

## TITLE 16 - BROWN COUNTY FAIR

### CHAPTER 16.01 DEFINITIONS

The following terms, as used in this Title, mean:

#### 16.01.01 Brown County Fairgrounds

The location commonly known as the Brown County Fairgrounds, and described as that area bounded on the west by 387<sup>th</sup> Avenue (N 5<sup>th</sup> Street/Brown County 10), on the south by 131<sup>st</sup> Street (24<sup>th</sup> Ave NW, Aberdeen), on the east by a line approximately ½ mile east of and parallel to 387<sup>th</sup> Avenue and on the north by a line ½ mile north of and parallel to 131<sup>st</sup> Street and having the legal description:

Southwest Quarter (SW ¼) of Section One (1), Township One Hundred Twenty Three (123) North, Range Sixty-four (64) West of the Fifth Principal meridian, containing 160 acres, more or less, according to the Government Survey thereof, Brown County, South Dakota, except Fairgrounds Outlot 1 located in the SW ¼ Section 1, Township 123 North, Range 64 West of the 5<sup>th</sup> P.M., according to the plat thereof of record, Brown County, South Dakota.

plus the additional property owned by Brown County located directly east of the above described property having the legal description:

Lot 1, First Replat of Dahme Northview Addition in the Southeast Quarter of Section 1, Township 123 North, Range 64 West of the 5<sup>th</sup> P.M. according to the plat thereof of record, Brown County, South Dakota.

#### 16.01.02 Brown County Fair Week

The period of time from the beginning date to the ending date of the Brown County Fair set and advertised each year for the running of the Brown County Fair, including the time between those dates, plus twenty-four (24) hours before and after the advertised beginning and ending dates of the fair.

#### 16.01.03 Fair Board

The volunteer board created and appointed by the Brown County Commission, pursuant to SDCL Chapter 7-27, which is given the responsibility by the County Commission to assist the Fair Manager in planning, managing and conducting the annual Brown County Fair and for establishing rules and regulations to achieve this purpose.

#### 16.01.04 Fair Off-Season

The Fair Off-season is that period of time between Fair Weeks.

#### 16.01.05 Restricted Traffic Perimeter

The Restricted Traffic Perimeter is that area of the Fairgrounds bounded by the roadways of West Pit Road, North Pit Road, Bruckner Express, Fair Lane, Centennial Drive, Arena Drive, West Livestock Lane and Sheep Street.

During the Fair Off-season, the Fair Board may adjust or modify this Restricted Traffic Perimeter for future fairs as experience or conditions may warrant.

The Fair Manager will keep and post at the fair office an accurate map showing the Restricted Traffic Perimeter and will make this map available for public inspection at the fair office during normal business hours.

16.01.06 Class 2 Misdemeanor

A violation of County Ordinance punishable by the fine and imprisonment authorized by SDCL 7-18A-2 and SDCL 22-6-2(2).

## CHAPTER 16.02 BROWN COUNTY FAIR BOARD

### 16.02.01 Purpose and Intent.

The Brown County Commission reaffirms its establishment of the Brown County Fair Board, pursuant to SDCL Chapter 7-27, for the purpose of conducting an annual county fair and for the purpose of exhibiting at such fair the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products and resources of this county and state.

### 16.02.02 Members – Tenure.

The Brown County Fair Board shall consist of twenty-five (25) members appointed by the Brown County Commission. Each member shall serve for a period of three (3) years, and are eligible for reappointment for an additional three (3) year term.

### 16.02.03 Organization and Operations.

In order to carry out its responsibilities, the Fair Board:

1. Is authorized to create various organizational by-laws, subject to the approval of the Brown County Commission.
2. Is authorized to create and elect various officers and to assign specific duties to these officers.
3. Is authorized to create various committees, to appoint individuals to serve on these committees and to assign these committees various tasks.
4. Must comply with the open meeting laws found at SDCL 1-25.
5. Must comply with the open records laws found at SDCL 1-27.

### 16.02.04 Regulations.

The Brown County Fair Board may make any by-law, rule or regulation, not inconsistent with law, which it deems necessary or proper to carry out its assigned responsibilities and duties including:

1. Planning, managing and conducting the annual Brown County Fair; and
2. Managing and governing Brown County Fairgrounds and its facilities during the time leading up to and including Fair Week; and
3. Providing for the protection, health, safety and comfort of the public attending the Brown County Fair.
4. Creating a policy to provide for the humane treatment of all non-domesticated animals and livestock on the Brown County Fairgrounds during fair week for the purpose of show, display, competition or sale as part of fair activities or programs.

Before taking effect, all by-laws, rules and regulations adopted by the Fair Board must be approved by the Fair Manager and the Brown County Commission.

### 16.02.05 Specific Responsibilities

Along with the Fair Manager, the Brown County Fair Board:

1. Works to plan, coordinate and produce the annual Brown County Fair, including:
  - a. Youth and adult competitive exhibiting,
  - b. commercial exhibit opportunities,

- c. 4-H competition,
  - d. FFA shows,
  - e. Special events,
  - f. Livestock, agricultural, educational and Home Arts exhibits
  - g. Providing quality entertainment and food concessions for the enjoyment of area residents and visitors.
2. Is responsible for long range planning for both future fairs and for future fairground needs.
  3. Supervises its various fair committees.
  4. Assists the Fair Manager with the various activities and programs held both during Fair Week and during the Fair Off-season,
  5. Works with the Fair Manager concerning Fair contract and budget issues,
  6. Approves all contracts that do not require a formal bid or quote per Brown County Policy Manual under Purchasing Policy and Replacement Procedures for signature by Fair Manager. Contracts that do require a formal bid or quote will be sent to the Brown County Commission for final approval.
  7. Approves Fair Board Treasurer's monthly report.
  8. Meets at least monthly to conduct its business.
  9. Helps find, recruit, and organize volunteers to work during Fair Week.

16.02.06      Penalties.

Any person who violates a published rule or regulation adopted by the Brown County Fair Board and approved by the Fair Manager and the County Commission is guilty of a Class 2 Misdemeanor.

CHAPTER 16.03            BROWN COUNTY FAIR MANAGER (Ordinance 107, effective 2/7/17)

16.03.01            General Authority:

The Brown County Fair Manager is a county employee hired by Brown County Commission to serve as the Chief Executive Officer (CEO) of the Brown County Fair during both Fair Week and the Fair Off-season and as the site manager for the Brown County Fair and Fairgrounds during Fair Week.

16.03.02            Specific Responsibilities:

The Fair Manager has the following specific responsibilities:

1. To serve as the chief Brown County Fair contact person.
2. To propose and manage the annual county fair budget.
3. To initially collect and account for all income generated by the Brown County Fair Program pursuant to policies, practices and procedures set by the Brown County Commission.
4. To negotiate, or supervise the negotiations, of all county fair contracts related to the operation of the Fair and to submit any proposed contracts to the County Commission for approval.
5. To find county fair sponsors willing to donate money, property or services to the fair and to enter into sponsorship agreements, subject to the approval of the Brown County Commission.
6. To hire and train temporary employees for both office work and for other work during Fair Week.
7. To recruit, train and manage volunteers working at the Fair during Fair Week.
8. To increase job knowledge and skills by identifying and completing appropriate continuing education courses and seminars.
9. To carry out these additional responsibilities and duties:
  - a. Marketing
  - b. Grant Writing
  - c. Scheduling of all Fair Events
  - d. Forklift & Safety Training
  - e. Insurance Procedures and Verifications (making sure all events and vendors have proper insurance – listing BCF as an additional insured)
  - f. Scouting Artists for Entertainment and Events
  - g. Organization and Management of Vendors
  - h. Organization and Management of the Fairgrounds Camping Program.
  - i. Organization and Management of Ticket Sales
  - j. Public speaking on behalf of the Fair.
  - k. Ticket Sales

16.03.03            Relationship with the Fair Board:

During the fair off-season, the Fair Manager and the Fair Board work together, under the direction of the Fair Manager, to develop rules, regulations and procedures to improve the operation of future fairs, to recruit volunteers, solicit donations, identify and correct past problems and organize and plan the upcoming fair.

During Fair Week, the Fair Manager is the final authority concerning the operation of all aspects of the Brown County Fair and the management of the Brown County Fairgrounds, subject only to review by the Brown County Commission.

During fair week, the members of the Fair Board individually and as a Board, under the direction of the Fair Manager, assist in the operation of fair activities and the management of the fairgrounds.

#### 16.03.04 Initial Collection of Fair Revenue

1. Both before and during Fair Week, the Fair Manager will be the county official directly responsible for the initial receiving, collecting, securing and accounting for all receipts, money and other fair program revenue to which the County is entitled.
2. In carrying out this responsibility, the Fair Manager will:
  - a. Follow the policies, practices and procedures set by the Brown County Commission for this purpose.
  - b. Can be assisted by his or her office staff, volunteers or county employees.
  - c. Will train, supervise and direct all volunteers, employees and staff in the sale of tickets or the generation or collection of other fair revenue.
  - d. Will require all volunteers, employees and staff to follow the policies, practices and procedures set by the Brown County Commission.
  - e. Will promptly deliver to the Brown County Treasurer all fair program revenue, along with a full accounting of the same, as provided by SDCL 7-27-14, SDCL 7-11-1 and the policies and procedures set by the Brown County Commission.
3. The Brown County Commission, in cooperation with the Fair Manager, will adopt a set of standard policies, practices and procedures for the purposes identified herein, including how, when and by whom county fair revenues are to be collected, accounted for, transported and secured.

## CHAPTER 16.04 TRAFFIC CONTROL DURING FAIR WEEK

### 16.04.01 Exclusive Control by the Fair Board:

During fair week, all parking lots and roadways at the Brown County Fairgrounds will be under the exclusive direction and control of the Brown County Fair Board and the Fair Manager.

### 16.04.02 Restricted Traffic Areas During Fair Week:

During Fair Week, the operation of motor-driven vehicles, such as mopeds, golf carts and ATV's is not permitted within the Restricted Traffic Perimeter of the Brown County Fairgrounds, as defined by 16.01.05, unless a person first obtains from the Fair Board or Fair Manager a Special Permit to drive in this restricted traffic area.

### 16.04.03 Special Fair Permit:

In order to secure special authorization to operate a motor vehicle in the restricted area identified in section 16.01.05, an applicant for a special permit must provide to the Fair Board, in advance for approval, both proof of insurance and a copy of a valid driver's license.

Only authorized and permitted drivers shall operate said vehicles in the restricted area. All others may be subject to fines and penalties authorized herein.

### 16.04.04 Traffic Rule Enforcement:

During fair week, all vehicles operated on the Brown County Fairgrounds must comply with directions of the Brown County Fair Board personnel or law enforcement and must obey all Brown County Fair Board regulations. Drivers with a Special Fair Permit must carry this permit on their person while operating a vehicle on the Fairgrounds in the restricted area and must be able to immediately produce their special permit upon being stopped or checked.

16.04.05      Parking:

During fair week, parking on the Fairgrounds is restricted to the specific areas set aside by the Brown County Fair Board.

1. Vehicles must park in designated areas only.
2. Vehicles may not be parked in or around the buildings, except for unloading and loading or as provided by Section 16.03.04(4).
3. Fire lanes shall be maintained at all times.
4. Designated disabled parking areas are set aside for vehicles displaying current and valid disabled placards/licenses only.

16.04.06      No Parking Near Fire Hydrants:

During Fair Week, it will constitute a Class 2 Misdemeanor for any person to park a motor vehicle on the Fairgrounds within ten (10) feet of a fire hydrant. The Fair Manager will identify the no parking zone around each fire hydrant with appropriate cones, signs or in some similar manner.

16.04.07      Speed Limit:

During fair week, the speed limit for all vehicles operated on the Fairgrounds is 10 miles per hour.

16.04.08      Violations:

Each violation of this ordinance is a Class 2 Misdemeanor.

## CHAPTER 16.05 OPEN FLAME FIRES PROHIBITED

### 16.05.01 Purpose and Intent:

The purpose of Chapter 16.05 is to protect the health and safety of all citizens taking part in the Brown County Fair and to safeguard all property at the Brown County Fairgrounds during Fair Week.

### 16.05.02 Open Flame Fire:

An open flame fire includes any fire that either exhibits a visible open flame or consists of any embers or coals hot enough to burst into an open flame if provided additional oxygen or fuel, including but not limited to a campfire, bonfire, fire pit, fire ring, barrels, lanterns, torches, fireworks or similar blaze.

### 16.05.03 Regulation:

Except as otherwise specifically provided herein, it shall be unlawful for any person or persons to start or maintain an open flame fire at any location on the Brown County Fairgrounds during fair week.

### 16.05.04 Exceptions:

For purposes of this Chapter, an Open Flame Fire does not include:

1. Commercially manufactured charcoal or gas cooking grills, stoves or other cooking appliances or camping gear if:
  - a. Used by a person authorized to camp at the Brown County Fairgrounds; and
  - b. Used by that person at their assigned camp site, either inside or outside their camping unit; and
  - c. Used by that camper, or another person under their supervision, for food preparation.
2. Commercially manufactured cooking equipment used by food concession vendors in the preparation of their food product provided the vendor holds a vendor's license issued by the Brown County Fair Board and the vendor operates his or her concession in a manner consistent with their vendor's license.
3. The responsible use of matches or cigarette lighters.

4. Those exceptions granted by the Brown County Fair Board or the Fair Manager to an individual or to a group of people seeking to enhance the public's fair-going experience without creating any significant additional risk to the public, provided during the event the individual or group given the exception keeps on site a working fire extinguisher approved by the Fair Manager. (Examples of Possible Events: Community pig roast, fireworks, special effects as part of a musical performance, the tail gate cooking contest sponsored by the Fair Board, necessary fairground maintenance or repair work.)

16.05.05      Penalty:

A violation of this Chapter is a Class 2 misdemeanor.

16.05.06      Liability for fire:

In addition to any criminal penalty, any person who violates this Chapter and who thereby causes fire damage to other persons or property will be liable for all injuries sustained as a result of that fire damage and for all related fire suppression and extinguishment costs incurred as a result of the said fire. Criminal prosecution is not a prerequisite to liability for damage or for fire suppression and extinguishment costs.

## CHAPTER 16.06 OTHER PROVISIONS

### 16.06.01 Putting Flyers and Similar Material on Vehicles Prohibited:

During Fair Week, no person shall deposit or place on any motor vehicle, parked on the Fairgrounds, any handbill, circular, leaflet, pamphlet, booklet or other printed material without the permission of the owner, driver or occupant of that vehicle.

### 16.06.02 Fairgrounds Designated a Public Park During Fair Week:

During Fair week, the Brown County Fairgrounds will be designated a public park or a public playground for purposes of SDCL 22-24B-22 (1) and 22-24B-24. During Fair Week suitable signs will be posted at all vehicle entry gates and other public entry locations informing the public that they are entering a public park and playground. The Brown County Fairgrounds will cease to be a designated public park or public playground during the Fair Off-Season.

### 16.06.03 Fair Receipts REPEALED BY ORDINANCE 107, EFFECTIVE FEBRUARY 7, 2017

### 16.06.04 Contracts to Operate Certain Concessions During Fair Week (Ordinance 094 dated 8/25/15)

Should the Brown County Commission decide to enter into an agreement with a private group or organization, allowing the group or organization to provide certain concessions during Fair Week, the following rules will apply:

1. These provisions will only apply to contracts for concessions sold at the fair “Clubhouse” (aka Beer Garden) and or the fair “Grandstand” during Fair Week.
2. For groups and organizations to be eligible to contract with the County to provide concessions at these venues, the group or organization must meet the following criteria:
  - a. The group or organization must be recognized by the IRS as a not-for-profit organization under federal tax law.
  - b. The group or organization must demonstrate that it has a large enough volunteer base to effectively handle the requirements of the contract and the challenges of providing excellent service to the fair-going public.
3. Any contract entered into with a group or organization will be for a maximum of three years or three Fairs, whichever is shorter, with either party to the contract having the right to terminate the contract during the Contract Review Period each year, by giving proper notice to the other party.
4. The Contract Review Period will begin on the first day after the end of a given Fair Week and will end at 5:00 pm on the last business day before the 15<sup>th</sup> day of September of that same year. The Contract will specify how and to whom notice of termination will be given.
5. A Contract will terminate:
  - a. Automatically at the conclusion of the third Fair Week covered by the contract, or
  - b. By one party to the contract giving written notice to the other party, during the Contract Review Period, of that party’s intent to terminate the contract, or

- c. At any other time by the mutual agreement of the parties.
6. If a Contract is terminated as provided by either section 5a or 5b above, and should the Brown County Commission decide to enter into a new contract, the Commission will: (Ordinance #110, effective December 5, 2017)
  - a. Advertise for proposals over a two week timeframe at a date to be determined by the Brown County Commission with a submission deadline of no later than the first Tuesday of December of that year.
  - b. The Commission will then investigate the various proposals with a view of awarding a contract within 30 days of the submission deadline or December 31<sup>st</sup> of that year, whichever is first.
  - c. If a contract is terminated at a time other than during the Contract Review Period, the County Commission will establish a schedule similar to the one provided herein, other than for the particular dates, to award a new contract.
7. In determining to whom a contract should be awarded, the County Commission will consider:
  - a. The not-for-profit status of the organization submitting the proposal,
  - b. The proposal bid amount,
  - c. The strategic plan for Fair Week, submitted with the proposal, along with the financial safeguards the organization plans to have in place to account for the revenue collected,
  - d. The organization's volunteer base,
  - e. The organization's past history and experience, if any, running the concession,
  - f. The overall impact on and the benefit to the citizens of Brown County each proposal would provide.
8. On occasion, the Brown County Commission may vary the provisions of sub-sections 6 and 7 above by Resolution of the Commission for good cause shown.