



# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, April 16, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

- [a.](#) Approve the minutes of the April 2, 2025, Planning and Zoning Commission Meeting.

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

- [a.](#) Request for ordinance change to 17.32.030 Conditional Uses for C1 - Commercial zoning districts. Request made by citizens Josiah LaFrance and Trinity Conrad. Citizen is requesting that a Laundromat become an allowable Conditional Use to C1 - Commercial zoning districts.

- [b.](#) Application for Plat - New Lot and Public Right of Way - Stage Run Addition legally described as Plat of Lot 27, Block 4 and dedicated Public Right of Way of Palisades Tract of Deadwood Stage Run addition to the City of Deadwood and a portion of Tract B of Palisades Stone Placer, M.S. 696 all located in the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

- [c.](#) Review proposed amendment to Ordinance 5.06 - Mobile Food and Beverage Vending Permit.

6. **Items from Citizens not on Agenda**

(Items considered but no action will be taken at this time.)

7. **Items from Staff**

- [a.](#) Open House / Public Meeting for Project to Reconstruct US Highway 85 from Pluma to Lead on Thursday, April 24, 2025 from 5:30 to 6:30 p.m. at Deadwood City Hall.

8. **Adjournment**



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, April 02, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

## 1. Call to Order

The Planning and Zoning Commission meeting was called to order by Chairman Martinisko on Wednesday, April 2, 2025, at 4:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

## 2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko  
 Commissioner (Vice-Chair) Josh Keehn  
 Commissioner Charles Eagleson  
 Commissioner Ken Owens

ABSENT

Commissioner (Secretary) Dave Bruce  
 City Commissioner Blake Joseph

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer  
 Trent Mohr, Building Official  
 Leah Blue-Jones, Zoning Coordinator

## 3. Approval of Minutes

- a. Approve the minutes from the March 19, 2025 Planning and Zoning Commission Meeting.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes of the March 19, 2025, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B, legally described as Lots 1 and 2, Block 49, Original Town of Deadwood, located in the NW 1/4, Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion

2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve continued use of the Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B with eight (8) conditions. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- b. Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties, legally described as Lot 7 in Block 74 of the Original Town of Deadwood, Lawrence County, South Dakota, as shown on the P.L. Rogers map of the Town of Deadwood.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties. Discussion occurred regarding active gutter repairs on the property.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties with twelve (12) conditions. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- c. Application for Plat - Combine Lots - 171 Charles Street legally described as Tract 1, Tract 2 and Dedicated Public Right of Way of Mollman Subdivision formerly Tracts A1, C-1, C-2 of M.S. 207 and a portion of M.S. 207; Lots MK8 and MK9 of the Mickelson Trail and School Lot 23, City of Deadwood, Lawrence County, South Dakota located in the NE 1/4 of Section 27, T5N, R3E, B.H.M.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

Mr. Kuchenbecker discussed Application for Plat - Combine Lots - 171 Charles Street and explained the owners of the property are unable to have a building permit issued due to several interior lot lines that cannot be built over. The City has offered to pay for the re-platting of the property to take several lots and combine them into two (2) lots, named Tract 1 and Tract 2. In exchange for the re-platting, the owners of the property have agreed to deed Tract 2 and a Dedicated Public Right of Way to the City of Deadwood for the purpose of both road maintenance and viewshed protection. Tract 1 will remain in the owners possession and a building permit for an addition to an existing structure will be able to be issued with the absence of interior lot lines.

Commissioner Keehn inquired about the possibility of rezoning the lot. Mr. Kuchenbecker responded that would be a separate future action if it were to be done.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Application for Plat - Combine Lots - 171 Charles Street. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- d. Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) legally described as Lots 2B and 2D of Block 23, Original Town, City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial by Planning and Zoning Commission

Mr. Kuchenbecker introduced Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) and stated the property is located in the historic downtown core and has undergone extensive remodeling in preparation to be used as a Short-Term Rental property.

Commissioner Martinisko inquired about the amount of parking at the location. Mr. Kuchenbecker responded that properties in the historic downtown core are exempt from the parking requirements imposed on Vacation Home Establishments that are located outside of the historic downtown core. Further discussion about parking concerns occurred.

Property owner, Cody Emrick, was introduced to the Commission and confirmed there would be two (2) bedrooms available for rent with two (2) available parking spots.

Commissioner Martinisko inquired about the status of the remodel. Mr. Emrick responded that the remodel is ongoing and a concrete end date could not be provided at this time, but he is hopeful it will be completed in June. Historic Preservation is involved in replacement of the windows.

Commissioner Keehn inquired about applicable density rules related to Short-Term Rental properties. Mr. Kuchenbecker stated the density rules do not apply to this property because of its location within the historic downtown core.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) with eight (8) conditions. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

## **6. Items from Citizens not on Agenda**

(Items considered but no action will be taken at this time.)

## **7. Items from Staff**

Mr. Kuchenbecker shared that the Main Street Initiative's Economic Restructuring Committee has been discussing the current food truck ordinance. Amending Ordinance 5.06 is being considered. Our current ordinance only permits food trucks to be located at the Pluma Welcome Center. A proposed amendment would allow food trucks to be located on Lee Street between Main and Broadway during special events as well as on private property at any time. The amendment would allow a private property owner to purchase a license for a proposed \$750 that would be valid for a year and would permit them to

bring food trucks onto their property. The city would reserve the right to revoke a license if necessary. Mr. Kuchenbecker introduced Ken Gienger, representing the Economic Restructuring Committee, to the Commission.

Commissioner Keehn commented on the small amount of space on Lee Street and inquired about the ability of Mr. Wu's to operate a food truck on their property despite the current ordinance. Mr. Kuchenbecker responded that the owner of Mr. Wu's owns and operates the food truck situated on his property, which has then become an extension of his business and therefore is not in violation of city ordinance.

Commissioner Keehn asked Mr. Gienger if his intention would be to have food trucks on his property strictly during events, or always. Mr. Gienger responded that the original intent of considering an amendment was to allow food trucks during events.

Mr. Mohr stated the original intent of the current ordinance of limiting food trucks to three (3) days was to prevent a single food truck from monopolizing an area for an extended period of time. Commissioner Martinisko stated he would like to see food trucks be able to stay longer than three (3) days.

Commissioner Keehn expressed concern that with the amendment, a food truck could simply park somewhere for a year. Further discussion on whether or not to impose time limits occurred.

Mr. Kuchenbecker suggested taking the proposal back to the MSI work group for further discussion.

## 8. Adjournment

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to adjourn the Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

There being no further business, the Planning and Zoning Commission adjourned at 4:52 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

\_\_\_\_\_  
Secretary, Planning & Zoning Commission

***Minutes by Leah Blue-Jones, Zoning Coordinator***



Outlook

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**Re: Zoning Matters regarding Laundromat**

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**From** Josiah LaFrance <josiahlafrance@gmail.com>**Date** Thu 4/10/2025 7:32 AM**To** Kevin Kuchenbecker <kevin@cityofdeadwood.com>**Cc** Trinity Conrad <conradcompaniesllc@gmail.com>; Deadwood Rentals <deadwoodrentals@gmail.com>; Leah Blue-Jones <leah@cityofdeadwood.com>; Justin Lux <justin@cityofdeadwood.com>; Trent Mohr <trent@cityofdeadwood.com>

Good Morning Kevin,

Please let me know if this suffices:

Dear Members of the Planning & Zoning Commission,

I am writing to formally request the consideration of adding "Laundromat" to the Conditional Use options under the Commercial C-1 Zoning district. This request stems from our observation of community needs and the potential benefits such an addition could offer.

According to Ordinance 831, referenced in sections 17.100.010 through 17.100.030, amendments to the zoning title and district map aim not to relieve specific hardships or grant special privileges, but to serve broader community and city planning objectives. It is within this context that we propose considering the following:

1. **\*\*Compliance with Zoning Title\*\***: We believe that the inclusion of "Laundromat" as a conditional use does not conflict with existing portions of the title but offers a compatible use within the C-1 district framework.
2. **\*\*Alignment with Comprehensive Plan\*\***: This addition aligns with comprehensive city plans by enhancing service diversity and supporting local business ecosystems.
3. **\*\*Compatibility with Surrounding Areas\*\***: Laundromats generally blend well with mixed commercial environments, providing convenience to nearby residents while being sympathetic to neighborhood characteristics.
4. **\*\*Traffic and Road Safety\*\***: While laundromats may increase site-specific traffic, they typically do not demand extensive parking or cause significant road safety concerns, mitigating impact on traffic flow.
5. **\*\*Public Facilities\*\***: The operation of a laundromat is unlikely to place undue stress on existing public utilities or services, as these facilities typically require standard water and electrical connections within existing capacity thresholds. Any additional upgrades to facility plumbing are in the works as our plans are being finalized by the contractors. This includes upgraded plumbing to the line, and upgraded HVAC in regards to the ventilation system for the drying hardware.

We wish to present this proposal at the upcoming Planning & Zoning meeting on April 16th. I would be grateful if the Commission could place this discussion on the agenda. We understand the deadline for submission is next Wednesday, and I am prepared to provide additional information or answer questions as needed.

Thank you for considering this request. I look forward to the opportunity to discuss it further and am eager to participate in the development process. Please feel free to contact me at your earliest convenience.

Sincerely,

Josiah LaFrance and Trinity Marie Conrad



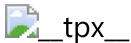
**Josiah P. LaFrance**

Owner, LaFrance Organization, President, Blair Allen Capital, President, Blair Allen REIT, Founder ReEdu, LLC,

(605) 786-3098 | [josiahlafrance@gmail.com](mailto:josiahlafrance@gmail.com)  
910 Main St. Suite 100 Rapid City, SD 57701



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On Thu, Apr 3, 2025 at 1:47 PM Kevin Kuchenbecker <[kevin@cityofdeadwood.com](mailto:kevin@cityofdeadwood.com)> wrote:

Trinity:

I would suggest a formal letter to our office to consider adding "Laundromat" to the Conditional Use options under the Commercial C-1 Zoning district. I would then take it to P&Z for discussion and recommendation to the City Commission. We will let you know when that will be on the agenda, once we get the letter. We would suggest you be in attendance, if possible.

Our next P&Z meeting would be the April 16th. We would need something by next Wednesday at the latest. Let us know if you have any questions.

Information to include in the letter should take into consideration the following portion of the ordinance:

**17.100.010 Purpose**

The purpose of this chapter is to provide a means for amending the text of this title and the official zoning district map. It is not intended to relieve particular hardships or confer special privileges or rights on any person.

(Ord. 831 § 11.1, 1992)

**17.100.020 Petitions For Amendment**

Any amendment to this title or the zoning district map must be made in the same manner and upon the same notice as required for the adoption of any city ordinance.

(Ord. 831 § 11.2, 1992)

**17.100.030 Standards Of Review**

In reviewing an amendment to the text of this title or an amendment to the official zoning district map, the planning and zoning commission and planning and zoning commission shall consider:

Whether the proposed amendment is in conflict with any applicable portions of this title.

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

Whether the proposed amendment is compatible with surrounding zone districts and land uses, considering existing land use and neighborhood characteristics.

The effect of the proposed amendment on traffic generation and road safety.

Whether and the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools and emergency medical facilities.

Whether the proposed amendment is consistent and compatible with the community character in the city.

Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this title.

No proposed amendment shall be allowed that is a spot zoning. Spot zoning is a rezoning of a lot or parcel to benefit an owner for a use that is incompatible with surrounding land uses and that does not further Deadwood's Comprehensive Plan. Spot zoning does not necessarily occur when there is an isolated parcel that is zoned differently than the adjacent zoning. Spot zoning occurs only when all of the following situations occur: (1) The Planning and Zoning Commission finds a small parcel of land is singled out for special and privileged treatment. (2) The Planning and Zoning Commission finds the property singled out for special and privileged treatment is not in the public interest but only for the benefit of the landowner. (3) The action is not in accord with the Deadwood's Comprehensive Plan.

(Ord. 900 (part), 1995; Ord. 831 § 11.3, 1992)

#### HISTORY

*Amended by Ord. [1386](#) on 11/21/2023*

#### **17.100.040 Application**

The application for amendment to the text of this title or amendment to the official zoning district map shall include:

If the application requests an amendment to the text of this title, the precise wording of any proposed amendment.

If the application requests an amendment to the official zoning district map:

The present zone district classification and existing land uses of the real property proposed to be amended;

The area of the property proposed to be amended, stated in square feet or acres, or a major fraction thereof; and

An accurate survey map of the real property proposed for amendment.

Kevin Kuchenbecker

## Planning, Zoning and

### Historic Preservation Officer

605-578-2082

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**From:** Trinity Conrad <[conradcompaniesllc@gmail.com](mailto:conradcompaniesllc@gmail.com)>

**Sent:** Thursday, April 3, 2025 11:19 AM

**To:** Kevin Kuchenbecker <[kevin@cityofdeadwood.com](mailto:kevin@cityofdeadwood.com)>; Josiah LaFrance <[josiahlafrance@gmail.com](mailto:josiahlafrance@gmail.com)>; Deadwood Rentals <[deadwoodrentals@gmail.com](mailto:deadwoodrentals@gmail.com)>

**Cc:** Leah Blue-Jones <[leah@cityofdeadwood.com](mailto:leah@cityofdeadwood.com)>; Justin Lux <[justin@cityofdeadwood.com](mailto:justin@cityofdeadwood.com)>; Trent Mohr <[trent@cityofdeadwood.com](mailto:trent@cityofdeadwood.com)>

**Subject:** Re: Zoning Matters regarding Laundromat

Thank you for the info Kevin, sounds like option 2 is the most optimistic moving forward? Should I stop in to get paperwork for the change in ordinance route?

We will likely still move forward on making it a private laundry facility in the interim.

On Tue, Apr 1, 2025 at 2:46 PM Kevin Kuchenbecker <[kevin@cityofdeadwood.com](mailto:kevin@cityofdeadwood.com)> wrote:

Trinity:

The property is zoned Commercial – C1

“Laundromat” is not specifically included in the use by right or conditional use therefore would be considered prohibited within this zoning district.

#### **OPTION 1**

Make the new use a Laundry rather than a Laundromat.

#### **OPTION 2**

Request a change in the ordinance to include Laundromat under the Conditional Uses for Commercial – C1 zoning district.

It will still need to go through a CUP process after the ordinance change.

#### **OPTION 3**

Existing conditional use within this zoning district that might fit is “Laundry”

The Planning & Zoning Commission would need to make a determination that a “Laundromat” is a use comparable to “Laundry”.

If the commission determines upon your request that “Laundromat” is a comparable use to “Laundry” then you would apply for a Conditional Use Permit.

*This is a more difficult direction since the uses have been identified in the variety of zoning districts so the following:*

“Laundromat” is a use by right in Commercial Highway

The intent of the ordinance at the time of adoption was to clearly set forth the difference between laundry and laundromat.

The Conditional Use process typically takes up to 60 days.

Ordinance change takes 2 readings plus 20 days to come into effect usually up to 60 days.

Change of Zoning would not be possible due to prohibition to “Spot Zoning” under state law and Deadwood ordinances.

Kevin Kuchenbecker

Planning, Zoning and

Historic Preservation Officer

Please like HP on !!!

City of Deadwood

Department of Planning & Preservation

108 Sherman Street

Deadwood, South Dakota 57732

Phone 605.578.2082

Fax 605.578.2084

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC  
PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



Kevin Kuchenbecker  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

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## PLANNING AND ZONING COMMISSION STAFF REPORT APPLICATION FOR PLAT

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**Date:** April 2, 2025  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Plat Application – Stage Run

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**APPLICANT:** PSF LLC (Bill Pearson)

**PURPOSE:** Create new lot and dedicated Public Right of Way;  
revise existing lots.

**ADDRESS:** Lot 27, Block 4 of Palisades Tract

**LEGAL DESCRIPTION:** Lot 27, Block 4 and dedicated public right of way of Palisades Tract of Deadwood Stage Run addition to the City of Deadwood and a portion of Tract B of Palisades Stone Placer, M.S. 696 all located in the SW  $\frac{1}{4}$  of Section 14, the SE  $\frac{1}{4}$  of Section 15, the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 22 and the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

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### STAFF FINDINGS:

#### Surrounding Zoning:

North: R1 - Residential  
South: R1 - Residential  
East: R1 - Residential  
West: R1 - Residential

#### Surrounding Land Uses:

Stage Run Development  
Stage Run Development  
Stage Run Development  
Stage Run Development

## SUMMARY OF REQUEST

*The purpose of this plat is to extend the public right of way within the Stage Run Development and to create a new lot.*

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## FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential.
2. Lot 27 will be comprised of 2.803 acres  $\pm$ . The Dedicated Public Right of Way will be comprised of 2.538 acres  $\pm$ . The combined acreage of both lots will be 5.341 acres  $\pm$ .
3. The property is not located within the floodplain.
4. Public facilities are not yet available to serve the property.
5. The area is currently characterized by residential structures within the Stage Run development.

## STAFF DISCUSSION

The subject property is owned by PSF LLC.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Areas taken out of the mineral survey and remaining acreage is indicated on the plat.

If approved, staff recommends the following for stipulation(s) or condition(s) to reduce the potential liability of the City of Deadwood in approving the subdivision of a parcel for development where the street and associated infrastructure has not been completed.

1. No permits (building or otherwise) will be issued to any party for this parcel by the City until all street and associated infrastructure has been completed and accepted by the City of Deadwood per Chapter 16.08.010.
2. A bond shall be submitted to the City from the developer for the completion of the street and associated infrastructure equal to the cost of such to the parcel per Chapter 16.03.030.
3. The developer discloses these stipulations and/or conditions to any potential buyer.
4. The developer signs a legal document from the City of Deadwood acknowledging the stipulations and/or conditions set forth in any approval of this plat.
5. Upon completion of the above stipulations and/or conditions, the City will execute the necessary signatures for the plat to release for recording with the Lawrence County Register of Deeds.

**ACTION REQUIRED:**

1. Approval by Planning and Zoning Commission

Return Completed Form To:  
**Planning and Zoning**  
108 Sherman Street  
Deadwood, SD 57732



Questions Contact **Section 5 Item b.**  
**Kevin Kuchenbecker**  
(605) 578-2082 or  
kevin@cityofdeadwood.com

Application No. \_\_\_\_\_

## APPLICATION FOR PLAT

**Application/Filing Fee: \$200.00 per lot**

**The application fee needs to be paid when plat is submitted to the Planning and Zoning Office.**

**Applicants:** Please read thoroughly prior to completing this form. Only complete applications will be considered for review. Applications must be received no later than fifteen (15) days prior to the P&Z Commission meeting. Mylar(s) must be received by the Planning and Zoning office no later than the Wednesday before the scheduled meeting. The Planning and Zoning Commission meets the first and third Wednesday of each month.

Applicant: ~~XXXXXXXXXX~~ \_\_\_\_\_

Address: ~~XXXXXXXXXX~~ ~~DeadwoodXXXXXXXXXXSDXXXXXX57732~~ \_\_\_\_\_  
Street City State Zip

Phone Number: ~~605-120-1240~~ Email Address: ~~mykuchen@cityofdeadwood.com~~ \_\_\_\_\_

Property Address: Deadwood Stage Run \_\_\_\_\_

Property Owner: PSF LLC \_\_\_\_\_

Property Owner Phone Number: ~~605-120-1240~~ \_\_\_\_\_

Full Legal Description of Property: Lot 27, Block 4 and dedicated Public R.O.W. \_\_\_\_\_

DEadwood Stage Run \_\_\_\_\_

Purpose of this Plat: New Lot and dedciated road \_\_\_\_\_

Summary of this Plat: Continuing Development of Deadwood /stage Run Property \_\_\_\_\_

### 1. The following documents shall be submitted:

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A copy of the full legal description from the Lawrence County Register of Deeds Office.

Check the box to confirm the following information is included on the plat and is accurate:

- ☒ The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
  - ☒ Land is identified with a new legal description for the transfer of the land.
  - ☒ Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
  - ☒ A date is shown on the plat and serves to "fix in time" the data represented on the plat.
  - ☒ The street bounding the lot is shown and named.
  - ☒ All certifications are indicated and correct on the plat.
  - ☒ Dimensions, angles, and bearings are shown along the lot lines.
  - ☒ Scale of the plat is shown and accompanied with a bar scale.
  - ☒ Area's taken out of the mineral survey and remaining acreage is indicated on the plat.
- ☒ I understand I am required to have the Lawrence County Register of Deeds email a digital copy of the completed final copy of this plat to kevin@cityofdeadwood.com.

Signature of Owner/Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

***Staff Use Only***

Fee: \$ \_\_\_\_\_ Paid On \_\_\_\_\_ Receipt Number \_\_\_\_\_

<b>PLANNING AND ZONING ADMINISTRATOR:</b>			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
<b>PLANNING AND ZONING COMMISSION:</b>			
Approved/P&Z Commission:	Yes	No	Date: _____
<b>DEADWOOD BOARD OF ADJUSTMENT:</b>			
Approved/Board of Adjustment:	Yes	No	Date: _____

Reason for Denial (if necessary): \_\_\_\_\_

**CITY OF DEADWOOD**  
605-578-2600

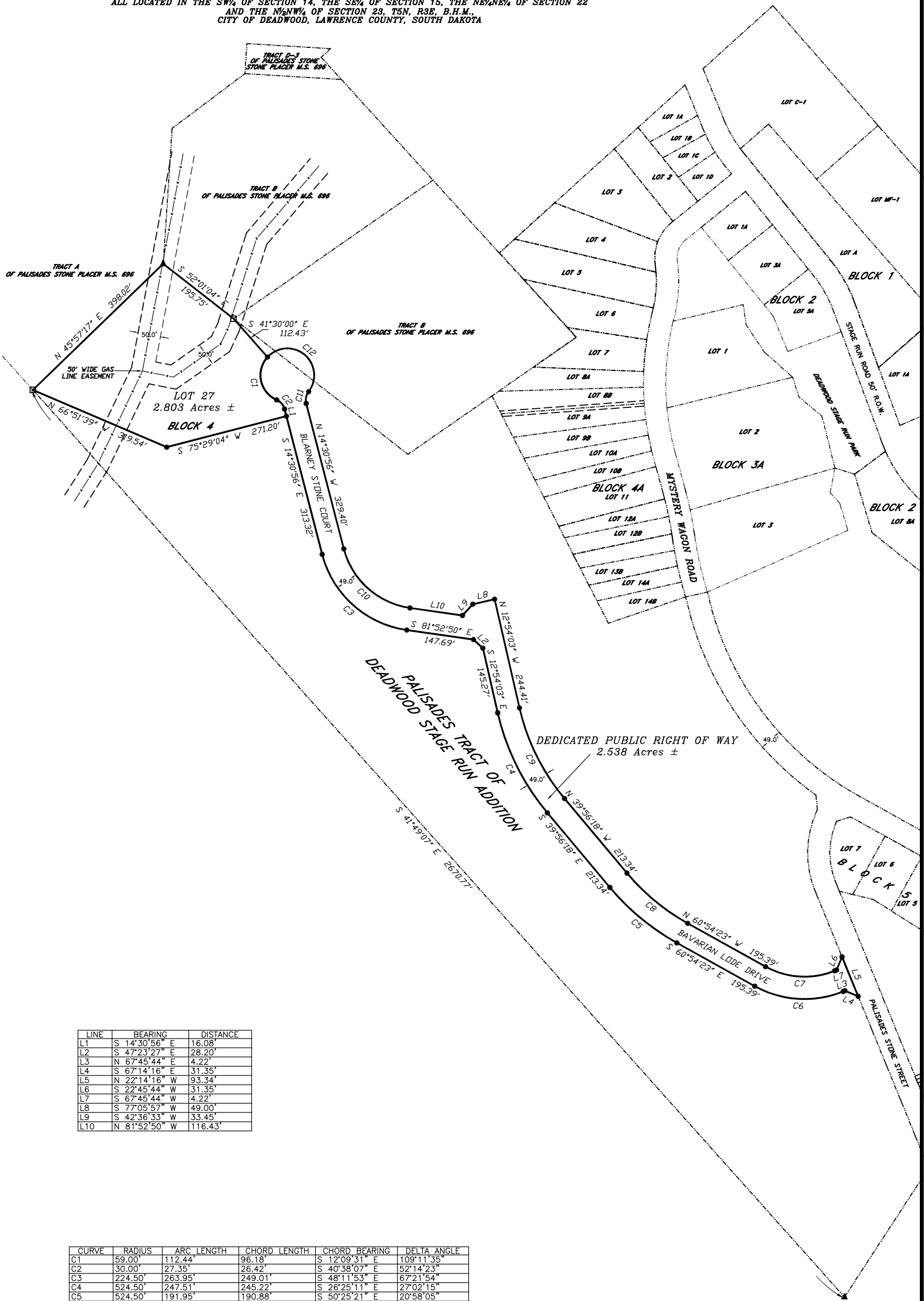
REC#: 00200314 4/07/2025 4:23 PM  
OPER: FRONT TERM: 001  
REF#: 1053

TRAN: 44.0000 PLAT FEE  
PSF LLC - PLAT APP/STAGE RUN  
101-3000-411  
ZONING AND SUBDIVIS 200.00CR

TENDERED: 200.00 CHECK  
APPLIED: 200.00-

CHANGE:             
0.00

PLAT OF LOT 27, BLOCK 4 AND DEDICATED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD AND A PORTION OF TRACT B OF PALISADES STONE PLACER, M.S. 696  
ALL LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15, THE NE¼/NE¼ OF SECTION 22 AND THE N¼NW¼ OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



LINE	BEARING	DISTANCE
L1	S 14°30'56" E	16.08'
L2	S 47°23'27" E	28.20'
L3	N 67°45'44" E	4.22'
L4	S 67°14'16" E	31.35'
L5	N 22°14'16" W	93.34'
L6	S 22°45'44" W	31.35'
L7	S 67°45'44" W	4.22'
L8	S 77°05'57" W	49.00'
L9	S 42°36'33" W	33.45'
L10	N 81°52'50" W	116.43'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	59.00'	112.44'	96.18'	S 12°09'31" E	109°11'35"
C2	30.00'	27.35'	26.42'	S 40°38'07" E	52°14'23"
C3	224.50'	263.95'	249.01'	S 48°11'53" E	67°21'54"
C4	524.50'	247.51'	245.22'	S 26°25'11" E	27°02'15"
C5	524.50'	191.95'	190.88'	S 50°25'21" E	20°58'05"
C6	224.50'	201.13'	194.47'	S 86°34'20" E	51°19'53"
C7	175.50'	157.23'	152.03'	N 86°34'20" W	51°19'53"
C8	475.50'	174.01'	173.05'	N 50°25'21" W	20°58'05"
C9	475.50'	224.38'	222.31'	N 26°25'11" W	27°02'15"
C10	175.50'	206.34'	194.66'	N 48°11'53" W	67°21'54"
C11	30.00'	27.35'	26.42'	N 11°36'15" E	52°14'23"
C12	59.00'	180.50'	117.90'	N 49°55'08" W	175°17'10"

- REBAR & CAP (VREM LS6577)
- ▲ REBAR & CAP (ARLETH LS3977)
- REBAR
- MAG NAIL



NOTES:

- OWNER/DEVELOPER  
PSF LLC  
PO BOX 631  
DEADWOOD, SD 57732
- A 5' DRAINAGE & UTILITY EASEMENT IS HEREBY GRANTED  
ALONG SIDE AND REAR LOT LINES AND 10' ALONG THE FRONT  
LOT LINES UNLESS OTHERWISE AS SHOWN



Prepared By:  
**PONDEROSA LAND SURVEYS, L.L.C.**  
332A WEST MAIN STREET  
LEAD, SD 57754  
(605) 722-3840

Date: 3/18/2025  
Drawn By: L. D. Vrem  
Project No.: 25-55  
Dwg. No.: 25-55.dwg

PLAT OF LOT 27, BLOCK 4 AND DEDICATED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD AND A PORTION OF TRACT B OF PALISADES STONE PLACER, M.S. 696  
ALL LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15, THE NE¼NE¼ OF SECTION 22 AND THE N½NW¼ OF SECTION 23, T5N, R3E, B.H.M.,  
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

SURVEYOR’S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS\_\_\_\_DAY OF\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
LOREN D. VREM, R.L.S. 6577

CERTIFICATE OF COUNTY TREASURER  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I,\_\_\_\_\_, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT\_\_\_\_TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS\_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_\_.

LAWRENCE COUNTY TREASURER:\_\_\_\_\_

APPROVAL OF HIGHWAY AUTHORITY  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY:\_\_\_\_\_

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS\_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN ATTEST: \_\_\_\_\_  
CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA,

DATED THIS\_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_\_.

ATTEST: \_\_\_\_\_  
FINANCE OFFICER MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS\_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_\_.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION:\_\_\_\_\_

OWNER’S CERTIFICATE  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

***THE SUMMIT AT DEADWOOD STAGE RUN, LLC***\_\_\_\_\_, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER:\_\_\_\_\_

ACKNOWLEDGMENT OF OWNER  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS \_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_,BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED\_\_\_\_\_,  
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES:\_\_\_\_\_NOTARY PUBLIC:\_\_\_\_\_

OWNER’S CERTIFICATE  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

***TWO BIT PROPERTIES, LLC***\_\_\_\_\_, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER:\_\_\_\_\_

ACKNOWLEDGMENT OF OWNER  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS \_\_\_\_DAY OF\_\_\_\_\_,20\_\_\_\_,BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED\_\_\_\_\_,  
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES:\_\_\_\_\_NOTARY PUBLIC:\_\_\_\_\_



Prepared By:  
**PONDEROSA LAND SURVEYS, L.L.C.**  
332A WEST MAIN STREET  
LEAD, SD 57754  
(605) 722-3840

Date:	3/18/2025
Drawn By:	L. D. Vrem
Project No.:	25-55
Dwg. No.:	25-55.dwg

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 722-0786



Kevin Kuchenbecker  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

## MEMORANDUM

**DATE:** April 16, 2025  
**TO:** Planning and Zoning Commission  
**FROM:** Kevin Kuchenbecker, Historic Preservation Officer & Planning and Zoning Administrator  
**RE:** Food Truck Ordinance Amendment

### STAFF FINDINGS:

Planning and Zoning staff have been working with the Main Street Initiative's Economic Restructuring Committee on possible updates to Deadwood Codified Ordinance Chapter 5.06 – Mobile Food and Beverage Vending Permit.

Staff will work with legal counsel to finalize the amendment to the chapter to ensure the ordinance protects the City of Deadwood and the intent of the proposed changes are defensible.

Possible updates to the ordinance include:

1. The Mobile Food and Beverage Vendor must be open a minimum of four (4) days per week – or – for a period equivalent to 60% of the week at eight (8) hours per day.
2. The equipment for a Mobile Food and Beverage Vendor may not be stored on property within the C1 – Commercial zoning district.
3. If the Mobile Food and Beverage Vendor remains closed more than 40% of the time, their equipment must be removed within twenty-four (24) hours.
4. The City may limit the total number of Mobile Food and Beverage Vendors at any time through a resolution of the City Commission.
5. Mobile Food and Beverage Vendors are strictly prohibited within any residential zoning district

Note: Lee Street has been removed as a potential location.

(Attached is the Brookings, SD ordinance regarding food trucks which appears to be a good ordinance as an example.)

### RECOMMENDED ACTION:

Consider and provide recommendations if proposed amendment should be reviewed by the City of Deadwood City Commission.

## **CHAPTER 5.06 MOBILE FOOD AND BEVERAGE VENDING PERMIT**

### **5.06.010 Definitions**

### **5.06.020 License Required**

### **5.06.030 Fees And Licensing Procedure**

### **5.06.040 Permitted Locations**

### **5.06.050 Locations And Times Prohibited**

### **5.06.060 Health, Safety, And Sanitation**

### **5.06.070 Signage**

### **5.06.080 Alcohol**

### **5.06.090 Liability And Insurance**

### **5.06.100 Violations And Revocation Of License**

## **HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

### **5.06.010 Definitions**

**(1) Food Truck.** For the purposes of this chapter, the term mobile vending shall be defined as any “food truck” as a licensed motor vehicle that has equipment for cooking, preparing, and selling food or beverages. This definition shall not include deliveries of prepared food or beverages by passenger vehicles, vans, or trucks having only devices installed for securing food or beverages during transport and is not equipped with any equipment for food or beverage preparation.

**(2) Food Cart.** For the purposes of this chapter, the term “food cart” shall be defined as any type of mobile carrier designed to facilitate the sale and marketing of food or beverages and is not defined as a food truck.

**(3) Mobile Food and Beverage Vending/Vendor(s).** For the purposes of this chapter, the term “mobile food and beverage vending/vendor(s)” shall be defined as an activity whereby prepared food or beverages are sold to the public from a Food Truck or Food Cart. This definition shall not include food and beverage delivery services.

**(4) Permitted Period of Operation.** For the purposes of this chapter shall be defined as 1, 2 or 3 days, individually or consecutively, with a minimum of 30 days between permitted days of operation between the hours of 7:00 AM and 12:00 AM.

## **HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

### **5.06.020 License Required**

It shall be unlawful to operate a food truck or food cart in the City of Deadwood without first having obtained a license as described herein.

## **HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

### **5.06.024 False Information**

No person shall give any false or misleading information in connection with his or her application for Mobile Food and Beverage Vending License.

### **5.06.030 Fees And Licensing Procedure**

(1) The operator of all food trucks and food carts shall apply for a license on forms provided by the City of Deadwood Planning and Zoning Office.

(2) The annual application fee(s) shall be set by resolution of the City Commission.

(3) The number of licenses may be limited by resolution of the City Commission.

(4) Licenses shall be valid for the calendar year in which it is issued and remains in effect until December 31 of the year of issuance.

(5) An approved applicant shall pay an additional fee for their approved event application that will be set by resolution. Payment is due prior to the dates of operation and is non-refundable.

#### HISTORY

*Adopted by Ord. 1353 on 5/25/2023*

#### **5.06.040 Permitted Locations**

Mobile food and beverage vending shall be permitted at the following City approved locations:

(1) South Gateway/Pluma Welcome Center

(2) Private Property where mobile food and beverage vending is not prohibited under 5.06.050.

The City of Deadwood will review and consider for approval a specific location for operation within the above locations. The City of Deadwood reserves the right to deny an application if the intent of this ordinance is not met with regards to congestion, safety, licensing or other concerns identified in the review process.

Mobile food and beverage vending is strictly prohibited in residential zoning districts.

#### HISTORY

*Adopted by Ord. 1353 on 5/25/2023*

#### **5.06.050 Locations And Times Prohibited**

(1) Mobile food and beverage vending is prohibited where vending activity is blocking access to a public street, alley, bike path, sidewalk, or access to an adjacent property.

(2) Mobile food and beverage vending shall be prohibited between the hours of 12:00 AM and 7:00 AM.

#### HISTORY

*Adopted by Ord. 1353 on 5/25/2023*

#### **5.06.060 Health, Safety, And Sanitation**

Mobile food and beverage vendors shall:

(1) Operate according to the public health and food safety requirements determined by the South Dakota Department of Health.

(2) Comply with the fire safety requirements checklist as provided on the mobile food and beverage vending license.

(3) Comply with the licensing requirements of the State of South Dakota including food, sales tax, and mobile food and beverage vending.

(4) Provide a trash bin for public use and remove all garbage within twenty-five feet of any food truck or food cart during daily operations.

#### HISTORY

*Adopted by Ord. 1353 on 5/25/2023*

**5.06.070 Signage**

No signage or advertising shall be permitted except for what appears on the mobile food and beverage truck or cart.

**HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

**5.06.080 Alcohol**

Mobile food and beverage vendors shall not sell or distribute alcoholic beverages.

**HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

**5.06.090 Liability And Insurance**

Mobile food and beverage vendors operating from public streets and sidewalks, or other City-owned property shall maintain commercial general liability insurance with a limit of not less than one million dollars per occurrence and two million dollars general aggregate naming the City of Deadwood as an additional insured. A copy of the applicant's current certificate of insurance shall be provided to the City of Deadwood while the license is in effect and notice to the City of Deadwood Finance Officer shall be provided when coverage is terminated.

**HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

**5.06.100 Violations And Revocation Of License**

Licenses shall be subject to revocation by the City Commission for violation of any provisions of city ordinance or state law according to the following procedure: (1) Vendor shall be provided with written notice that describes the nature of the violation and a timeline for correction. (2) If correction is not completed within the time specified, the City Commission may revoke the license at a regularly scheduled City Commission meeting.

**HISTORY**

*Adopted by Ord. 1353 on 5/25/2023*

Chapter 26 - BUSINESSES  
ARTICLE VIII. FOOD TRUCKS

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## ARTICLE VIII. FOOD TRUCKS

### Sec. 26-420. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Downtown zone.* The business B-1 central district, as provided in Ordinance 94-131.

*Food truck.* A licensed and operable vehicle or concession trailer which is enclosed and self-contained, independent with respect to water, sewer, power utilities, that contains equipment for the preparation and sale or service of food or beverages with or without charge which are designed for immediate consumption.

*Food truck permit.* Written authorization by the city to operate a food truck in the city as provided in this article.

*Operate.* To offer for sale food and beverage items from a food truck to the general public for immediate consumption on the public right-of-way or on private property; it does not mean either loading or unloading food or beverage items in bulk or other materials.

*Operator.* The registered owner of a food truck or the owner's designated agent who holds a food truck permit.

*Permittee.* The person who has been issued a food truck permit by the city.  
(Ord. No. 15-018, § I, 9-22-2015)

### Sec. 26-421. Permit required.

No person may operate a food truck in the City of Brookings without a food truck permit as provided herein.  
(Ord. No. 15-018, § I, 9-22-2015)

### Sec. 26-422. False information.

No person shall give any false or misleading information in connection with his or her application for a food truck permit.  
(Ord. No. 15-018, § I, 9-22-2015)

### Sec. 26-423. Application to obtain a permit.

- (1) An application for a food truck permit shall be filed with the city clerk on a form provided by the city.
- (2) The permit shall require the permittee to assume all legal liability and pay on behalf of the city all sums which the city shall be obligated to pay by reason of any liability imposed upon the city for claims or damages of any kind resulting from use of public property and the public right-of-way, whether sustained by any person or persons, caused by accident or otherwise and the permittee shall defend at its own expense and on behalf of the city any claim against the city arising out of the use of public property and the public right-of-way.

- (3) The permit shall require the permittee to obtain insurance in an amount determined by the city.
  - (4) The city clerk or designee may revoke a food truck permit for violation of this ordinance.
  - (5) The city may limit the number of food truck permits granted by resolution of the city council.
  - (6) Permits shall be issued for a period up to one calendar year.
  - (7) The permittee shall not offer tobacco or alcoholic beverages for sale.
  - (8) The sale, transfer, or assignment of a permit is expressly prohibited.
- (Ord. No. 15-018, § I, 9-22-2015)

#### **Sec. 26-424. Food truck permit issuance and fees.**

- (1) Prior to any food truck permit being issued under the provisions of this ordinance, the applicant shall have all applicable state permits and licenses and shall pay the required fee.
  - (2) The operator of each food truck is required to obtain a food truck permit for each operating food truck.
  - (3) A permit shall remain in effect until December 31 of the year of issuance.
- (Ord. No. 15-018, § I, 9-22-2015)

#### **Sec. 26-425. Permit.**

The city clerk shall note on the permit the time period for which it is effective. Upon the filing of the application, payment of the fee as provided in this article, and compliance with all requirements for a food truck permit, the city clerk shall issue a permit which shall authorize the permittee to do business for the time period for which it is effective. The permit shall be visibly posted on the food truck.

(Ord. No. 15-018, § I, 9-22-2015)

#### **Sec. 26-426. Location of food truck operations.**

- (a) *Permitted locations.*
  - (1) The sale of food and beverages from a food truck is permitted on the public rights-of-way inside and adjacent to the exterior boundaries of the downtown zone, except on Main Avenue, in accordance with the requirements of this ordinance.
  - (2) Food truck operators must be actively engaged in food vending operations at all times while parked on the public right-of-way;
  - (3) The sale of food and beverages from a food truck is also permitted on business and industrial zoned private property inside and adjacent to the downtown zone and is also permitted on private property within the city in business and industrial zoned areas, in municipal lots, including lots for ball fields with written permission from the city clerk, and in parks with written permission from the parks, recreation and forestry department.
- (b) *Prohibited locations.* No person shall operate, and no permittee shall allow a food truck to be operated on a public right-of-way in the following locations:
  - (1) A street that is within a residential zone or abuts a residential zone boundary of the City of Brookings; or

- (2) On any private property in a business or industrial zone without the permission of the owner or agent of the property; or
- (3) On any private property in a residential zone.
- (4) Upon a public street, including public parking spaces, where the police chief has determined that potential traffic or safety hazards exist.
- (5) This ordinance does not authorize the operation of a food truck upon South Dakota State University property unless South Dakota State University authorizes such use.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-427. Fees.**

The annual fee for a food truck permit shall be set by resolution of the city council.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-428. Food truck parking requirements.**

Notwithstanding any other provision in the code, a food truck operator may:

- (1) Park in a parallel manner within two parallel or three diagonal parking spaces.
- (2) Operate a food truck while parked in a municipal parking lot with special permission. This provision does not include any South Dakota State University parking lot.

No food truck exceeding 22 feet may park diagonally in a diagonal parking space. No food truck operator shall operate with the serving window facing street traffic.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-429. Rules of operation.**

- (1) The food truck permittee shall display their permit at all times in a conspicuous place where it can be read by the general public on the food truck.
- (2) Permittees shall be responsible for ensuring that the operation of a food truck does not impact the capacity of public trash receptacles by providing private receptacles on site to reduce the use of the public receptacles. Food truck operators shall pick up all garbage left by their customers.
- (3) Food truck permittees shall be responsible for providing one private trash bin and one private recycling bin for public use with capacity of no less than 30 gallons each, and shall remove all refuse within 25 feet of the food truck. Refuse shall be removed at the food truck operator's expense and shall not be placed in an unauthorized private or city receptacle.
- (4) Food truck permittees shall not sell directly in front of any main entrance to an adjacent business.
- (5) No food truck permittee shall sell food or beverages between the hours of 2:00 a.m. and 6:00 a.m. Hours of operation are not limited on private property.
- (6) In the event of parades, food truck operators shall not be permitted to park in any areas along the parade route or obstruct parade viewers.

(Supp. No. 19)

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- (7) The food truck operator shall provide an accessible counter height to serve persons with disabilities or shall provide equal access to goods and services by modifications in policies, practices, and procedures; provision of auxiliary aids; and removal of barriers.
  - (8) No tables or chairs shall be used in conjunction with the operation of a food truck.
  - (9) All signs shall be located upon the food truck. No electronic signage shall be permitted to be used by a food truck operator.
  - (10) All parking ordinances, including ordinances limiting the duration of parking, shall apply to food trucks except as specifically provided in section 26-429.
  - (11) Food trucks shall not be parked closer than 20 feet to a crosswalk at an intersection.
- (Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-430. Revocation/suspension.**

Any permit issued under the provisions of this ordinance may be revoked for violation of any provision of this Code, state law or city ordinance by the city clerk or designee. Upon the revocation, the permit shall immediately be surrendered, and failure to do so shall be a violation of this ordinance. In addition, the police department is authorized to suspend a permit at any time in the event of prohibited conduct by a food truck operator. The food truck operator shall be provided an opportunity to remove the suspension following a meeting with the city clerk and police chief during regular business hours following the suspension.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-431. Health and sanitation requirements.**

Food truck operators shall comply with the minimum public health and safety requirements as made and enforced by the South Dakota Department of Health, pursuant to SDCL ch. 34-18.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-432. Fire safety.**

No food truck operator shall operate without proof of an annual third-party inspection of propane fill or gas-related capabilities.

(Ord. No. 15-018, § I, 9-22-2015)

### **Sec. 26-433. Prohibited conduct.**

No food truck operator shall:

- (1) Operate in or abutting a city park without written permission from the parks, recreation and forestry department; and
- (2) Place any object that blocks pedestrian traffic.

(Ord. No. 15-018, § I, 9-22-2015)

**Sec. 26-434. Noise.**

Food truck operators must adhere to all noise ordinances of the city.

(Ord. No. 15-018, § I, 9-22-2015)

**Sec. 26-435. Liability and insurance.**

- (1) Before any food truck vendor permit is granted, the applicant shall sign a statement holding harmless the city and shall indemnify the city, its officers and employees, for any claims for damages to property or injury to persons which may occur in connection with any activity carried on pursuant to any activities associated with food truck vending.
- (2) All applicants shall furnish and maintain a policy of insurance protecting the applicant and the city from all claims for damage to property or bodily injury, including death, which may arise from activities associated with mobile food vending. The insurance policy shall list or endorse the city as additional insured and carry minimum liability limits of at least \$1,000,000.00 per occurrence. The endorsement shall provide that the policy shall not be terminated or cancelled prior to the termination of the food truck permit without 30 days written notice to the city.
- (3) Any permit for food truck vending shall be deemed void in the absence of a current insurance policy meeting the above criteria.

(Ord. No. 15-018, § I, 9-22-2015)

**Sec. 26-436. Penalties.**

A violation of this article shall subject the violator to revocation of the permit and a fine of up to \$200.00. Each day a violation occurs may constitute a separate offense.

(Ord. No. 15-018, § I, 9-22-2015)

**Secs. 26-437—26-460. Reserved.**



South Dakota  
Department of  
Transportation

**Open House/Public Meeting for  
Project to Reconstruct U.S. Highway 85  
With Road Closed During Construction  
(From Lead to Pluma)  
Public is encouraged to attend.**

**Public Meeting Information**

**Date:** Thursday, April 24, 2025

**Time:** 5:30 to 6:30 p.m. Mountain Time

**Place:** Deadwood City Hall  
102 Sherman Street  
Deadwood, SD 57732



[https://dot.sd.gov/projects-studies/projects/public-meetings#listItemLink\\_2080](https://dot.sd.gov/projects-studies/projects/public-meetings#listItemLink_2080)

**Members of the public may submit questions or comments about the project by completing an online form or by calling 605-773-5409 and providing verbal comments.**

Individuals needing assistance, pursuant to the Americans with Disabilities Act (ADA), should contact the SDDOT ADA Coordinator (605-773-3540) two business days prior to the meeting in order to ensure accommodations are available. For any in-person meeting, notice is further given to individuals with disabilities that the meeting is being held in a physically accessible location.

# PROJECT LIMITS

