

No temporary merchants are permitted.

No temporary structures in association with temporary merchants shall be permitted in this district

Exception: Temporary structures, which are in conjunction with an event of three (3) days or less may be permitted.

(B) PERMITTED USES:

1. Detached single-family homes which are of conventional construction and are constructed as per the adopted building code on site. 2. Attached single family dwellings, which are intended for sale or lease to more than one but less than eight individual families. Said structures shall not be more than two stories in height (for the purpose of this section these homes shall have a separation wall of not less than one—hour construction which goes from foundation to the underside of the roof line which clearly divides the dwellings into individual single family dwelling units. 3. Detached single-family manufactured homes which shall be placed on a foundation, (excluding manufactured homes which are mobile in nature) and are built in compliance with the codes adopted by the City of Sturgis and the State of South Dakota. 4. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of construction work. 5. Transportation and utility easements, alleys, and rights-of-ways. 6. A maximum of two structures for storage which is a single story and less than 144 square feet in area may be permitted without a building permit and/or being placed on a foundation. 7. All accessory storage structures must have a minimum of 3 foot set back from side and/or rear property lines. No structures are allowed within the front setback of any property in this district. 8. Small agricultural gardens. 9. Signs, as regulated in Title 18, Article 5, Section 8.

(C) USES PERMITTED ON REVIEW:

The governing body in accordance with provisions contained in Title 18, Article VII, Section 4 may permit the following uses on review:

1. Churches or similar or places of worship, with accessory structures but not including missions, revivals, tents or similar structures. (For the purpose of this section, missions, revivals or similar uses shall be known as any activity which takes place outside the permanent structure which causes more traffic, noise etc. than the primary use.) This section is not intended to prohibit activities such as

preschool, Sunday school, or similar activities which may take place outside the structure. 2. Schools public or private. 3. Public parks, playgrounds, play fields, and neighborhood buildings and uses in keeping with the character and requirements of the district. 4. Libraries, museums, and historical monuments or structures. 5. Utility substations. 6. Golf courses, or country clubs, with adjoining grounds of not less than sixty (60) acres, but not including miniature courses. 7. Cemeteries. 8. A planned residential development as regulated in Title 18, Article, Section 1-A. 9. Home occupations which are clearly incidental in nature and which no display except for regulated sign will be permitted on the exterior of the building being utilized in part for any purpose other described above or as described in Title 18, Article V, Section 10. 10. Day care homes or group homes either for children or adults. 11. At Home Businesses subject to the use on review process outlined in Article VII Section 2. Home occupations. 12. Townhomes subject to the regulations set forth in subsection (h) below

(D) AREA REGULATIONS:

1. FRONT YARD: all lots shall have a minimum of not less than twenty five (25) feet from property lines. 2. SIDE YARD: all interior lots shall have a minimum side yard of not less than eight (8) feet from property line to the wall of the structure. In addition, the distance from the edge of the eave to the property line shall be at least six (6) feet. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have an additional one (1) foot of side yard for each two (2) feet in eave height above finished grade. 3. SIDE YARD ON CORNER LOTS: all lots which have side yard abutting a street shall have a minimum yard setback of not less than eighteen (18) feet from the property line. 4. REAR YARD: all lots shall have a minimum rear yard of not less than ten (10) feet from property lines. 5. LOT WIDTH: all lots used in this zoning designation shall have a minimum lot width of not less than one hundred (100) feet. 6. LOT AREA: shall have a minimum area of not less than 7,000 sq. ft. 7. MAXIMUM LOT COVERAGE: all lots shall not have more than 40% of its total area covered by permanent structures. 8. ALLEY GARAGE SET BACK: Minimum of a ten (10) foot setback when accessed from public alley with no parking allowed within said setback.

(E) HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

(F) OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking with an eight (8) foot minimum width, which must be configured in a manner to hold at least two automobiles, must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a

driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

(G) FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

(H) TOWNHOME REGULATIONS:

The following regulations shall apply to any lot containing townhomes.

1. AREA REGULATIONS:

FRONT YARD: All lots shall have a minimum of not less than twenty five (25) feet from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less eight (8) feet from the side property line to the structure wall. SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than eighteen (18) feet from the property line to the structure. REAR YARD: All lots shall have a minimum rear yard of not less than twenty five (25) feet from the property line to the primary residential structure. LOT WIDTH: All lots shall have a minimum lot width of not less than seventy five (75) feet.

LOT AREA: All lots shall have a minimum lot area of not less than 7000 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total lot area covered by permanent structures.

2. HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

3. OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking with an eight (8) foot minimum width, which must be configured in a manner to hold at least two automobiles, must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

4. FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

(18.05.04 & 18.05.05 revised by Ordinance 2015-01, effective 02/04/2015)

TITLE 18.05.06 R-3 MULTI-FAMILY DWELLINGS, HIGH DENSITY DISTRICT

(A) DEFINITION:

This residential district is intended to promote and encourage the establishment and maintenance of suitable environment for urban residence in areas appropriate by location and character for the occupancy of high-density, multi-family dwellings. One of the important purposes of this district is to create adequate standards for residential development in order to prevent overcrowding and unhealthy housing conditions. In no case shall there be more than twenty (20) dwelling units (apartments) per acre.

No temporary merchants are permitted.

No temporary structures associated with temporary merchants may be permitted in this district.

Exception: Temporary structures, which are in conjunction with an event of three (3) days or less may be permitted.

(B) PERMITTED USES: a. Any use permitted in r-1 & r-2 districts. b. High density apartment buildings and/or complexes. c. Group homes, congregate housing complexes.

(C) USES PERMITTED ON REVIEW: Any use permitted on review in r-1 & r-2 districts. Buildings which are constructed as an accessory use to the complex such as an office, laundry, storage, recreation or community building, etc. Home occupations. Townhomes subject to the regulations set forth in subsection (I) below.

(#5 added effective 11/2/07, Ordinance 2007-37 – there is no #4)

(D) AREA REGULATIONS: a. FRONT YARD: All lots shall have a minimum of not less than 25'-0" from property lines. b. SIDE YARD: All interior lots with single story structures shall have a minimum side yard of not less than 10'-0" from property lines. Any structure two (2) or more stories or having an eave height of 18'-0" or more shall have 1'-0" of side yard for each two (2) feet of eave height above finished grade. c. CORNER LOT SIDE YARD: All lots which have side yard abutting a street shall have a minimum yard setback of not less than 18'-0" from the property line. d. REAR YARD: All lots shall have a minimum rear yard of not less than 25'-0" from property lines. e. LOT WIDTH: All lots used in this zoning designation shall have a minimum lot width of not less than 75'. f. LOT AREA: Shall have a minimum area of not less than 7,000 sq. ft. or not less than 2,000 sq. ft. per dwelling unit whichever is greater. g. MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total area covered by permanent structures.

(E) HEIGHT REGULATIONS: No structure shall exceed three (3) stories or 45' in height. No accessory structures shall exceed one (1) story or 18' in height.

(F) OFF STREET PARKING: A minimum of one 20' x 20' hard surface parking must be provided for each single family dwelling.

All drives used for parking or movement of motor vehicles shall be hard surfaced.

(G) FLOOD PLAIN REQUIREMENTS: Any structure constructed within this district must have its first floor elevation one foot above the elevation stated on the city's firm map.

(H) LANDSCAPING: When there is a structure constructed with four (4) or more dwelling units landscaping shall be required as per Title 18, Article IX.

(I) TOWNHOME REGULATIONS: The following regulations shall apply to any lot containing townhomes.

1. AREA REGULATIONS: FRONT YARD: All lots shall have a minimum of not less than 25'-0" from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less than 8'-0" from the side property line to the structure. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have 1'-0" of side yard for each two (2) feet of eave height above finished grade. SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than 18'-0" from the property line to the structure.

REAR YARD: All lots shall have a minimum rear yard of not less than 25'-0" from the property line to the primary residential structure.

LOT WIDTH: All lots shall have a minimum lot width of not less than 25'-0".

LOT AREA: All lots shall have a minimum lot area of not less than 2500 sq. ft.

MAXIMUM LOT COVERAGE: All lots within this zoning designation shall not have more than 55% of its total lot area covered by permanent structures.

2. HEIGHT REGULATIONS: No structure shall exceed two and one-half (2 ½) stories in height.

3. OFF STREET PARKING: A minimum of one 20' x 20' hard surface off-street parking area must be provided for each single family unit. All drives used for the parking of motor vehicles shall be hard surfaced.

4. FLOOD PLAIN REQUIREMENTS: Any structure shall have a first floor elevation one foot above the flood plain elevation shown on the most current city firm (flood insurance rate map).

(#I added effective 11/2/07, Ordinance 2007-37)

TITLE 18.05.07 MH-1 - MANUFACTURED SINGLE FAMILY-HOMES, MODERATE DENSITY

(A) DEFINITION:

This district is to provide for medium density residential development. The principal uses shall be manufactured homes which are mobile in nature with approved skirting and are functionally compatible with intensive residential uses. This district is for those who individuals who own their lots. In no case shall there be more than nine-(9) lots per acre.

No temporary merchant's may be permitted in this district, nor shall any temporary structure which is in conjunction with said merchant.-.

Exception: Temporary structures, which are in conjunction with an event of three (3) days or less may be permitted.

For the purpose of this section a mobile home shall be defined as a dwelling unit which is fabricated in one or more sections at a location other than the home site and has a manufactures serial number in addition to being designed to be towed on its own chassis. A perimeter frame or the placement of such a unit upon a permanent foundation shall not be construed as creating a dwelling unit as elsewhere defined in the city ordinances. Approved skirting shall consist of a solid boarder of wood, PVC plastic or like material which is weather resistive and is installed around the perimeter of the unit from the bottom the mobile home to below grade, creating a weather tight barrier. Approved skirting must be installed before the mobile home may be occupied.

(B) PERMITTED USES:

1. Detached single-family manufactured homes which are mobile in nature with approved skirting 2. Temporary buildings for uses incidental to construction work, which buildings shall be immediately

adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work. 3. Accessory uses and buildings as regulated in title 18, article v, section 2, provided such uses are incidental to the principal use and do not commonly include any commercial activity. Any accessory building shall be located on same lot with the principal use and may not be located closer than six feet to the principal use. 4. Transportation and utility easements, alleys and r.o.w.'s. 5. Signs as regulated in Title 18, Article V, Section 8.

(C) USES PERMITTED ON REVIEW:

1. Accessory buildings such as laundry buildings, recreational buildings, etc. 2. At Home Businesses subject to the use on review process outlined in Article VII Section 2. ~~Home occupations.~~

(D) AREA REGULATIONS:

1. FRONT YARD: All lots shall have a minimum of not less than 25' 0" from property lines. 2. SIDE YARD: All interior lots shall have a minimum side yard of not less than 10'-0' from property lines. 3. CORNER LOT SIDE YARD: All lots which have side yards abutting a street shall have a minimum yard setback of not less than 18'-0" from the property line. 4. REAR YARD: All lots shall have a minimum rear yard of not less than 25'-0" from property lines. 5. LOT WIDTH: All lots used in this zoning designation shall have a minimum lot width of not less than 75'. 6. LOT AREA: Shall have a minimum area of not less than 7,000 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 35% of its total area covered by permanent structures.

(E) HEIGHT REGULATIONS:

Accessory structures shall exceed one (1) story or 18' in height.

(F) OFF STREET PARKING:

A minimum of one 20' x 20' hard surface parking must be provided for each single family home.

All drives intended for vehicle movement shall be hard surfaced.

(G) FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the elevation stated on the city's firm map.

All mobile homes must be anchored as per the requirements of the city's flood ordinance or as per FEMA guidelines for flood plain management whichever is more restrictive.

TITLE 18.05.08 MH-2 - MANUFACTURED SINGLE FAMILY-HOMES, HIGH DENSITY

(A) DEFINITION:

This district is to provide for high density residential development. The principal use of land is for manufactured homes (mobile homes) which are functionally compatible with intensive residential uses. This district primarily used for mobile home courts or those individuals who rent their lots.

No temporary merchants are permitted in this district, nor shall any temporary structure which is in conjunction with said merchant.

Exception: temporary structures, which are in conjunction with an event of three (3) days or less maybe permitted.

For the purpose of this section a manufactured or mobile home shall be defined as a dwelling unit which is fabricated in one or more sections at a location other than the home site and has a manufactures serial number in addition to being designed to be towed on its own chassis. A perimeter frame or the placement of such unit upon a permanent foundation shall not be construed as creating a dwelling unit as elsewhere defined in the city ordinances.

MOBILE HOME COURT: Any area, tract, site or plot of land which has three (3) or more lots which are under common ownership and which mobile homes are to be placed or located for year round occupancy.

Approved skirting shall consist of a solid boarder of wood, PVC plastic or like material which is weather resistive and is installed around the perimeter of the unit from the bottom of the unit to below grade, creating a weather tight barrier.

Skirting must be installed before the mobile home may be occupied.

(B) PERMITTED USES:

Detached single-family manufactured homes which are mobile in nature with approved skirting. 2. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work. 3. Accessory uses and buildings as regulated in Title 18, Article V, Section 2, provided such uses are incidental to the principal use and do not commonly include any commercial activity. Any accessory building shall be located on same lot with the principal use and may not be located closer than six feet to the principal use. 4. Transportation and utility easements, alleys and r.o.w's. 5. Signs as regulated in Title 18, Article V, Section 8.

(C) USES PERMITTED ON REVIEW:

1. Accessory buildings such as laundry buildings, recreational buildings, etc. 2. At Home Businesses subject to the use on review process outlined in Article VII Section 2. Home occupations.

(D) AREA REGULATIONS:

1. FRONT YARD: All lots shall have a minimum of not less than 10'-0" from property lines. 2. SIDE YARD: All interior lots shall have a minimum side yard of not less than 10'-0' from assumed property lines. 3. CORNER LOT SIDE YARD: All lots which have side yards abutting a street shall have a minimum yard setback of not less than 18'-0" from the property line. 4. REAR YARD: All lots shall have a minimum rear yard of not less than 10'-0" from assumed property lines. 5. LOT WIDTH: All lots used in this zoning designation shall have a minimum lot width of not less than 50'. 6. LOT AREA: Shall have a minimum area of not less than 5,000 sq. ft. 7. MAXIMUM LOT COVERAGE: All lots shall not have more than 35% of its total area covered by permanent structures.

(E) HEIGHT REGULATIONS:

No accessory structures shall exceed one (1) story or 18' in height.

(F) OFF STREET PARKING:

A minimum of one 20' x 20' hard surface parking must be provided for each single family home. All drives utilized for vehicle traffic and/or parking shall be hard surfaced.

(G) FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the elevation stated on the city's firm map.

All mobile homes must be anchored as per the requirements of the city's flood ordinance or as per FEMA guidelines for flood plain management whichever is more restrictive.

ARTICLE VII SECTION 2 – NOTICE PROCEDURE FOR APPLICATION FOR USES ON REVIEW, CONDITIONAL USES AND VARIANCES

1. Typical Notice Procedure

Any applicant for a use on review, conditional use or variance shall complete the necessary forms provided by the City Manager or his or her designee. Upon the completion of all required materials, the City shall provide a written notice of the applicant's intentions and an analysis of the impact of the proposal to owners of all parcels located within the area required to receive notice. The notice shall include the scheduled date when the item shall be discussed at the Planning and Zoning Commission. The notice shall state that any recipient opposed to the proposed application should notify the City of Sturgis, and that without giving notice as directed to the City of their objection, the property owner will be understood to have no objection to the application. In addition to the application fee, the applicant shall be responsible at the time of submitting the application for payment of the cost of notice by certified mail to all required parcels as well as an administrative fee of 10% of the cost of notice by certified mail.

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2. At Home Business Use on Reviews

At home businesses are required to proceed with the Use on Review process if any of the following attributes applied:

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1. The business would have one or more non-resident employees
2. The business would have one or more customers who would visit the at home business

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3. The business would have business inventory, storage, etc. visible from the public right of way
4. The business would create any increase in the amount of traffic, noise or odor typical of a residential neighborhood
5. The business would create a perceived or actual decrease in the expected safety in a neighborhood
6. The business would require any type of land or premises approval from the state or federal government (this does not imply a professionally licensed individual)
7. There has been a verified complaint to the Planning and Permitting Office regarding an At Home Business regarding an impact of similar nature though not specifically listed to those listed above.
8. In no circumstance would a residential camping or home leasing qualify as an at home business requiring a use on review.

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During the initial use on review, the applicant shall be required to:

1. Pay all costs associated with the City sending a certified letter to all landowners within 200' of the subject property.
2. Have place on their property in a place clearly visible from the busiest public right of way a sign provided by the City stating that the property is under consideration of a use on review. Said sign shall be placed for not less than 21 days

Following final approval by the Common Council and completion of each 365-day period, the City shall list the At Home Business name, property address and type of business in the monthly community newsletter. The listing shall indicate that the at home business is under its annual use on review. Should there be any complaint throughout the 365-day period or should negative comments arise after the notice in the Community Newsletter, the Planning and Permitting Department shall present the use on review to the Planning and Zoning Commission. Should the Commission approve another year, no further action is required until 365 days has passed. Should the Commission recommend disapproval, the Use on Review denial shall be submitted to the Common Council for final consideration.

Should a business be required to complete a Use on Review process all the following conditions will be applied:

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1. Copies of all South Dakota State Sales Tax returns shall be submitted to the City Finance Office (these records shall be retained and considered confidential)
2. No signage on the property (with the exception of vehicles) shall be visible from a public right of way
3. The actual average daily vehicle count of the subject property shall not exceed 1.25 times the AADT (Annual Average Daily Traffic) for the type of subject property. In circumstances where the subject business is of significant importance to the community, the limit maybe extended but shall in no circumstance exceed 3.0 times the AADT for the type of subject property.
4. The subject property shall not create noise beyond the times of 7:00 am through 9:00 pm. In addition, the types of sounds nor the volumes of those sounds created during these hours shall not exceed those typical in a residential neighborhood.
5. No odor beyond that typical of a residential neighborhood shall be permissible.
6. If the business causes an impact to the utility services beyond those typical of a residence, then all utility rates shall be charged as Commercial (two separate unit charges for all City utilities).
7. The County may assess portions of the property at commercial versus residential rates.

8. All Use on Reviews shall be applicable for one year. At the expiration of one year, they shall be completed again.

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3. Paving Requirements

A Use on Review can be applied for to allow any property owner in any district to not complete the hard-paving requirement of the construction. In reviewing the application, the Planning and Permitting Staff and Common Council shall consider if the required paving area is connected to a paved public right of way. At no time, should the required hard paving area be less than 30' if it is connected to a paved public right of way. Any approval of the Use on Review will be reviewed if existing conditions change (thereby requiring the paving of the area). Such a cause for a review would be if the adjoining public right of way is paved or if excess dirt and debris is brought onto a public right of way. This Use on Review shall be granted by Planning and Permitting staff with the applicant being able to appeal a denial to the Common Council.

~~TITLE 18-ARTICLE X-BUSINESS LICENSES~~

~~SECTIONS:~~

~~18.10.01: Purpose 18.10.02: Definitions 18.10.03: License Required 18.10.04: Application Issuance of Business License 18.10.05: Fee/ Term 18.10.06: Denial/ Revocation 18.10.07: Denial Applicant right to appeal 18.10.08: Posting/ Inspection 18.10.09: Change of Location 18.10.10: Transfer 18.10.11: Prohibited Business Locations 18.10.12: Exemptions 18.10.13: Multiple Businesses 18.10.14: Same Business Multiple Locations 18.10.15: Penalty~~

~~18.10.01: PURPOSE:~~

~~The purpose of the Business License is to provide an additional protection to the citizens and visitors of the City of Sturgis from fraud and misrepresentation; to ensure compliance with City ordinances; to administer proper land use, quality development and zoning in accordance with the Comprehensive Plan and to provide a database to define and monitor the progress of the local economy.~~

~~18.10.02: DEFINITIONS:~~

~~"BUSINESS" Means any activity, trade, calling, profession, or occupation, whether sole proprietorship, partnership, corporation, limited liability company or other recognized entity, which regularly provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of Sturgis. Business includes "home occupations" which involve the sale of goods or services as described in this definition.~~

~~A. "Permanent Business" means a business use which occurs for a period equal to or greater than five (5) months from January 1 thru December 31 of the current year in which the license is being applied for at a fixed location within the City of Sturgis. A "Permanent Business" may erect and utilize one Temporary Structure for their business operations from May through September each year. The primary method to determine the duration of operation shall be a review of Sales Tax reports.~~

~~B. "Temporary Business" means a temporary business use that occurs for a period less than five (5) months from January 1 thru December 31 of the current year in which the license is being applied for, even though the licensee may have a permanent or fixed location within the City of Sturgis. This definition does not include any business activities or operation during the Rally Period.~~

~~C. "Business Establishment" means a permanent business operating and open to the public at a fixed location within the City of Sturgis, and that is in compliance with Title 18 City of Sturgis Zoning Ordinance and Title 2 City of Sturgis Contractor's licensing and Construction Regulations.~~

~~"Person" means any person, firm, corporation, association, partnership, venture, society, club, association, organization, or group of individuals carrying on business within the corporate boundaries of the city of Sturgis and that is not deemed exempt by this Title.~~

~~"Event" An organized occurrence or happening lasting four (4) or more consecutive days or where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control.~~

~~"Rally Period" That period of time in the year which the business license is valid that excludes the Seven (7) published and official days of the Sturgis Motorcycle Rally, the Seven (7) days prior to and Four (4) days preceding the official date.~~

~~18.10.03: License Required.~~

~~No person, whether subject to the payment of tax or not, shall engage in any business within the city limits without first obtaining and being a holder of a valid and current business license pursuant to the provisions of this chapter.~~

~~18.10.04: Application Issuance of Business License.~~

~~A. Application for a permanent business or temporary business license shall be made on the application form provided by the City of Sturgis and submitted to the City of Sturgis Finance Officer.~~

~~B. The business license application shall include all of the following information and such other information as the City deems reasonably necessary: 1. Name of Business~~

~~2. Name of applicant~~

~~3. Complete Street and mailing address of business location.~~

~~4. A brief description of the nature of the business.~~

~~5. Type of business entity. If the business is a corporation or limited liability company, the state where formed and the statutory agent's name and address.~~

~~6. A list of any chemicals or hazardous materials or hazardous waste which will be used or stored by the business.~~

~~7. The name of the person in charge of the business and their contact information including email address. If the emergency contact is different than the person in charge of the business, the applicant shall supply the name and contact information for an individual who can be called in case of an emergency. This should be a telephone number that will be answered twenty four (24) hours a day.—8. Number of employees both full time and part time.~~

~~9. If the business specified in this title is subject to a health or sanitary certification, the applicant shall produce such certificate or permit as part of the application.~~

~~10. State or local sales tax identification number.~~

~~C. The City Finance Officer, prior to issuance of a business license to any applicant, shall, with the assistance of the Community Development Department, determine that the location of the business as submitted by the applicant, is~~

~~properly zoned for the conduct of the business for which the license is sought; provided, however that it is the duty of the applicant to assure that the location of the proposed business complies with all the~~

~~zoning and all other ordinances of the city, in the event that it fails to so comply, any license issued, granted or approved by the city shall be null and void, and the city shall not be liable for loss, claim or damages whatsoever by reason of the applicant or the business for which a license was issued failing to comply with said ordinances, and regardless of whether a business license was in fact issued.~~

~~D. After receipt of a completed application and the license fee, the city finance officer shall review the application and, except as otherwise provided issue or deny the license within 5 working days after receipt of the completed application.~~

~~E. Nothing in this chapter shall prevent the City Finance Officer or other city official from requiring the applicant to provide any information necessary to ascertain whether the application is, or will be, in compliance with all city ordinances or state laws.~~

~~18.10.05: Fee/ Term.~~

~~A. Fee: Unless otherwise provided by this chapter, the required license fee for a Permanent Business License shall be at no cost.~~

~~B. All Temporary Businesses as defined in this Chapter, the required license fee for a Temporary Business License shall be \$25.00 per year not including the Rally Period, which is nonrefundable, whether or not the application is later denied. Temporary Vending licenses and Fees during the Rally period shall be governed separately by Title 21.02.03.~~

~~C. Term: Unless otherwise provided by this chapter, all licenses shall be for a period of one calendar year, beginning January 1st of each year and expiring the following December 31st, excluding the Rally Period.~~

~~D. Upon receipt of a written statement attesting to the loss, theft or destruction of an otherwise valid license, the Finance Officer shall reissue a license for the duration of the original license term upon receipt of a \$10.00 fee.~~

~~18.10.06: Denial/ Revocation.~~

~~A. Compliance with any other code and zoning provisions. The City Finance Officer shall not issue a City business license, and any license so issued shall be void and subject to immediate revocation by the city, to any person, firm or entity which operates or proposes to operate or conduct any business in violation of any city ordinance or State and Federal Laws. In addition, the City Finance Officer may deny any~~

~~application for a business license where the applicant is not in compliance with all city ordinances or state statutes, as now or later amended.~~

~~18.10.07: Denial—Applicant right to appeal.~~

~~Any applicant denied a license by the City Finance Officer 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: An aggrieved person shall first file a written request for review with the City Finance Officer setting forth the basis for which he or she believes the City Finance Officer's decision to be in error. The writing shall also include the person's name and mailing address.~~

~~Upon receipt of a written request for review, the City Finance Officer shall review his or her decision and mail a written response to the aggrieved person within twenty (20) days.~~

~~If the aggrieved person is not satisfied with the decision of the City Finance Officer following review, he or she may file a notice of appeal with the Finance Office. 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 notice of appeal.~~

~~Upon receipt of a notice of appeal, the Finance Officer shall notify the City manager.~~

~~After notification of the City Manager by the Finance Officer, the Appeal shall follow the Appeal provision of Title 36, Code Enforcement.~~

~~18.10.08: Posting—Inspection.~~

~~A business license shall be conspicuously posted at the business for which it was issued, and shall be produced for inspection upon the request of any authorized city official; provided, however, that when the licensee has no permanent place of business, such person must either carry or attach and conspicuously display the license on any personal property which is an integral part of the business, and must produce the license for inspection upon request of any authorized city official.~~

~~18.10.09: Change of Location.~~

~~A business that possesses a current business license shall notify the City of Sturgis Finance Officer in writing of any change of address within ten (10) days of the change of address. There will be no fee associated with a change of address if the change occurs between January 1 and December 31, of the current year the business license is valid for.~~

~~18.10.10: Transfer.~~

~~No license issued under the provisions of this Chapter shall be transferable or assignable; provided that in the event of death of licensee, the surviving spouse, estate, or heir may operate the business under the existing license for the remaining term of the license. In the event of the sale, transfer, conveyance or gift of a business, the new owner shall be required to apply for and obtain a license for the duration of the license period, prior to commencing to conduct business in the city.~~

~~18.10.11: Prohibited Business Locations.~~

~~No person shall conduct business within the City of Sturgis in any structure or area where conducting such business is prohibited by law, by the City of Sturgis Zoning Ordinance, by applicable building code or applicable fire code. No business as defined in Section 18.10.02 shall use any location within the public Right of Way or in areas of the sight triangle that are determined to be a safety concern. Unless said business holds a valid permit for a sidewalk café and/or vending, issued by City of Sturgis in accordance with Title 15.06 Sidewalk Café and Vending.~~

~~18.10.12: Exemptions.~~

~~A business license shall not be required when:~~

~~A. A garage or yard sale, providing that it does not last longer than 72 hours in any 30 consecutive day time period(s).~~

~~B. Any business otherwise licensed under City Ordinance, Federal or State law that precludes requiring a business license for the business.~~

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

~~D. Sales to wholesale or retail merchants, by sample, for future delivery made by representatives or established wholesalers or manufacturers. — E. The sales of fruits, vegetables or farm or garden products in their natural state.~~

~~F. The distribution of goods for which there is no charge.~~

~~1) All persons, firms or corporations distributing goods or performing a service for which there is no charge, shall be required to register with the City Finance Officer, their name, address, location of said distribution or service and goods which he/she or it is distributing or service which they are performing.
G. Sales by youth age 15 years and under selling lemonade and like items and incidentals thereto from property from which they reside.~~

~~18.10.13: Multiple Businesses.~~

~~Any person engaged in two (2) or more separate businesses operating at the same physical location and which are under the same ownership, shall be required to obtain one license for the main permanent business and for each subsequent business's at that location, but shall only be charged one (1) license fee.~~

~~18.10.14: Same Business Multiple Locations.~~

~~Any person conducting the same business at two (2) or more permanent locations shall be required to obtain a separate license for each place of business.~~

~~18.10.15: Penalty.~~

~~Any violation of the provisions of this Title is a Class 2 Misdemeanor punishable by a maximum fine of four hundred dollars (\$400.00) and/or incarceration in the County jail for a period not to exceed thirty (30) days. In lieu of a Class 2 Misdemeanor any violation of this Title shall be subject to Title 36 Code Enforcement at the option of the City.~~

~~In addition, any person holding a license under this Title who is found to be in violation of any provisions of this Title shall face the possibility of revocation or non-renewal of any license.~~

~~(Title 18, Article X add in entirety by Ordinance 2011-02, effective 6-1-11)~~