

ORDINANCE NO. 2022-224

AN ORDINANCE CREATING ZONING REGULATIONS PROHIBITING TRANSIENT COMMERCIAL USE OF RESIDENTIAL PROPERTY.

BE IT ORDAINED by the Board of Trustees of the City of Pickstown South Dakota (the “City”) that Ordinance 94-86, Zoning Ordinance, as amended, of the City of Pickstown, South Dakota, be amended as follows:

Section 152.024 **Residential District Use Regulations to Prohibit Transient Commercial Use of Residential Property**

A. **Purpose.** The purpose of this chapter is to:

1. Preserve and enhance the character of the residential districts;
2. Promote the public health, safety, and general welfare of the city; and
3. Expressly prohibit transient commercial use of residential property for remuneration, which uses are inharmonious with and injurious to the preservation of the residential character and environment of the city.

B. **Definitions.** Except as otherwise defined or where the context otherwise indicates, the following defined words shall have the following meaning in this Section 152.024

1. “Person” means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.
2. “Remuneration” means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.
3. “Residential property” means any single-family dwelling unit or structure located on one or more contiguous lots of record within the R-1 low density residential district and R-2 moderate density residential district.
4. “Transient” means a period of time less than thirty (30) consecutive calendar days.
5. “Transient commercial use of property” means the commercial use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than thirty (30) consecutive calendar days.

The definitions herein include the singular and plural meanings of each defined word.

C. **Permission**. Transient commercial use of residential property for remuneration is prohibited within the residential district.

D. **Liability and Enforcement**.

1. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.
2. Any person who uses, or allows the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

E. **Violation – Penalty**. Citations will be issued to any person who violates this ordinance. The violator, upon being found guilty, shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall have jurisdiction to try violators and upon finding them guilty, may penalize them with a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment. Each day that any violation of this title is in effect shall constitute a separate offense.

Passed and adopted this 11th day of May, 2022.

Cindy Brayhill
President, Board of Trustees

ATTEST:

Carol Bernick
Finance Officer

1st Reading: April 13, 2022

2nd Reading May 11, 2022

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