

WHEREAS, The Board of Commissioners have the obligation and duty to protect the best interests of the citizens, residents, and visitors in Hanson County, South Dakota; and

WHEREAS, it is in the best interests of public safety, health, and welfare of the residents and citizens of Hanson County, SD; and

WHEREAS, it is appropriate that the county provide guidance and regulations for the welfare, safety and protection of visitors within the county;

WHEREAS, SDCL 7-18-21 specifically authorized the County to regulate temporary campgrounds; and

WHEREAS, it would be in the best interest of the taxpayers and residents of Hanson County to regulate temporary campgrounds and the establishment and use thereof; now, therefore,

It was moved by McManus, and seconded by Letcher, that the following Ordinance be adopted:

ORDINANCE # 13

AN ORDINANCE PROVIDING FOR TEMPORARY CAMPGROUNDS AND ASSEMBLIES OF PEOPLE

BE IT ORDAINED by the Board of Commissioners of the Hanson County, South Dakota, that:

1. Purpose. It is the purpose of this ordinance to regulate temporary campgrounds of 20 or more occupants and to regulate assemblies of people in large numbers in excess of those meeting the 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.

2. Jurisdiction. The provisions of this ordinance shall not apply to or within 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.

3. 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:

A. ASSEMBLY - means a company or group of persons

gathered together any location at any single time for any purpose.

B. PERSON - means any individual natural human being, partnership, corporation, limited liability company, firm, company, association, society or group.

C. TEMPORARY CAMPGROUND - means an area for camping, for up to two weeks in a year, and occupied by twenty (20) people or more. Campgrounds licensed by the State of South Dakota who are providing tent space for temporary occupation shall be required to obtain a county permit.

4. Permit Required.

A. Permits. [1] No person shall permit, maintain, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to any actual or reasonably anticipated assembly or temporary campground area whether on public or private property, unless a permit has first been issued by the coordinator, application for which must be made at least thirty (30) days in advance of the assembly or a temporary campground area.

[2] A separate permit shall be required for each location of a temporary campground and/or assembly and the fee shall be as follows:

| <u>NUMBER OF OCCUPANTS</u> | <u>FEE</u>  |
|----------------------------|-------------|
| 20 - 100                   | \$ 100.00   |
| 101 - 500                  | \$ 350.00   |
| 501 - 1000                 | \$ 500.00   |
| 1001 - 2000                | \$ 1,000.00 |
| 2001 - 3000                | \$ 1,500.00 |
| 3001 & over                | \$ 2,000.00 |

[3] A permit shall only allow the maximum number of people stated in the permit. The person holding the permit shall not allow, nor sell tickets to more than the maximum permissible number of people.

B. 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 assembly commences or 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 assembly or temporary campground is in operation, and sufficient trash cans with tight fitting lids and personnel to perform the task.

[d] A parking area for assembly sufficient to provide parking space for the maximum number of people at the rate of at least one (1) parking space for every four (4) persons. This area is 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 assemblage. 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 material burned which emits dense smoke or objectionable odors.
- 4/ If fires are permitted the owner must make available fuel suitable for the facilities provided.

[h] Barbecue pits, fireplaces and incinerators shall be located, constructed, maintained and used so as to minimize fire hazard and smoke nuisance both on the property on which it is used and on neighboring property.

[i] Garbage and rubbish storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent garbage, 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.

## 5. Application for Permit.

A. Application for a permit shall be made in writing to the Hanson County Auditor's Office at least thirty (30) days in advance of an assembly or 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, natural human being, 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, limited liability company, society or group, or, if there be no officer, 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 per cent (10%) or more of the stock of said corporation.

[2] The address and legal description of all property upon which the assembly and/or 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 that the applicant has permission to use such property for the purpose(s) so stated in the application.

[4] The nature or purpose of the assembly and/or temporary campground.

[5] The total number of days and/or hours during which the assembly and/or temporary campground is to last.

[6] The maximum number of persons which the applicant shall permit, not to exceed the maximum number which can assemble and/or camp within the boundaries of the property as stated in the application.

[7] 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 of the assembly, 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, name, age, and address, their 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 concessionaires who will be allowed to operate on the grounds including the names and address of all concessionaires and their license or permit numbers.

6. Processing Application.

A. The application for a permit shall be processed within thirty (30) days following receipt thereof by the Hanson County Auditor's Office and shall be issued by the Hanson County Board of Commissioners if all conditions are complied with.

B. If the application is denied by the Hanson County Board of Commissioners, the applicant shall have the right to apply to the Board of County Commissioners.

7. Revocation of permit. The permit may be revoked by the Hanson County Commissioners at any time if any of the conditions necessary for the issuing the permit or contained in the permit are not complied with, or if any condition previously met ceased to be complied with. Any such revocation may be made by the Hanson County Commissioners without notice or hearing, if the Commissioners determine that an emergency exists and that it is not practical, in relationship with 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 Commissioners for an administrative hearing to show why the revocation should not be set aside and the permit reinstated.

8. Adequate Insurance. Any person applying for a permit hereunder shall have adequate special events insurance to cover the risks associated herewith, and to protect the participating public.

9. Requirement To Meet Other Requirements. Any person applying for a permit hereunder shall be required to meet the requirements of and to comply with the requirements of all applicable state and federal laws and regulations.

10. Hold Harmless Provision. Any person or organization applying for a permit hereunder shall hold Hanson County harmless from civil liability arising from any item which is granted a permit hereunder.

11. Public Protection Plans. Each application for a permit shall include a plan to provide for adequate protection in the following areas, based upon the numbers of people anticipated to be involved:

- A. fire suppression;
- B. first aid services;
- C. ambulance services;
- D. security;
- E. crowd control;
- F. sanitation; and
- G. traffic control.

12. Enforcement. Injunction Proceedings to Prevent or Abate Violations. The holding of an assembly or 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 any other remedies available, may institute an appropriate action or proceeding to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate any such violation or threatened violation, and it is the duty of the State's Attorney to institute such action.

13. Violation. Each calendar date that a person or organization is in violation of this ordinance shall constitute a separate violation thereof.

14. Penalty. Any person violating the provisions of this ordinance may be punished by being fined in an amount not to exceed Two Hundred (\$200.00) Dollars or incarcerated in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

15. Severability Provision. If any provision of this ordinance is declare unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and applicability thereof to others persons and circumstances shall not be affected thereby.

First reading: April 9, 1998

Second reading: April 21, 1998

Votes for: 3; votes against: 0.

Motion carried.

Attest: Janet Ibis  
Janet Ibis, Auditor

\_\_\_\_\_  
Roger Lehr, Chairman

(CORPORATE SEAL)

by: \_\_\_\_\_  
Helen Wenande, Deputy

Published: April 30, 1998

Effective date: May, 1998  
(20 days after publication)



APPLICATION FOR TEMPORARY CAMPGROUND PERMIT

No person shall permit, maintain, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to any actual or reasonably anticipated assembly or temporary campground area for 20 or more occupants whether on public or private property, unless a permit has first been issued by the Equalization and Planning Office. This application must be made at least 30 days in advance of the assembly or temporary campground area.

This application shall be processed by the Hanson County Board of Commissioners within 30 days following receipt thereof.

Name of campground: \_\_\_\_\_

Please give the name, age, residence, date of birth, social security number and mailing addresses of all campground owners below:

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If the campground is owned by a corporation, please attach a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock.

Please provide a copy of the deed with the complete legal description of the property that will be used for the campground or assembly. If more legal descriptions are shown than are being used, please write the legals used below.

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If you are leasing your property, please attach a notarized copy of the current lease.

What is the physical address of the property to be used for the assembly or campground? \_\_\_\_\_

If this application is being completed by someone other than the property owners, provide a notarized statement from the owners granting permission for use of the property as stated in the

application.

What is the purpose of the assembly or temporary campground?

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A single permit shall be good for 14 consecutive days.  
This application shall be effective between what dates?

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Please check the maximum number of occupants which pertains to this application:

| <u>Maximum Occupants:</u> | <u>Fee:</u>   |
|---------------------------|---------------|
| 20 - 100                  | \$ 100 _____  |
| 101 - 500                 | \$ 350 _____  |
| 105 - 1000                | \$ 500 _____  |
| 1001 - 2000               | \$ 1000 _____ |
| 2001 - 3000               | \$ 1500 _____ |
| 3001 & over               | \$ 2000 _____ |

A permit shall only allow the maximum number of people stated in this application. The person holding the permit shall not allow, nor sell tickets to more than the maximum permissible number of people. A separate permit shall be required for each location of a temporary campground or assembly.

If would be helpful to keep a log at the front desk to show the campground inspectors upon each visit, showing the number admitted.

WATER

Each campground or assembly shall supply portable water meeting all federal and state requirements for purity. The quantity shall be sufficient to provide drinking water for the maximum number of people allowed at the rate of 1 gallon per person per day, and water for washing at the rate of 2 gallons per person per day.

SDCL 44:02:03:35 Temporary Campgrounds - Water Supply

Temporary campgrounds may not use a portable water source which is not in accordance with minimum drinking water standards, Chapter 74:04:05. If a water-hauling transport is used, its storage tank or tanks must be constructed of an impervious

material that is watertight and can be easily sanitized. Each tank load of water must be chlorinated at the filling location to provide at least three parts per million available chlorine. All water-hauling transports must keep a daily log indicating the amount of disinfectant added and the amount of water for each tank load.

What water source will be available for both portable and wash water, and how much will be available on a daily basis for each?

TOILETS, LAVATORIES, AND SHOWERS

44.02.03.34 Temporary Campgrounds - Toilet and Bathing

Facilities:

| Number of Campsites* | Toilets |       | Lavatories |       | Showers |       |
|----------------------|---------|-------|------------|-------|---------|-------|
|                      | Men     | Women | Men        | Women | Men     | Women |
| 1-50                 | 1       | 1     | 1          | 1     | 1       | 1     |
| 51-100               | 2       | 2     | 1          | 1     | 1       | 1     |
| 101-150              | 3       | 3     | 2          | 2     |         | 2     |
| 151-200              | 4       | 4     | 2          | 2     | 2       | 2     |

\* A campsite equates to 4 people.

For each additional 1-50 campsites, add one of each fixture for toilets. For each additional 1-100 campsites, add one of each fixture for lavatories and showers.

Number of permanent toilets for men: \_\_\_\_\_ women: \_\_\_\_\_

Number of lavatories for men: \_\_\_\_\_ women: \_\_\_\_\_

Number of showers for men: \_\_\_\_\_ women: \_\_\_\_\_

Number of port-a-pots: \_\_\_\_\_

Who is servicing the port-a-pots, and how often will they be serviced? \_\_\_\_\_

GARBAGE

44:02:03:26 Garbage and rubbish storage and disposal.

The storage, collection, and disposal of refuse in the campground may create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse must be stored in flytight, watertight, rodent-proof containers, which must be located no more than 300 feet from any campsite. Containers must be provided in sufficient number and capacity to properly store all refuse. All refuse and refuse-containing garbage must be collected at least twice weekly. If collection service is not available from municipal or private agencies, the owner or operator of the campground must provide this service. All refuse must be

collected and transported in covered, leakproof, nonabsorbent vehicles or containers.

All receptacles used for collecting garbage must be emptied at a minimum of once per day during the duration of the assembly or campground.

Number of and size of garbage receptacles? \_\_\_\_\_

LIGHTING

Number of exterior light ports, and their location? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PARKING

Parking area must be sufficient to provide parking space for the maximum number of people at the rate of at least 1 parking space for every 4 people.

TEN SPACE

Area sufficient to provide individual tent spaces for the maximum number of people at the rate of 400 square feet per person.

FIRE PROTECTION

44:02:03:29 Fire Protection.

Portable fire extinguishers must be provided in accessible areas for use and must be maintained in an operable condition.

Extinguishing devices, fire lanes, and escapes sufficient to meet all state and local standards must be maintained at all times.

No open fire shall be permitted except in facilities provided and approved when within a fire protection district.

No open fire shall be left unattended.

No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

If fires are permitted, the owner must make available fuel suitable for facilities provided.

What type of portable fire extinguishers are available and how many? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FIRES

Barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained and used so as to minimize fire hazard and smoke nuisance both on the property and on neighboring property.

CONDITION OF GROUNDS AND GROUND COVER

The soil, ground water level, drainage and topography shall not create hazards for adjoining property or endanger the health or safety of the occupants. It shall be kept free of rubbish, trash, or debris which could become a safety hazard.

The growth of brush, weeds, and grass shall be controlled. It shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds detrimental to health.

SOUND AMPLIFICATION

If amplification is used, it must not be at a level objectionable to others.

Specification of sound system. List the type and location of amplifiers and speakers. \_\_\_\_\_

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CONCESSIONS

Please provide the names, addresses, permit and license numbers for any concessionaires who will be allowed to operate on the grounds.

SECURITY

On an attached sheet, please provide the names, ages, and current addresses of all security personnel, and hours of availability.

MAP

On an attached map, please mark all entrances and exists, the water sources, the stage areas, all concession stands, telephones, light poles, office space, camping areas, parking areas, fire suppression devices, and fire trails.

This permit may be revoked by the Hanson County Commission 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 Commission without notice or hearing.

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 \$100 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 30 days, or both such fine and imprisonment.

We hereby state that we have read and understand the above information. Our campground will adhere to these rules and regulations.

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Date: \_\_\_\_\_