

ORDINANCE #8

An ordinance providing for the amendment of Article III, Section 1 of Butte County's Ordinance #7 providing for an increase in the permit fee for temporary campgrounds.

Be it hereby ordained by Butte County:

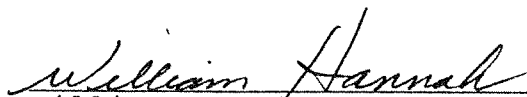
That Article III, Section 1 of Butte County's Ordinance #7 be amended as follows: That the cost of a permit for a temporary campground shall be increased from \$100.00 to \$500.00 per acre.

First Reading - JUNE 18, 1991

Second Reading - JULY 2, 1991

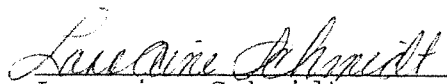
This ordinance was passed by a majority vote of the Butte County Commissioners.

Dated this 2ND day of JULY, 1991.



William Hannah
Chairman of the Board
of County Commissioners

ATTEST:



Lorraine Schmidt
Auditor

ORDINANCE #7

An ordinance providing for temporary campgrounds.

Be in ordained by Butte County:

ARTICLE I

SECTION 1 - Purpose

It is the purpose of this ordinance to regulate temporary campgrounds and to regulate meetings of large numbers of people which exceed the normal health, sanitary, fire, police, transportation and utility service normally provided in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected.

SECTION 2 - Jurisdiction

The provisions of this ordinance shall not apply to municipalities. This ordinance shall not apply to regularly established permanent places of worship, government-sponsored fairs, rodeos, farm sales, auctions, or assemblies licensed under other laws.

ARTICLE II

Definitions

Unless specifically defined, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Butte County Planning Board - a three member board appointed by the Butte County Commissioners to screen and process permit applications.

Coordinator - the planning coordinator authorized to issue permits after application has been approved by the Butte County Planning Board. The County Treasurer is the planning coordinator.

Person - means any individual natural human being, partnership, corporation, firm, company, association, society or group.

Temporary Campground - means an area for camping for up to two weeks in a year and occupied by twenty (20) people or more.

ARTICLE III

SECTION 1 - Permit Required

No person shall permit, maintain, conduct, advertise, act as (an) entrepreneur, undertake, organize, manage, or sell or give tickets to any actual or reasonable anticipated temporary campground area which continues or can be reasonably expected to continue for ten (10) or more consecutive hours, whether on public or private property, unless a permit has first been issued by the coordinator, application for which must be made at least ten (10) days in advance of a temporary campground area. A separate permit shall be required for each location of a temporary campground and the fee shall be:

Less than one acre - \$100.00 minimum

More than one acre - \$100.00 per acre

A permit shall only allow the maximum number of people stated in the permit. The person holding the permit shall not allow, not sell tickets to, more than the maximum permissible number of people.

SECTION 2 - Requirements for Permit

Before any person may be issued a permit the applicant shall first;

1. Determine the maximum number of people which will be admitted to the location.
2. Provide proof that the applicant will furnish, at his own expense, before the temporary campground is open to the public:

- A. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people allowed at the rate of one (1) gallon per person per day, and water for washing at the rate of two (2) gallons per day per person.
- B. Separate enclosed toilets, one unit for under twenty-five (25) occupants, meeting all state specifications and requirements, conveniently located throughout the grounds, together with an efficient sanitary means of disposing of waste matter deposited, which is in compliance with all state rules and regulations.
- C. A sanitary method of disposing of solid waste in compliance with state laws, rules and regulations, together with a plan for holding and a plan for collecting all such waste at least once each day the temporary campground is in operation, and sufficient trash cans with tight fitting lids and personnel to perform the task.
- D. A parking area sufficient to provide parking space for the maximum number of people at the rate of at least one (1) parking space for each four (4) persons. This area to be located inside the grounds.
- E. Tent space inside the grounds sufficient to provide individual tent spaces for the maximum number of people at the rate of four hundred (400) square feet per person.
- F. Security guards sufficient to provide adequate security for the maximum number of people at the rate of at least one (1) security guard for every two hundred (200) people, to be paid for by the person(s) running the temporary campground. Campgrounds shall have a responsible person on duty at all times.
- G. Fire protection, including extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards.
 - 1. No open fire shall be permitted except in facilities provided and approved when within a fire protection district.
 - 2. No open fires shall be left unattended.
 - 3. No fuel shall be used and no materials burned which emits dense smoke or objectionable odors.

4. If fires are permitted the owner must make available fuel suitable for facilities provided.
- H. Barbecue pits, fireplaces and incinerators shall be located in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Containers shall be provided in sufficient numbers and capacity to properly store all refuse. All refuse shall be collected daily.
- J. Condition of grounds.
1. The condition of the soil, ground water level, drainage and topography shall not create hazards for adjoining property or endanger the health or safety of the occupants.
 2. The grounds shall be kept free of rubbish, trash, or debris which could become a safety hazard.
- K. Soil and ground cover requirements.
1. The growth of brush, weeds and grass shall be controlled.
 2. All areas shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health.

ARTICLE IV

SECTION 1 - Application for Permit

- A. Application for a permit shall be made in writing to the planning office at least ten (10) days in advance of a temporary campground.
- B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.
- C. The application shall contain and disclose:
 1. The name, age, residence and mailing address of all persons required to sign the application as above provided and, in the case of the corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of said corporation;
 2. The address and legal description of all property upon which the temporary campground is to be held together with the name, residence and mailing address of the record owner(s) of all such property;
 3. Proof of ownership of all property upon which the assembly and/or temporary campground is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property for the purpose so stated in the application;
 4. The nature of purpose of the temporary campground;
 5. The total number of days and/or hours during which the temporary campground is to last;
 6. The maximum number of persons which the applicant shall permit, not to exceed the maximum number which can camp within the boundaries of the property as stated in the application;

7. The plans for supplying potable water including the source, amount available and location of outlets;
8. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.
9. The plans for holding, collecting, and disposing of solid waste material;
10. The plans, if any, to illuminate the location, including the source and amount of power and the location of lamps;
11. The plans for points of highway access;
12. The plans for security including the number of guards, the deployment and hours of availability;
13. The plans for fire protection including the number, type and location of all protective devices including extinguishers and the number of emergency fire personnel available to operate the equipment;
14. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
15. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers;

ARTICLE V

SECTION 1 - Processing Application

The application for a permit shall be processed within five (5) days following receipt thereof by the Butte County Planning Board and shall be issued by the coordinator if all conditions are complied with.

SECTION 2

If the application is denied by the Butte County Planning Board, the applicant shall have the right to appeal to the board of commissioners.

SECTION 3

Written proof of the size of the temporary campground must be submitted to the planning commission. The written drawing or plat must be in a form satisfactory to the planning commission.

ARTICLE VI

SECTION 1 - Revocation of Permit

The permit may be revoked by the Butte County Commissioners at any time if any of the conditions necessary for the issuing of or contained in the permit are not complied with, or if any condition previously met ceases to be complied with. Any such revocation may be made by the Butte County Commissioners without notice or hearing, if the commissioners determine that an emergency exists and that it is not practical, in relationship to its obligation to protect the public health, morals and welfare, to allow the permit to proceed. In any such case, however, the owners of the permit may, within a period of three (3) days from and after revocation, apply or petition of commissioners for an administrative hearing to show why the revocation should not be set aside and the permit reinstated.

ARTICLE VII

SECTION 1 - Injunction Proceedings to Prevent or Abate Violations

The holding of a temporary campground in violation or threatened violation of the regulations or restrictions of this ordinance shall be deemed a public nuisance. The Board of County Commissioners or any member thereof, in addition to other remedies, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate such violation or threatened violation and it is the duty of the State's Attorney to institute such action.

ARTICLE VIII

SECTION 1 - Penalty

It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be a misdemeanor and shall be punishable by a fine not exceeding one hundred dollars for each and every day that any violator fails to comply with the provisions of this ordinance or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

SECTION 2

All monies collected will be deposited in the County General Fund.

ARTICLE IX

SECTION 1

Should any article, section, sub-section or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

ARTICLE X

SECTION 1 - Effective Date

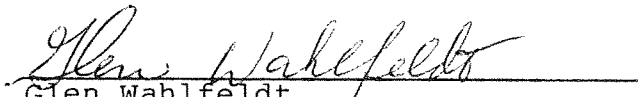
Whereas, this ordinance is necessary to promote the public health, safety and general welfare of the people of Butte County and their visitors this ordinance shall be in full force and effect after its passage and approval pursuant to SDCL 7-18A-8.

First Reading - June 15, 1990

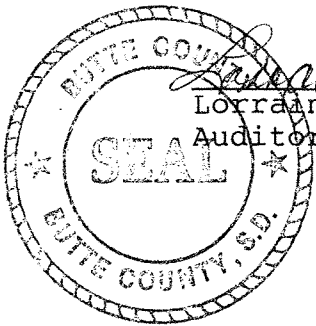
Second Reading - July 3, 1990

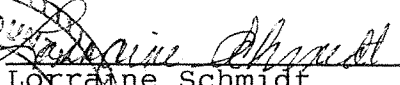
This Ordinance was passed by a majority vote of the Butte County Commissioners.

Dated this 3 day of July, 1990.


Glen Wahlfeldt
Chairman of the Board
of County Commissioners

ATTEST:




Lorraine Schmidt
Auditor

NOTICE OF ADOPTION
OF
TEMPORARY CAMPGROUND ORDINANCE

PLEASE TAKE NOTICE THAT IN ACCORDANCE WITH SDCL 7-19A-5, ON JULY 3, 1990, THE BUTTE COUNTY BOARD OF COMMISSIONERS WILL ADOPT A COMPREHENSIVE REGULATION OF TEMPORARY CAMPGROUNDS IN BUTTE COUNTY. A COPY OF THE ORDINANCE, WHICH HAS BEEN TITLED ORDINANCE #7, IS ON FILE IN THE BUTTE COUNTY AUDITOR'S OFFICE, BUTTE COUNTY COURTHOUSE, BELLE FOURCHE, SOUTH DAKOTA, AND IS AVAILABLE FOR PUBLIC INSPECTION.

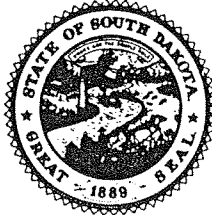
DATED THIS 7 DAY OF JUNE 1990.

LORRAINE SCHMIDT
BUTTE COUNTY AUDITOR

FIRST READING: JUNE 15, 1990 10:00 A.M.
SECOND READING: JULY 3, 1990 10:30 A.M.

DAILY POST & B.F. BEE PUBLISH 1 TIME WEEK OF JUNE 11, ONE TIME WEEK OF JUNE 18
BUTTE COUNTY VALLEY IRRIGATOR PUBLISH 1 TIME WEEK OF JUNE 11, ONE TIME WEEK OF JUNE 18

State of South Dakota
Office of The Secretary Of State



STATE

DEPARTMENT

United States of America,
State of South Dakota

} SECRETARY'S OFFICE

This is to certify that the attached instrument of writing is a true, correct, and examined copy of HOUSE BILL NO. 1216 duly passed by the Sixty-Sixth Session of the Legislature of the State of South Dakota, approved by the Governor on the 25th day of February, 1991, as an Emergency Act, the same now in full force and effect; and the whole thereof, and has been carefully compared with the original now on file in this office and found correct.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota at the City of Pierre, the Capital, on this 26th day of February, 19 91

By Thomas J. Seeley Secretary of State
Deputy Secretary of State

FEES, § Official Business

AN ACT

ENTITLED, An Act to authorize counties to issue permits for temporary campgrounds and special events and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 7-18 be amended by adding thereto a new section to read as follows:

The provisions of chapter 34-18 notwithstanding, a county may require that the owners or operators of temporary campgrounds secure a permit from the county before operating as a temporary campground within the county. For the purposes of this section, a temporary campground is any campground which operates at a fixed location for a temporary period of time in connection with a fair, carnival, public exhibition or similar gathering. The owner or operator of a temporary campground shall apply to the county treasurer upon forms provided by the county treasurer for a permit required by this section. The board of county commissioners may by resolution establish fees for a temporary campground permit.

Section 2. That chapter 7-18 be amended by adding thereto a new section to read as follows:

A county may require that the promoters of a special event secure a permit from the county before a special event may be conducted within the county unless the special event is carried on exclusively within the boundaries of a municipality. For the purposes of this section, a special event includes a fair, carnival, concert, public exhibition or similar gathering except for special events sponsored, in whole or in part, by an accredited South Dakota educational institution. The promoter of a special event shall apply to the county treasurer upon forms provided by the county treasurer for a permit required by this section. The board of county commissioners may by resolution establish fees for a special event permit.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to authorize counties to issue permits for temporary campgrounds and special events and to declare an emergency.

=====
I certify that the at-
tached Act originated in the
HOUSE
as HOUSE
Bill No. 1216
=====

Karen Serdes
Chief Clerk
=====

[Signature]
Speaker of the House

Attest:

Karen Serdes
Chief Clerk

[Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

House Bill No. 1216
File No. 194
Chapter No. _____

=====
Received at this Execu-
tive Office this 23 day
of February, 1991
at 9:35AM.
=====

By Loralee Yocom
for the Governor
=====

The attached Act is here-
by approved this 25
day of February,
A.D., 1991

[Signature]
Governor
=====

STATE OF SOUTH DAKOTA,
Office of the Secretary of State

Filed Feb 26,
1991 at 11
o'clock A M.

Secretary of State

By [Signature]
Asst. Sec'y of State