

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~~16.06.03 Fair Receipts~~ REPEALED BY ORDINANCE 107, EFFECTIVE FEBRUARY 7, 2017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 15th 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 31st 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.