

Ordinance #15-1

AN ORDINANCE PROVIDING FOR TEMPORARY CAMPGROUNDS

BE IT ORDAINED BY MCPHERSON 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 30 or more occupants to insure that they meet the health, sanitary, fire, police, transportation and utility service normally provided in McPherson 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 30 or more occupants, or the normally used and occupied spaces of state licensed campgrounds pursuant to SDCL 34-18.

ARTICLE II

DEFINITIONS

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

CAMPGROUND –an area for camping that is occupied by 30 people or more. All temporary campgrounds are required to obtain a McPherson County permit.

TEMPORARY CAMPGROUND (CREW CAMP) – An area or place, not previously designated or zoned, such as a field or grove, used for a camp, for camping or for a camp meeting.

PERMANENT CAMPGROUND – An area or place that is used for camping: a place where people can put up a tent or park a camper and that usually has toilets and showers for campers to use. (example: KOA Campground)

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 McPherson County Zoning Administrator Office on the application provided by McPherson County at least 90 days prior to campground use. A separate permit shall be required for each no-contiguous location.
2. Temporary campground permits shall be obtained for each 90 day period.
3. If a late campground application is to be considered for approval by the McPherson County Commission, the administrative penalty to be implemented is a 100% addition to the applicable campground fee which must accompany the application.
4. The campground fees are as follows:
 - Application fees based on
 - Max # of Occupants:
 - A. 30-50 Occupants \$200
 - B. 51-500 Occupants \$500
 - C. 501 + Occupants \$3000
5. Any religious or non-profit organization may obtain prior approval from the McPherson 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 McPherson County, or any fees or permits as required by the State of South Dakota.
6. If any non-permitted campground is found to be otherwise in compliance with the requirements of Ordinance 10-2 Article 26 the Zoning Administrator or designees may collect the application fee and administrative penalty. A religious or non-profit organization may, within 30 days, appeal to the McPherson County Commission for a refund of any amounts collected under this subsection.

Section II: Requirements for Permit

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

1. Agree to not allow more than the declared maximum number of occupants on the campground premises at one time.
2. Provide proof that the applicant will furnish at his own expense, before the temporary campground is open to the public, the following:
 - A. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of occupants allowed at the rate of one (1) gallon per occupant per day, and water for washing at the rate of two (2) gallons a day per

occupant 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 and sanitary means of disposing of wastewater deposited which is in compliance with all state rules and regulations.
- C. A sanitary method for disposing of solid waste and garbage as to not cause any health, fire, or pollutant hazards, meeting all state laws, rules and regulations, together with a plan for holding and collecting waste daily. A sufficient number of garbage cans with tight fitting lids or a dumpster must be accessible throughout campground areas.
- D. Tent space inside the grounds sufficient to provide individual tent spaces for the maximum number of occupants at the rate of 400 square feet per person.
- E. Security guards sufficient to provide security for the maximum number of people at the rate of at least one (1) security guard for every 250 occupants up to 500 occupants, and one (1) guard for each 500 additional occupants thereafter. Campgrounds shall have a head of security 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. McPherson County reserves the right to prohibit fires if deemed necessary by local fire departments.
- G. Conditions of grounds
 - 1. The grounds shall be kept free of rubbish, trash, or debris
 - 2. The condition of the property, ground water level, drainage and topography shall not create hazards for adjoining property or endanger the health or safety of the occupants.
- H. Ground cover requirements:
 - 1. The growth of brush, weeds, and grass shall be controlled.
 - 2. All areas shall be mowed or maintained to prevent weed and fire danger.

- I. A daily log shall be kept on the premise, showing the name and address of each camper, the number of persons in each camping party, and the total number of campers using the facilities. A log showing the total number of campers at any given time shall be made available to McPherson County personnel.
- J. A daily log must be kept at the front gate showing all names of vendors and their county venter and SD Sales Tax license numbers operating on campground property.
- K. Agree to have all vendors display proper county and state licenses.
- L. Temporary Campgrounds must remain one half mile from existing residences unless permission is granted by adjacent landowners.

Section 3: Public Safety Access

- 1. All law enforcement and McPherson County personnel will be allowed immediate access to determine if the terms and conditions of the campground application and McPherson County Ordinance 10-2 Article 26 are complied with.

ARTICLE IV

Section I : Application for permit

- A. All regulations listed in Article III must be followed.
- B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant, and shall be signed and sworn to or affirmed by the individual, president or party acting on behalf of the corporation, partnership, society, association, or group.
- C. The Application shall contain and disclose:
 - 1. The name, home and mailing addresses and phone numbers of all persons required to sign the application. In the case of a corporation, a certified copy of the articles of incorporation must accompany application.
 - 2. The address and legal description of all property upon which the campground is located.
 - 3. A copy of the recorded deed showing current ownership. If the recorded owner is not the applicant, a statement made upon oath or affirmation by the recorded owners that the applicant has permission to use such property for the purpose stated in the application must accompany the deed.
 - 4. The nature or purpose of the campground.
 - 5. The dates during which the campground will be in operation.

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

ARTICLE V

Section 1: Processing Application

Notice of application shall be advertised in the official county newspapers and heard at hearing before the McPherson County Commission within 30 days of the application deadline (90 days prior to the first day of the event).

Section 2: Appeal Process

If the McPherson County Commission denies the application, the applicant shall have the right to appeal to circuit court within 30 days of notice of denial.

ARTICLE VI

Section 1: Revocation of Permit

The permit may be revoked in writing by the McPherson County Sheriff or Director of Equalization 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 cease to be complied with. Such revocation may be made by the agency without a noticed hearing if determined that an emergency exists and that it is not practical in relationship to McPherson County's obligation to protect the public health, morals and welfare, to allow the permit to

proceed. In any such case, the owners of the permit may within a period of three (3) days from and after revocation, apply or petition the McPherson County Commission for an administrative hearing by filing with the McPherson County Auditor's office a statement explaining why the revocation should be set aside. The administrative hearing shall be noticed for the next regular Commissioners meeting, or in the case of an emergency, a special meeting called by the McPherson County Commission.

ARTICLE VII

Section 1: Injunction Proceedings to Prevent or Abate Violations

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

ARTICLE VIII

Section 1 - Penalty

It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be punishable by a fine not exceeding \$1000 or by imprisonment for a period not exceeding thirty days, or both. Each day in violation may be deemed a separate offense. If the violation is a failure to obtain a license as required herein, the violation shall be punishable by an administrative fee of three times the cost of the application fee, not to exceed \$1000, or by imprisonment for a period not to exceed thirty days, or both.

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

Section1:

Ordinance No. 15-1 shall take effect and be in force from and after 20 days from the date of completed publication. Campground regulations previously adopted are hereby repealed. Adopted this 6th day of October 2015.

First Reading: September 1st, 2015

Second Reading: October 6th, 2015

Published: October 14th, 2015

Effective Date: November 4th, 2015

Rick Beilke

Chairman of the Board of County Commissioners

ATTEST:

Jennifer Guthmiller

McPherson County Auditor

APPLICATION FOR TEMPORARY CAMPGROUND PERMIT
MCPHERSON COUNTY ARTICLE

Application for any temporary campground shall be submitted in writing to the McPherson County Zoning Administrator Office at least 60 days prior to campground use. A separate permit shall be required for each non-contiguous location. Temporary campground permits shall be obtained for each 90 day period. Notification of application must be advertised in the official county newspapers, as well as heard at a public hearing before the McPherson County Commission at least 30 days prior to the event.

Name of Campground: _____

Physical address: _____

Mailing address: _____

Campground manager: _____

Property owner: _____

Manager phone numbers: _____

Manager email address: _____

- If the owners/managers are not one of the same, a notarized statement must be attached with agreement shown between the two parties for use of the property as a campground, and the specific dates.
- Copy of the deed reflecting current ownership must accompany this application. It can be obtained at the McPherson County Register of Deeds Office.
- An aerial phot/sketch plan must be attached showing all amenities: bathrooms, showers, drinking water outlets, light poles, fire protection devices, stage areas, concession areas, vendors, roads, etc., including all entrances and exits.

Purpose of the temporary campground: _____

Dates of operation, not to exceed 90 consecutive days: _____

Check the maximum number of occupants to be allowed on the premises:

| | | |
|------------------|--------|-------|
| 30-50 Occupants | \$200 | _____ |
| 51-500 Occupants | \$500 | _____ |
| 501+ Occupants | \$3000 | _____ |

*McPherson County now accepts credit/debit cards. Convenience fees apply.

What water source will be available for potable and drinking water, and what amount is available daily? _____

*IF you are using a private well, a certified statement from the Department of Environment and Natural Resources stating the well has been certified for commercial use must accompany this application.

APPLICATION FOR TEMPORARY CAMPGROUND PERMIT
MCPHERSON COUNTY

| | <u>Men</u> | <u>Women</u> | <u>Unisex</u> |
|------------------------------|------------|--------------|---------------|
| Number of permanent toilets: | _____ | _____ | _____ |
| Number of Lavatories: | _____ | _____ | _____ |
| Number of showers: | _____ | _____ | _____ |
| Number of port-a-pots: | _____ | _____ | _____ |

Who is servicing port-a-pots, and what is the frequency of service:

Number and size of garbage receptacles? _____

Number and type of portable fire extinguishers available:

NO open fires are permitted!

Security personnel:

| <u>NAME</u> | <u>ADDRESS</u> | <u>CELL PHONE</u> |
|-------------|----------------|-------------------|
|-------------|----------------|-------------------|

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

I certify under oath and penalty of perjury that the above is true and correct to my best knowledge, information and belief. **I have read McPherson County Article and agree to comply with all requirements thereof.**

Signature

Date

Printed name

VERIFICATION

_____, being duly sworn under oath, and having personally appeared before me this _____ day of _____, _____, and being know to me or having produced identification and having satisfied me that (s) he is _____, has executed this application.

Notary Public

My Commission Expires: _____

(Seal)