal by Owner
- 15.03.03: Removal by City: Cost
- 15.03.04: Notice: Assessment
- 15.03.05: Filing of Assessment
- 15.03.06: Certification
- 15.03.07: Recovery of Cost of Removing Snow or Ice In Lieu of Assessment Against Property
- 15.03.08: Parking Prohibited on Designated Snow Removal Routes; Immediate Ticket and Tow Authorized
- 15.03.09: Director of Public Works Authority

15.03.01: PUBLIC NUISANCE

Snow and ice permitted to gather and remain upon the sidewalks of this City is dangerous to the safety of its citizens and other using said sidewalks and is hereby declared a public nuisance.

15.03.02: REMOVAL BY OWNER

The owner or occupant of any building or any lot, parcel or plot of ground fronting or abutting on any sidewalk in the snow removal area hereinafter described, shall clear said sidewalk of snow or ice to the full width of the sidewalk within 15 hours after the same shall have fallen or formed. The street committee of the City may waive this requirement in the event of an extended snowstorm. Absentee owners are subject to this requirement and shall make arrangements for the removal of snow and ice accordingly. The snow removal area shall consist of Main Street from Middle Street to Fourth Street; Sherman Street from Junction Avenue to Third Street; First Street from Lazelle Street to Sherman Street; Second Street from Lazelle to Sherman Street; Third Street from Lazelle Street to Sherman Street and Fourth Street from Lazelle Street to the alley between Sherman Street and Main street inclusive.

15.03.03: REMOVAL BY THE CITY: COST

The Finance Officer shall cause to be published in the legal section of the official newspaper the requirements of this Chapter, which notice shall be published for two weeks after the first meeting of the City Council in October of each year, which publication shall constitute notification by the property owner of the contents of this Chapter. In the event the property owner or person so notified fails to remove the snow as required by the Notice prescribed by this Section, the Building Inspector may cause the snow or ice to be removed so that the property is in compliance with this Chapter. The actual costs of the removal of the snow and ice, plus an administrative fee of \$50.00, shall be assessed upon the lots or parcels of ground fronting or abutting said sidewalk, as provided for in Section 15.03.04.

15.03.04: NOTICE: ASSESSMENT

The Building Inspector shall maintain an accurate account of the amount to be assessed against each lot or parcel of ground subject to assessment, pursuant to Section 15.03.03. On or before May 1st of each year, the Building Inspector shall cause this account to be delivered to the Finance Officer. The Finance Officer shall prepare an estimate of an assessment against such lot, for the removal of snow and ice for the preceding fall and winter, and shall submit the same to the City Council for its approval on or before the second meeting in June of each year. The Finance Officer shall prepare a notice of said meeting, which notice shall contain the

name of the property owner, the legal description of the property to be assessed and the time and place for hearing. Notice of this meeting shall be given by publishing a true and correct copy of this Notice in the official newspaper of the City at least one week prior to the date set for Hearing, and further, by mailing a true and correct copy of said Notice to the property owner, as shown by the records of the County Assessor, at least 10 days prior to the date set for Hearing. Said mailing shall be by first-class mail, postage prepaid.

At the time specified in the Notice, the City Council shall meet and, if they find the assessments correct, shall approve the same with or without modification or amendment as they may deem proper.

15.03.05: FILING OF ASSESSMENT

Within 10 days after such assessment has been approved by the City Council, the Finance Officer shall make and file a certified copy of the same in the office of the County Treasurer, and thereupon, said assessments shall be due and payable to the City, and shall in all respects be considered as special assessments, as provided by statute, and the same shall draw interest at the rate of 10% per annum from the time of said assessment until 30 days after the approval thereof by the City Council, and thereafter at the rate of 12% per annum.

15.03.06: CERTIFICATION

If any of the said assessments are not paid to the City, the Finance Officer shall certify any such delinquent assessments to the County Auditor on or before the 15th day of October, and the same proceeding shall be had for the collection of said assessments as are or may hereafter be provided by statute for the collection of special assessments.

15.03.07: RECOVERY OF COST OF REMOVING SNOW OR ICE IN LIEU OF ASSESSMENT AGAINST PROPERTY

In lieu of assessing the cost of removing snow or ice from the sidewalks against the abutting property, the City Council may authorize the City Attorney to recover such costs in a civil action against the owner or occupant of the property abutting such sidewalks.

15.03.08: PARKING PROHIBITED ON DESIGNATED SNOW REMOVAL ROUTES; IMMEDIATE TICKET AND TOW AUTHORIZED.

To facilitate prompt snow removal, it shall be unlawful for any vehicle to be parked on any designated Snow Removal Route within the City at any time within 24 hours of a forecast by the National Weather Service, as reported on the City of Sturgis website Weather Link, of an expected snowfall of at least 4 inches or more within the City of Sturgis. The designated Snow Removal Routes are shown on the official Map of Snow Removal Routes available at the Finance office and maintained by that office, and as also shown on the Sturgis City website, "www.sturgisgov.com". All designated Snow Removal Routes shall also be marked with signage along the designated right of way to identify them. Any vehicle parked on a Snow Removal Route within that 24 hour period and before City employees have cleared the street curb to curb shall be subject to an immediate citation for a parking violation until the street has been cleared curb to curb. In addition, any vehicle tagged in violation of this Ordinance may be towed immediately after being tagged. The Penalty for such violation is as set forth in Section 15.01.03 of this Ordinance, and the owner, in addition such penalty, shall also be required to pay the cost of towing and removal of the vehicle to an authorized location.

This provision shall not limit the separate authority to issue a citation as provided for at 16.05.08.

15.03.09: DIRECTOR OF PUBLIC WORKS AUTHORITY

The Director of Public Works shall consult with the Chief of Police and City Manager and, consistent with the authority of SDCL 9-10-13, the City Manager is authorized and empowered to determine and designate a Snow Removal Routes upon any street or highway within the city, or any part thereof. The designation of any Snow Removal Route by the City Manager shall be conspicuously posted on each block along said route.

**(Chapter 15.03 Amended to add 15.03.08 & 15.03.09, effective 12-15-2010, Ordinance 2010-13.)
(15.03.08 & 15.03.09 revised by Ordinance 2013-18, effective 11-20-2013)**

**CHAPTER 15.04
MISCELLANEOUS REGULATIONS**

SECTIONS:

15.04.01: Unlawful to Obstruct Streets and Sidewalks

15.04.02: Hindering Street Improvement

15.04.03: No Burning on Streets

15.04.04: Obstruction of Crossings by Trains

15.04.05: Easements over Vacated Streets and Alleys

15.04.06: Easements over Platted Property

15.04.01: UNLAWFUL TO OBSTRUCT STREETS AND SIDEWALKS

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

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

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

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

(15.04.01 amended effective 03/31/07, Ordinance 2007-10)

15.04.02: HINDERING STREET IMPROVEMENT

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

15.04.03: NO BURNING ON STREETS

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

15.04.04: OBSTRUCTION OF CROSSINGS BY TRAINS

No person shall direct the operation, order the operation, permit the operation, or operate any railroad train in such manner as to prevent the use of the street or roadway for the purposes of vehicular or foot travel by blocking or otherwise preventing the movement of such traffic thereon for any period of time longer than five (5) consecutive minutes in duration, and if a street or roadway is so blocked for a period of at least five (5) minutes, it shall be left clear for a period of at least five (5) minutes before it is again blocked. This Section shall not apply to trains traveling continuously in the same direction through such intersection or crossing.

15.04.05: EASEMENTS OVER VACATED STREETS AND ALLEYS

Any future resolution providing for the vacation of any street or alley shall not become effective until the owners of the streets and alleys after the same have become vacated shall execute to the City and to the public an easement across such streets or alleys so vacated for the installation, operation and a maintenance of water lines, sewer lines, gas lines, electrical lines, telephone lines and all other public utilities.

15.04.06: EASEMENTS OVER PLATTED PROPERTY

Any future Plat providing for the relocation of any street or alley shall not be approved unless proper provisions and arrangements have been made for easements for the construction, installation, operation and maintenance of any and all public utilities then in existence or which may be erected in the future.

**CHAPTER 15.05
CONSTRUCTION AND MAINTENANCE OF SIDEWALKS**

SECTIONS:

- 15.05.01: Building Permit Required
- 15.05.02: Width and Location of Sidewalks
- 15.05.03: Material
- 15.05.04: Construction and Repair
- 15.05.05: When Work not Done by Owner
- 15.05.06: Defacing Sidewalks
- 15.05.07: Appeal Process

15.05.01: BUILDING PERMIT REQUIRED

Before any person may construct any sidewalk in the City, he/she shall first obtain a building permit from the Building Inspector. The application for the building permit shall include the measurements and planned location of the proposed sidewalk and the width of adjoining sidewalks in the same locality. The applicant shall pay the City the sum of \$25.00 for each application to cover the cost of processing the application.

(Revision of 15.04.01 effective Nov. 28, 2003, Ordinance 2003-12)

15.05.02: WIDTH AND LOCATION OF SIDEWALKS

The Building Inspector shall consider said application and shall determine in said application as to the exact location and width of said sidewalk. In determining the exact location and width of the sidewalk, the Building Inspector shall cause as much uniformity to result as possible in the construction of sidewalks in any one block or area. The location and width of the sidewalk shall be included on the permit which shall be issued by the Building Inspector to the applicant. It shall be unlawful for any sidewalk to be built without a permit and not in conformity with the permit granted for said sidewalk.

15.05.03: MATERIAL

Any sidewalk constructed within the City shall be made of concrete unless otherwise approved by a special request approved by the Public Works Committee and the City Council.

15.05.04: CONSTRUCTION AND REPAIR

Whenever the City Council shall deem it necessary to construct, reconstruct or repair any sidewalk, it shall, by resolution, authorize the Finance Officer to cause notice in writing to be given all resident owners and occupants of any lot or parcel of land fronting or abutting on such sidewalks, to construct, reconstruct or repair the same at his own expense within the time designated in said notice.

The Finance Officer shall include on said notice, upon the advice of the Building Inspector, specifications concerning the locations of all sidewalks to be constructed under the provisions of this Section. In case said owners are non-residents and cannot be found, then such notice shall be given to such non-resident owner by publication in the official paper of the municipality once each week for two successive weeks.

Said notice shall include the following:

- A. A description of the work to be done;
- B. The location for all sidewalks to be constructed;
- C. The character of all sidewalks to be constructed,
- D. The name of the owner of any abutting property;
- E. A description of the lots or parcels of ground fronting or abutting the sidewalk which is to be constructed or repaired.

15.05.05: WHEN WORK IS NOT DONE BY OWNER

If such sidewalks are not constructed, reconstructed or repaired in the manner or within the time prescribed, the City Council may, by resolution, cause the same to be done and the cost thereof assessed against the lots or parcels of land fronting or abutting upon the sidewalks so constructed, reconstruct or repaired and the cost of such work shall be assessed and certified in the manner as provided by South Dakota law.

15.05.06: DEFACING SIDEWALKS

No person shall willfully deface, paint upon or mark upon or cause the same to be done upon any of the sidewalks of the City.

15.05.07: APPEAL PROCESS

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

- A. An aggrieved person shall first file a written request for review with the City Manager setting forth the basis for which he or she believes the Building Inspector'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 City Manager shall review the challenged 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 City Manager following review, he or she may file a notice of appeal with the Finance Officer. There shall be a One Hundred Dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the Finance Office at the time of filing the written request for review.
- D. Upon receipt of a notice of appeal, the Finance Officer shall notify the City Council and a public hearing on the appeal shall be held at a regularly scheduled City Council within thirty (30) days after the date said appeal was filed. The Finance Office shall provide notice to the person specifying the time, date, and location of the hearing.
- E. The City Council may notify the aggrieved person of its decision following the hearing; however, the Council shall issue a written decision to the person within twenty (20) days of the hearing. The Council may affirm or reverse the decision of the City Manager.

(Title replaced in its entirety effective 4/29/05, Ordinance 2005-09)

(15.05.07 revised by Ordinance 2013-18, effective 11-20-2013)

CHAPTER 15.06
UNLAWFUL OBSTRUCTION AND USE FOR SIDEWALK CAFÉ AND VENDING

SECTIONS:

- 15.06.01: Unlawful Obstruction
- 15.06.02: Sidewalk Café
- 15.06.03: Sidewalk Vendors

15.06.01 Unlawful Obstruction

It is unlawful for any person, without legal privilege to do so, to obstruct any public street, alley, sidewalk, way, place or building, whether alone or with others and who, after warning by a code enforcement officer, persists in so obstructing the same.

OBSTRUCT: To render impassable without reasonable inconvenience or hazard. No person shall be deemed to have violated this section solely because of a gathering of persons to hear him or her speak or otherwise communicate or solely because of being a member of the gathering.

PUBLIC: A place to which the public or a substantial group has access, among such places are included public streets, alleys, places, public buildings and any places of business or amusement in which the buildings, places of business or amusement are open to the public, or publicly owned property.

A. It is unlawful for a person in a gathering to refuse to obey a reasonable request or order by a police officer to move.

B. It is unlawful for any person to loiter, stand or sit in or upon any public street, alley, sidewalk or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same. A request or order to move addressed to a person whose speech or other lawful behavior attracts an obstructing audience shall be deemed reasonable if the obstruction of the public area can be eliminated by police control of the size or location of the gathering.

C. It is unlawful for any person, except as provided herein, to place any goods, wares or merchandise for exhibition or sale upon any public street, alley, sidewalk or any public grounds in the city, or place or cause to be placed thereon any goods, wares or merchandise, or bottles, cans, cases, packages, barrels, or other containers, at any time for exhibition, sale or any other purpose, or place or cause to be placed thereon, any advertising sign, bicycle rack, popcorn stand or rack, or any other moveable property, article or material which in any manner obstructs or interferes with the free use of such public street, road, alley, sidewalk or public ground.

15.06.01. Tree Planters. For purposes of subsections A through C of this section, the placement of tree planters and attached benches upon sidewalks by the owner of the abutting property, or his or her agent, shall not be construed as an obstruction; provided that, the sidewalk is approximately 15 feet in width and that there remains a minimum of 5 feet between the tree planter, attached benches and the property line, and that there remains a minimum of 5 feet between the tree planter, attached benches and the back of the curb.

- A. The placement and design of the tree planters, attached benches and the types of trees used shall be approved by the Building Inspector or his or her designee;
- B. The owner of the abutting property or his or her agent, who places the planters and attached benches upon the sidewalk, shall keep the trees, the tree planters and the attached benches in a neat and satisfactory manner;
- C. No advertising of any kind or nature shall be permitted to be placed upon the tree planter or attached benches.

15.06.02. Sidewalk Café: Notwithstanding any other provision of this section or of Title 15 of this code, the City Council may, by annual permit not including the period commencing on Wednesday before the official start date of the annual Sturgis Motorcycle Rally and concluding at the end of the last day of the rally, authorize businesses to operate sidewalk cafés upon public sidewalks as hereinafter described, subject to the conditions hereinafter set forth. A sidewalk café is an outdoor area located in the public right-of-way which is operated and maintained by an establishment, coffeehouse, tea shop, restaurant or bar. The sale of alcoholic beverages shall be subject to all licensing requirements, including those set forth at SDCL 53-4-77.1. Sidewalk Cafes may be permitted within the City for operation between the hours of 6:00 a.m. and 2:00 a.m., only if all design criteria can be met.

A. An application for a sidewalk café permit shall be filled by the proposed operator with the Community Development Department. The application shall include a site plan which identifies the location and number of tables, chairs, awnings, umbrellas, trash receptacles, heaters, barricades, and landscape features as applicable, a copy of any license required by SDCL 34-5-77.1 and an affidavit of compliance with that requirement, and any other documents needed to demonstrate compliance with this ordinance. The application shall include a valid copy of all necessary licenses and permits required by State law and County ordinance.

B. Design criteria.

1. Sidewalk cafés are permitted only on sidewalks with a minimum width of 5 feet from the property line to the curb face. The location of the sidewalk café must be adjacent the business operating the café, and may not extend beyond the property lines. Sidewalk cafés must maintain a clear pedestrian path of at least 5 feet at all times. This pathway must be free of any obstructions such as trees, parking meters, and utilities or other facilities such as telephone poles, fire hydrants, fire protection appurtenances, parking meters, mailboxes, or signs located in the public right-of-way. All applicable sight triangle requirements shall be met at all times by sidewalk cafes. No café elements may be located within 2 feet of the curb face.

2. All elements associated with sidewalk cafés, including but not limited to tables, chairs, umbrellas, temporary barricades, heaters and awnings must be of quality design, workmanship, and materials to ensure safety and convenience to patrons. All such elements will be reviewed as part of the permit process.

3. Elements of the sidewalk café may not be attached permanently to the sidewalk of public right-of-way. The property owner is responsible for the restoration of the sidewalk or public right-of-way if any damage is caused by the sidewalk café. Physical barriers may not exceed 4 feet in height. Bolting a barrier to the sidewalk is not permitted.

4. Umbrellas must be designed to be secure during windy conditions. Umbrellas must be at least 7 feet above the sidewalk when open.

5. Lighting for sidewalk cafés is subject to approval during the permitting process. Such lighting shall not cause a glare to passing motorists or pedestrians. Tabletop lighting may include candles and battery-operated fixtures.

6. Sidewalk cafés are prohibited from playing music or presenting other entertainment which produces sound in excess of 85 decibels, as measured at the boundary of the permitted premises.

7. Physical barricades are required if alcoholic beverages are sold at the sidewalk café.

8. Any signs permitted hereunder shall comply with the size, dimension, orientation and placement requirements of 30.04.11 of the City Ordinance Code. Any such sign shall not contain off-premises advertising, and shall not display a logo or advertising copy other than for the sidewalk café.

C. Vending machines, carts, or other objects for sale are prohibited from inclusion in a sidewalk café. Nothing in this section shall preclude the City Council from authorizing vending carts or similar uses outside of sidewalk cafes.

D. All services provided to sidewalk café patrons as well as all patron activity must occur within the designated sidewalk café area. No alcoholic beverages may be stored or mixed in the sidewalk café.

E. The permit holder is responsible for proper supervision of the sidewalk café to ensure the requirements of the permit are met.

F. Every sidewalk café permit holder shall furnish a certificate of insurance proving commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability. The city shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked.

G. Permit holders must ensure that the requirements for operation are met. These include:

1. Patrons must wear shoes and shirts at all times.

2. All sidewalk cafés must maintain at least 1 opening for ingress and egress at all times. All sidewalk cafés shall abide by all accessibility requirements of the currently adopted Building Code.

3. Sidewalk cafés must adhere to size, design, and other requirements approved by the city.

H. All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition. All cleaning must be performed in accordance with city regulations.

I. An exception may be granted by the Community Development official to any of the provisions of the design criteria set forth in subsections B(1) through (8), and the decision of the official is appealable to the City Council.

J. Any person or party has the right to appeal the decision of the Community Development official regarding a sidewalk café permit. Appeals must be made in writing and submitted to the Community Development and Finance offices by close of business on the seventh full calendar day following action by the Community Development official. Appeals shall be reviewed and acted upon by the City Council within 30 days.

K. All permit holders shall be required to abide by all federal, state, and local laws.

L. A sidewalk café permit may be revoked for cause, including but not limited to the failure to comply with all of the standards required for the issuance of the permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the permit, the permit may be authorized to continue in force. If a hearing has been requested following receipt of notice to revoke, the City Council shall hold a public hearing on the matter and shall make a determination whether to revoke within 30 days.

15.06.03. Sidewalk Vendors: Notwithstanding any other provision of this section or Title 15 of this code, the City Council may, by annual permit not including the period commencing on Wednesday before the official start date of the annual Sturgis Motorcycle Rally and concluding at the end of the last day of the rally, authorize a Sidewalk Vendor businesses to operate upon public sidewalks as hereinafter described, subject to the conditions hereinafter set forth. A sidewalk vendor located on the sidewalk in the public right-of-way is allowed to sell cut flowers, food and/or non-alcoholic beverages to be consumed off premises, wearing apparel or other permitted merchandise at specific locations as authorized herein. Sidewalk vending facilities and equipment shall be entirely removed from the public right-of-way when not in use. Sidewalk vendors may be permitted to operate between the hours of 6:00 a.m. and 2:00 a.m.

A. Application. Any application for a sidewalk vendor permit shall be filled with the Community Development Department. The application for a sidewalk vendor permit shall include the following items:

1. Name, address and contact information.
2. Documentation to confirm that the applicant is the owner of the property adjacent to the proposed vending site or to confirm the owner's consent to the proposed site.
3. Type of items sold.
4. A valid copy of all necessary licenses and permits required by State law and County ordinance.
5. Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.

6. A site plan indicating the location and dimensions of the proposed use and device or pushcart.
7. A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.
8. A sidewalk vendor is prohibited from playing music or presenting other activities that produces sound in excess of 85 decibels at the boundary of the permitted premises.
9. A valid vendor license issued by the City.

B. Permitted Vending Products and Goods. All goods being sold from sidewalk vendors shall be located within the permitted area and be attended at all times; shall not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk; shall involve a short transaction period to complete the sale or render the service; shall not cause undue noise or offensive odors; and shall be easily carried by pedestrians. The City of Sturgis permits the following types of goods for street vending in approved locations:

1. Cut flowers.
2. Food.
3. Non-alcoholic beverages.
4. Apparel and other permitted products or goods.

C. Location Requirements. Sidewalk vendors may only be permitted in locations in the City of Sturgis where all Design Criteria and other requirements can be met.

D. Design Criteria and License Requirements. Sidewalk vendors conducting business on the sidewalks of the City of Sturgis with a valid permit issued under this chapter must comply with the following conditions in addition to a valid Vendors license:

1. Any vending units must be self-contained and portable, and no longer than 4 feet wide by 6 1/2 feet high and 6 feet long;
2. A maximum of 60 square feet of space can be occupied by vending unit;
3. No permanent hardware shall be affixed to the sidewalk or adjacent buildings. The operator is responsible for the restoration of the sidewalk or public right-of-way if any damage is caused by the element of the vending unit;
4. Mobile electric generators are prohibited; however, propane area heaters may be used;
5. No more than 3 ice chests, coolers or other accessory containers may be utilized. The containers must be placed on or immediately next to the vending unit, and not in the way of pedestrian or vehicular traffic. Coolers must be hard-plastic or hard metal finish, no Styrofoam, and must be located within the 60 square foot area;
6. Any unit used for cooking, heating, or warming of food must be attached to the

vending unit;

7. Vendors shall provide a receptacle for all waste material generated by the said vending operations;

8. All sidewalk vendors must pick up and remove from the site all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within 30 minutes of the end of daily operations. Litter may not be placed in City trash receptacles. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval;

9. Vending unit may not be moved from assigned area;

10. Vendor cannot receive electricity or water from any adjoining buildings by means of wires, hoses, or other connections;

11. No sidewalk vendor may conduct business on a sidewalk in any of the following places:

(a) Within 2 feet of the inside corner intersection of the sidewalk with any other sidewalk; sidewalk intersections shall be kept clear for pedestrian safety;

(c) Within a 5 foot radius of a fire hydrant; and,

(d) Within 3 feet of an entrance to an adjacent building.

12. All vending units shall be removed from the public right-of-way during non-operational hours;

13. Sidewalk vendors shall display in a prominent and visible manner the license issued by the City of Sturgis.

14. The City shall inspect and approve any vending unit to assure the conformance of all cooking or heating apparatus with the provisions of the currently adopted building and fire codes;

15. Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval through the State Department of Health for food related establishments. A copy of the permit issued by the State shall be supplied to the Community Development Department in the application packet.

16. No sidewalk vendor shall shout, berate or otherwise seek to engage a pedestrian for the purpose of advertising or attracting attention to items displayed

17. Sidewalk vendors are permitted only on sidewalks which allow the vendor to maintain a clear pedestrian path of at least 5 feet at all times. This pathway must be free of any obstructions such as trees, parking meters, and utilities or other facilities such as telephone poles, fire hydrants, fire protection appurtenances, parking meters, mailboxes, or signs located in the public right-of-way. All applicable sight triangle requirements shall be met at all times by sidewalk vendors. No sidewalk vendor element may be located within 5 feet of the curb face;

18. Umbrellas and canopies must be designed to be secure during windy conditions. Umbrellas and canopies must be at least 7 feet above the sidewalk when open;

19. Lighting for sidewalk vendors is subject to approval during the permitting process. Such lighting shall not cause a glare to passing motorists or pedestrians. Lighting may include battery- operated fixtures;

20. Any signs authorized hereunder shall be of a size, dimension, orientation, and placement requirements of 30.04.11 of the City Ordinance Code. Any such sign shall not contain off- premises advertising and shall not display a logo or advertising copy other than for the sidewalk vendor.

E. The permit holder is responsible for proper supervision of the sidewalk vending in order to ensure the requirements of this section are met.

F. Every sidewalk vendor permit holder shall furnish a certificate of insurance proving commercial insurance coverage of at least \$2,000,000 per occurrence for bodily injury, death, disability, and property damage liability. The City of Sturgis shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk vendor. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked.

G. All areas within and surrounding a sidewalk vending unit must be maintained in a clean, neat, and sanitary condition. All cleaning must be performed in accordance with city regulations.

H. An exception may be granted by the Community Development official to any of the provisions of the Design Criteria set forth in subsection D (1) through (20), and the decision of the Community Development official is appealable to the City Council.

I. Any person or party has the right to appeal the decision of the Community Development official regarding a sidewalk vendor permit. Appeals must be made in writing and submitted to the Community Development and Finance offices by close of business on the seventh full calendar day following action by the Community Development official. Appeals shall be reviewed and acted upon by the City Council within 30 calendar days.

J. All permit holders shall be required to abide by all federal, state, and local Laws.

K. A sidewalk vendor permit may be revoked for cause, including but not limited to the failure to comply with all of the standards required for the permit. A notice of intent to revoke a sidewalk vendor permit shall be given in writing 10 days prior to actual revocation, except in the case of insurance cancellation, and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the permit, the permit may be allowed to be continued in force. If a hearing has been requested following receipt of notice to revoke, the City Council shall hold a public hearing on the matter and shall make a determination whether to revoke within 30 days.

L. The sidewalk vendor permit shall automatically become null and void if the license required by The City of Sturgis Code is suspended, revoked or expired.