

ORDINANCE 21

AN ORDINANCE PROVIDING FOR TEMPORARY CAMPGROUNDS OPERATING OUTSIDE THE BOUNDARIES OF AN INCORPORATED MUNICIPALITY

BE IT ORDAINED BY MEADE COUNTY:

ARTICLE I

Section 1 - Purpose

It is the purpose of this ordinance to regulate all temporary campgrounds as defined by SDCL 7-18-21, serving 10 or more campsites, to insure that they meet the health, sanitary, fire, police, transportation and utility service normally provided in Meade County, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected. No permit shall be denied on the basis of race, religion, or subject matter, or infringe upon a Permittee's First Amendment Constitutional Rights.

Section 2 - Jurisdiction

The provisions of this ordinance shall not apply within municipalities, any function not providing overnight camping for 10 or more campsites, or the normally used and occupied spaces of state licensed campgrounds pursuant to SDCL 34-18.

ARTICLE II

DEFINITIONS

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

APPLICANT – manager and/or owner as stated on the application

CAMPGROUND - a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public to be a place where camping units can be located and occupied as temporary living quarters for children or adults, or both

CAMPING UNIT - any trailer, tent camper, camper, camping cabin, tent, recreational park trailer, or other equipment that may be used by the traveling public at individual campsites located at campgrounds or areas used by the public as campgrounds

CAMPSITE - a specific parcel of land in a campground intended for occupancy and used by a single camping unit

CAMPING CABIN - any structure or building that is used to accommodate overnight sleeping guests and is dependent on a service building for restroom fixtures

TEMPORARY CAMPGROUND – 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

ARTICLE III

Section 1 - Permit Required

1. Application for any temporary campground shall be submitted in writing to the Meade County Equalization and Planning Office on the application provided by Meade County, at least 90 days prior to campground operation. A separate permit shall be required for each non-contiguous location.

2. Temporary campground permits shall be obtained for each 14 day period.

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3. If a late campground application is to be considered for approval by the Meade County Commission, the administrative penalty to be implemented is a 100% addition to the applicable campground fee which must accompany the application.

4. The campground permit fees can be found in Meade County's Fee Schedule.

5. A written request for full or partial refund of the licensing fee may be submitted to the Director of Equalization by organizations recognized under Internal Revenue Code 501(c) (3) as a bona fide religious or charitable organization. This request must be accompanied by proof of IRS status, and proof of current charitable or religious activity, no longer than 10 days following the event. A waiver of the permit fee does not authorize a waiver of any of the other temporary campground requirements as adopted by Meade County, or any fees or permits as required by the State of South Dakota.

6. If any non-permitted campground is found to be otherwise in compliance with the requirements of Ordinance 21, the Director of Equalization or designees may collect the application fee and administrative fine of 150% of the applicable campground fee. A religious or non-profit organization may, within 30 days, appeal to the Meade County Commission for a refund of any amounts collected under this subsection.

Section 2 - Requirements for Permit

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

1. Agree to not allow more than the declared maximum number of campsites on the campground premises at one time.

2. Provide proof that the applicant will furnish at his own expense, before the temporary campground is open to the public, the following:

A. An accessible, adequate, and safe supply of water to each campground facility. All public and private water systems must comply with SD Department of Environment and Natural Resources regulations/requirements for construction, maintenance and sampling.

B. Toilets and bathing facilities meeting all state specifications and requirements with an efficient and sanitary means of disposing of wastewater deposited which is in compliance with all state rules and regulations.

C. A sanitary method of disposing of solid waste and garbage. The stored garbage and rubbish shall be kept in a leak-proof, nonabsorbent container that is kept covered with a tight-fitting lid when filled, stored, or not in continuous use. Accessibility by insects, rodents, and other animals shall be minimized. No disposal of garbage and rubbish may create a health hazard. Disposal of rubbish shall be done as frequently as needed to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

D. Managers and/or Event Staff sufficient to provide security for the maximum number of people at the rate of at least two (2) staff for up to 300 campsites, and one (1) additional staff for each 100 additional campsites thereafter. Campgrounds shall have a manager and/or event staff on duty at all times.

E. Fire protection, including portable 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 fire shall be left unattended.
3. No fuel shall be used and no material cured which emits dense smoke or objectionable odors.

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4. If fires are permitted, the owner must make available fuel suitable for facilities provided.
5. Meade County reserves the right to prohibit fires if deemed necessary by local fire departments.

F. Conditions of grounds

1. The grounds shall be kept free of rubbish, trash, or debris.
2. The condition of the property, ground water level, drainage and topography shall not create hazards for adjoining property or endanger the health or safety of the occupants.

G. Ground cover requirements:

1. The growth of brush, weeds, and grass shall be controlled.
2. All areas shall be mowed or maintained to prevent weed and fire danger.

H. A daily log shall be kept on the premise, showing the name and address of each camper, the number of persons in each camping party. A log showing the total number of campsites at any given time shall be made available to Meade County personnel.

I. A daily log must be kept at the front gate showing the names of all vendor booths operating on campground property. Any campground who sells, rents, leases, offers for hire, or in any way allows to be used or occupied by a vendor any land, ground, building, structure, vehicle, tent, room, apartment, shop, street, alley, property, or other place shall obtain a Host Permit from Meade County. Campground applicants shall be responsible for ensuring no vendor operates without a county vendor permit and state sales tax license, and that both are properly displayed.

Section 3 – Public Safety Access

1. All law enforcement and Meade County personnel will be allowed immediate access to determine if the terms and conditions of the campground application and Meade County Ordinance 21 are complied with.

ARTICLE IV

Section 1 - Application for permit

A. All regulations listed in Article III must be followed.

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, president or party acting on behalf of the corporation, partnership, society, association, or group.

C. The application shall contain and disclose:

1. The name, home and mailing addresses, and phone numbers of all persons required to sign the application. In the case of a corporation, a certified copy of the articles of incorporation must accompany application.
2. The address and legal description of all property upon which the campground is located.
3. A copy of the recorded deed showing current ownership. If the recorded owner is not the applicant, a statement made upon oath or affirmation by the recorded owners that the applicant has permission to use such property for the purpose stated in the application must accompany the deed.
4. The nature or purpose of the campground.
5. The dates during which the campground will be in operation.

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6. The maximum number of occupied campsites which the applicant shall permit on the premises at any one time.
7. Plans for supplying water including the source and the amount available. The location of outlets must be identified on an aerial photo/sketch of the campground property.
8. The plans for providing toilet and lavatory facilities including the source, number, location, type and the means of disposing of waste deposited. All facilities must be identified on an aerial/sketch of the campground property.
9. The plans for holding, collecting and disposing of garbage.
10. The plans to illuminate the campground. Light locations must be identified on an aerial photo/sketch of the campground property.
11. Security detail, including the name, address, and 24-hour telephone number(s) for the manager(s) or event staff on duty.
12. Fire protection detail including the type, number, and location of all protective devices shown on aerial photo/sketch.
13. Sound control and amplification details, if any, including number and location of amplifiers and speakers shown on an aerial photo/sketch.
14. An aerial photo/sketch plan of the property showing all amenities: bathrooms, showers, drinking water outlets, light poles, fire protection devices, stage areas, concession areas, vendors, roads, etc, including all entrances and exits.
15. If applicable, a current copy of the covenants that apply to the property to be used as a campground, verifying that commercial activity is allowed.

ARTICLE V

Section 1 - Processing Application

Notice of application shall be heard at hearing before the Meade County Commission no less than 60 prior to the first day of campground operation.

Section 2 - Appeal Process

If the Meade County Commission denies the application, the applicant shall have the right to appeal to Circuit Court within 30 days of notice of denial.

ARTICLE VI

Section 1 - Revocation of Permit

The permit may be revoked in writing by Meade County 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. Such revocation may be made by Meade County without a noticed hearing if determined that an emergency exists and that it is not practical in relationship to Meade County's obligation to protect the public health, morals and welfare to allow the permit to proceed. In any such case, the owners of the permit may within a period of three (3) days from and after revocation, apply or petition the Meade County Commission for an administrative hearing by filing with the Meade County Auditor's Office a statement explaining why the revocation should be set aside. The administrative hearing shall be noticed for the next regular Commissioners meeting, or in the case of an emergency, a special meeting called by the Meade County Commission.

ARTICLE VII

Section 1 - Injunction Proceedings to Prevent or Abate Violations

The holding of a campground in violation or threatened violation of the regulations or restrictions of this ordinance shall be deemed a public nuisance. The Meade County Commission or any

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member thereof, in addition to other remedies, may institute appropriate actions 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 upon written request of the Meade County Commission.

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 punishable by a fine not exceeding \$500. Each day in violation may be deemed a separate offense. In addition, if the violation is a failure to obtain a license as required herein, the violation shall be punishable by an administrative fee of two times the cost of the application fee.

ARTICLE IX

Section 1


Should any Article, Section, Subsection 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

Ordinance No. 21 shall take effect and be in force from and after 20 days from the date of completed publication. Campground regulations previously adopted are hereby repealed. Adopted this 2nd day of March, 1999. Amended February 11, 2020.

Dated this 11th day of February, 2020.



Ted Seaman, Chairman

ATTEST: 

Lisa Schieffer, Auditor



First Reading: January 14, 2020
Second Reading: February 11, 2020
Adopted: Feb 11, 2020
Publications: Feb 19, 2020
Effective Date: March 10, 2020