

# ORDINANCE #21

## AN ORDINANCE PROVIDING FOR TEMPORARY CAMPGROUNDS

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 of 20 or more occupants 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 to municipalities, any function not providing overnight camping for 20 or more occupants, or the normally used and occupied spaces of state licensed campgrounds pursuant to SDCL 34-18.

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### ARTICLE II

#### DEFINITIONS

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

**COORDINATOR** - the planning coordinator authorized to issue permits.

**PERSON** - means any individual, partnership, corporation, firm, company, association, society or group.

**CAMPGROUND** - an area for camping that is occupied by twenty (20) people or more. **All temporary campgrounds, OR auxiliary areas for camping in a fixed location open for a temporary period of time, are required to obtain a Meade County Permit.**

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

### ARTICLE III

#### Section I – 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 ninety (90) days prior to campground use. A separate permit shall be required for each non-contiguous location. Temporary campground permits shall be obtained for each fourteen (14) day period.

### **Occupants fees**

1.	20 - 50	\$125
2.	51 - 100	\$250
3.	101 - 350	\$500
4.	351 - 500	\$750
5.	501 - 750	\$1,000
6.	751 - 1000	\$1,250
7.	1001 - 2000	\$1,500
8.	2001 - 5000	\$1,750
9.	5001 - 10000	\$2,000
10.	10000 +	\$2,500

2. Any religious or non-profit organization may obtain prior approval from the Meade County Board of Commissioners for a waiver of the temporary campground permit fees. 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 from any fees or permits as required by the State of South Dakota.

3. The campground shall not allow, nor sell tickets, to more than the maximum permissible number of people that the campground has facilities for as required by the State of South Dakota and Meade County regulations.

### **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. Agree to have all vendors display proper county and state licenses.
3. 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 a day per person from a source other than a private well, unless the well has been certified for commercial use through the Department of Environment and Natural Resources.
  - B. Toilets and bathing facilities meeting all state specifications and requirements with an efficient 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, 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 campground is in operation, and sufficient cans with tight fitting lids and personnel to perform the task.

D. 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.

E. 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 up to one thousand (1000) people, and one (1) guard for each 500 (five hundred) additional people thereafter, to be paid for by the persons running the campground. Campgrounds shall have a responsible person on duty at all times.

F. 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.

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.

G. Garbage and rubbish storage and disposal shall be handled 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.

H. Conditions of grounds

1. The grounds shall be kept free of rubbish, trash, or debris, which could become a safety hazard.

2. 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.

I. 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

J. A daily log shall be kept on the premises, showing the name and address of each camper, the number of persons in the camping party, and the total number of campers utilizing the facilities, to be updated daily. A log showing the total number of campers at any given time shall be made available to Meade County personnel.

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K. A daily log must be kept at the front gate showing the number of vendors allowed to operate on campground property, along with their names and addresses. This list must be submitted to the Meade County Auditors office following the event.

### **Section 3 – Public Safety Access**

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A. The permittee shall allow Law Enforcement and Meade County Personnel immediate access to determine if the terms and conditions within the campground application are complied with.

## **ARTICLE IV**

### **Section I - Application for permit**

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A. Application for a permit shall be made in writing on the application provided by the Meade County Planning Office. Such application shall be submitted to the Planning Office at least ninety (90) days in advance of the campground, and notification of application must be advertised in the official county newspapers, as well as heard at a public hearing before the Meade County Commissioners at least 30 days prior to the event.

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, by all officers 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 a 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 campground is to be located, together with the name, residence and mailing address of the recorded owners of all such property.

3. Proof of ownership of all property upon which the campground is to be located, or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for the purpose so stated in the application.

4. The nature or purpose of the campground.

5. The total number of days and/or hours during which the campground is to be open.

6. The maximum number of persons which the applicant shall permit, not to exceed the

7. Maximum number that can camp within the boundaries of the property as stated in the application.

8. Plans for supplying potable water including the source, amount available and location of outlets.
9. The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
10. The plans for holding, collecting and disposing of solid waste material.
11. The plans, if any, to illuminate the campground, including the source and amount of power and the location of lamps.
12. A sketch plan of the property showing all amenities (bathrooms, showers, drinking water outlets, light poles, fire extinguishers, stage areas, concession areas, vendors, roads, etc), to include all entrances and exits.
13. The plans for security including the name, address, and 24-hour telephone number(s) for the head of security.
14. 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.
15. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
16. The plans for all concessionaires allowed operating on the grounds including names, addresses, and license or permit numbers.
17. The current copy of the covenants that apply to the property to be used as a campground, if applicable, verifying that commercial activity is allowed.

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## **ARTICLE V**

### **Section 1 - Processing Application**

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Notice of application shall be advertised in the official county newspapers within ten (10) working days of the application deadline (90 days prior to the first day of the event), to be held at a public hearing before the Meade County Commission with thirty (30) days of publication.

Upon approval by the governing body, Meade County shall issue a permit with five (5) working days.

### **Section 2 – Appeal Process**

If the Meade County Commissioners deny 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 the Meade 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 Commissioners without a noticed hearing if they 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 the Meade County Commissioners 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, unless otherwise specified by the Board of Commissioners.

## **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 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 upon written request of the Meade County Commissioners.

## **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 Two 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 both such fine and imprisonment.

## **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 heretofore adopted are hereby repealed. Adopted this 2<sup>nd</sup> day of March, 1999.

