

Office/Contact: Office of the President

Source: SDBOR Policy 4:27; University Policy 4:7; SDBOR Policy 6:14; University Policy 6:4; South Dakota Codified Laws; Brookings City Ordinances

Link: <https://www.sdbor.edu/policy/documents/4-27.pdf>; <http://www.sdstate.edu/policies/upload/Drug-Free-Environment.pdf>; <https://www.sdbor.edu/policy/documents/6-14.pdf>; <http://www.sdstate.edu/sites/default/files/Sale%20of%20Alcohol%20on%20University%20Property.pdf> http://sdlegislature.gov/Statutes/Codified_Laws/default.aspx;

<http://library.municode.com/index.aspx?clientId=10484&stateId=41&stateName=South%20Dakota>

Associated Forms: [Football Tailgate Policies and Tailgating Assumption of Risk Form](#)

[SDSU Football Parking and Tailgating Map](#)

SOUTH DAKOTA STATE UNIVERSITY

Policy and Procedure Manual

SUBJECT: Football Tailgating

NUMBER: 10:1

1. Purpose

Tailgating is a longstanding tradition at college football games, and the University encourages responsible and safe tailgating in conformity with SDBOR Policy 4:27, University Policy 4:7, and applicable state law. Although alcohol consumption is allowed in conformity with applicable law, the primary purpose of tailgating is to complement football games and facilitate engagement between fans and the University. This policy implements University compliance with state law and SDBOR policy and procedures and is intended to provide a safe, responsible, and enjoyable experience and environment for those who participate in tailgating at University football games.

2. Policy

- a. Tailgating is a social gathering in designated areas prior to University football games. University Police, University Athletics, and other designated staff shall monitor tailgating activities for compliance with these provisions and enforce these provisions. Violation of policy may result in application of the Student Conduct Code, and violations of law may result in application of the Student Conduct Code, criminal charges, or both. The University reserves the right to revise or modify this policy.
- b. Tailgating is subject to applicable laws and University and SDBOR policies including, but not limited to, the following:
 - i. Individual participants must abide by tailgating policies and applicable laws and are responsible for such compliance.
 - ii. Tailgating activities are limited to designated areas determined in conformity with SDBOR Policy 4:27 and University Policy 4:7 and shall be approved by the University President. Tailgating outside of designated tailgate areas is prohibited.

1. Tailgating areas shall be designated as alcohol permitted, or alcohol not permitted tailgating areas.
 2. Alcohol permitted areas shall be clearly delineated.
 3. Open container alcohol may not be carried or alcohol consumed outside the designated alcohol permitted tailgate areas and open alcohol containers are prohibited outside designated alcohol permitted tailgate areas.
 4. Alcohol possession and consumption shall be limited to beer and wine.
 5. All persons possessing and consuming alcohol must be 21 years of age or older and have a valid ID. Individuals 21 and over, who possess or consume alcohol during tailgating must receive and wear a wrist band from designated University agents. Wrist bands will be distributed at the tailgate event at designated wrist band stations.
 6. If alcohol is possessed or consumed, it must be in a can, plastic bottle or plastic cup. No glass containers or bulk containers (kegs, party balls, plastic bottles exceeding 1.5 gallons, etc.) are permitted. Multi packs of alcoholic beverages carried shall not exceed twelve (12) individual servings.
 7. Sale of Alcoholic Beverages in conjunction with tailgating is prohibited, unless specifically permitted pursuant to SDBOR Policy 6:14 and University Policy 6:4 and applicable license is obtained.
- iii. South Dakota Codified Law including, but not limited to, statutes concerning alcohol and drugs will be enforced by University Police and may be enforced by any other authorized law enforcement.
1. The State of South Dakota has set the minimum drinking age at 21 years old. Anyone found consuming alcohol younger than this minimum age is subject to arrest and charge of underage consumption. (SDCL 35-9-2)
 2. The State of South Dakota has made it unlawful to provide alcohol to minors or to host a social gathering knowingly condoning illegal consumption of alcohol by underage persons on property within their control. Anyone furnishing alcohol to minors is subject to arrest and charge of contributing to the delinquency of a minor. Social hosts are subject to arrest and charge with a Class 2 misdemeanor. (SDCL 35-

9-1, 35-9-1.1, 35-9-2; 35-9-9 et seq.)

3. South Dakota law makes it illegal to operate a motor vehicle while intoxicated. Anyone operating a motor vehicle with a blood alcohol content greater than .08 or under the influence of an intoxicant is subject to arrest and charge of driving while intoxicated. (SDCL 32-23-1)
 4. South Dakota law does not permit unsealed alcohol containers in motor vehicles. Anyone who has an unsealed container in vehicle is subject to arrest and charge of an open container violation. (SDCL 35-1-9.1)
 5. South Dakota law makes it illegal for any person to intentionally cause serious public inconvenience or annoyance to any other person, or create a risk thereof by fighting, making unreasonable noise, disturbing any lawful assembly or obstructing any vehicular or pedestrian traffic. Anyone found in violation is subject to arrest for Class 2 misdemeanor of Disorderly Conduct. (SDCL 22-18-35)
 6. Brookings City Ordinance makes it unlawful for any person to urinate or defecate in public, other than when using a toilet, urinal, or commode located in a restroom, bathroom, or other structure enclosed from public view. Anyone found in violation is subject to arrest and charge of Disorderly Conduct. (BCO 58-161)
- iv. Tailgating areas will open not more than five (5) hours prior to scheduled game time.
 - v. Tailgating areas will close at the scheduled game kickoff time. Tailgating activities are prohibited during the game, during halftime, and after the game conclusion. Tailgate areas must be vacated one (1) hour after conclusion of the game.
 - vi. Patrons who license tailgating spaces and owners and operators of vehicles in licensed tailgate spots are responsible for the behavior and safety of all fans tailgating in their assigned spots. Licensees will be advised the number of invitees and participants allowable for the square footage of licensed space. Licensees shall not provide alcohol to minors or violate alcohol laws and regulations, including but not limited to SDCL 35-9-9 through 35-9-13. These licensees are required to review and sign the Football Tailgate Policies and Tailgating Assumption of Risk Form indicating they have read, understand, and will abide by applicable state law and University policies and that they agree to waive any and all liability and indemnify the University harmless

from any and all claims arising from their assigned spots and the tailgating activities in their spots and associated tailgating areas.

- vii. Staked tents are prohibited in concrete or asphalt lots. Placement of tents using stakes in other areas require prior approval from the University and will require a utilities locate by proper authorities.
- viii. Open fire pits are not allowed. Fires must be contained to grills or a portable patio or outdoor fire pits and must be supervised. Compliant fires must be fully extinguished prior to leaving tailgate areas. Hot coals must be disposed of in designated receptacles only, which shall be designated on tailgate maps. Fire-starter materials and related equipment are subject to review and approval by the University and will be restricted in accordance with all applicable laws, rules, regulations, and safety and security protocols.
- ix. Parking on the softball field, baseball field, football practice field, research plots, Highway 14, Jackrabbit Avenue, and other non-parking spaces is strictly prohibited. Vehicles may only be parked in designated lawful areas. A vehicle parked in any of those areas may be towed at the owner's expense.
- x. Vehicles may be parked in the tailgating area during the game. Participants may return to their vehicles to retrieve items, however, re-entry to the football game may be declined. Participants may return to their vehicles to leave the event. Vehicles may be left in the tailgate lot for up to one (1) hour after conclusion of the game.
- xi. Tailgaters are required to clean their areas at the conclusion of each football game. Tailgaters leaving excessive trash will forfeit all tailgating privileges for the remainder of the season without refund. All furniture must be removed from the tailgating areas, or stored in associated sheds, within one (1) hour after the conclusion of the football game.
- xii. All University approved sheds, vehicles and other tailgating equipment must be removed from those tailgating spots licensed for the entire season within seven (7) days after the last home football game. Items left in season-long licensed tailgating spots after the season will be removed at the owner's expense.
- xiii. No animals, except service animals, are permitted in the parking or tailgate areas.
- xiv. All organizations and businesses are prohibited from selling goods or services and posting banners and signs in the tailgate areas unless prior written

approval has been given by University Athletics.

- xv. Only approved Jackrabbit Sponsors are allowed to display corporate marks and logos within their assigned tailgate area. A “Jackrabbit Sponsor” is defined as an organization or individual that enters into a contract with University Athletics or through corporate sponsorships with Jackrabbit Sports Properties, Inc.
- xvi. Tailgate spots are available on a first-come, first-reserved basis. Specified areas require advance reservation and a parking pass. Corporate hospitality tents will be located in the best available spot.
- xvii. Tailgate signs are the property of University Athletics. A \$50 fee will be assessed if the signs need to be replaced or the name changed. Tailgaters must leave signs at their assigned spot after the last home game.
- xviii. University Police, University administration, University Athletics, and other designated staff may request removal of anyone from tailgating areas for violation of any of these tailgating policies, violation of other University or SDBOR policies, or for actions that would constitute violation of law, which may result in forfeiting all reservations and a ban from all tailgating areas. No refunds will be provided.
- xix. University Athletics reserves the right to dismiss fans from the tailgating area or from the game itself and refuse access to the tailgate area and to games in the future to fans that violate any of these tailgating policies, violation of other University or SDBOR policies, or for actions that would constitute violation of law.
- xx. South Dakota Codified Law and University policies will be enforced by University Police Department with assistance from University Athletics and other designated staff as appropriate.

3. Responsible Administrator

The University President, or designee, is responsible for annual and ad hoc review of this policy. The University President is responsible for approval of modifications to this policy.

SOURCE: Approved by President on 08/29/2012; updated 09/14/2012. Revised; Approved by President 09/04/2014. Revised; Approved by President 07/21/2016.