

Policy: 01-11-00 - TROJAN FIELD TAILGATING

OFFICE OF RECORD: Student Affairs
RESPONSIBLE EXECUTIVE: Vice President for Student Affairs
EFFECTIVE DATE: 08/20/18
LAST REVISION: NEW

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I. REASON FOR THIS POLICY

Tailgating is a longstanding tradition at college football games and other events, and the University encourages responsible and safe tailgating in conformity with SDBOR Policy 4:27, University Policy 01-11-00, 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 other events 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 and other events.

II. STATEMENT OF POLICY

Tailgating is a social gathering in designated areas prior to University football games and other events. Madison Police Department, University Athletics, and other DSU 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.

1. Tailgating is subject to applicable laws and University and SDBOR policies including, but not limited to, the following:
 - a. Individual participants must abide by tailgating policies and applicable laws and are responsible for such compliance.

- b. Tailgating activities are limited to designated areas determined in conformity with SDBOR Policy 4:27 and University Policy 01-11-00 and shall be approved by the University President. Tailgating outside of designated tailgate areas is prohibited.
- c. Alcohol permitted areas shall be clearly delineated. The **unpaved parking area** south of Trojan Field and immediately east of the paved parking lot is designated as the official tailgating area for DSU. Tailgating is allowed within this lot on a first-come, first-served basis. Other areas may be designated as needed.
 - i. 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. No alcohol is permitted to be carried into the stadium.
 - ii. All persons possessing and consuming alcohol must be 21 years of age or older and have a valid ID on their person.
 - iii. If alcohol is possessed or consumed, it must be in a can, plastic bottle or plastic cup. No bulk containers (kegs, party balls, plastic bottles exceeding 1.5 gallons, etc.) are permitted unless approved prior to the event by DSU Administration.
 - iv. Sale of Alcoholic Beverages in conjunction with tailgating is prohibited, unless specifically permitted pursuant to SDBOR Policy 6:14 and University Policy 01-11-00 and applicable license is obtained.
- d. South Dakota Codified Law including, but not limited to, statutes concerning alcohol and drugs will be enforced by Madison Police Department and may be enforced by any other authorized law enforcement.
 - i. 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)
 - ii. 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.)
 - iii. 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)
 - iv. 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)
 - v. 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)

- vi. Madison City Ordinance Sec 13-4 - Public urination or defecation. Any person who urinates or defecates on any public street, alley, sidewalk, or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where the act could be observed by any member of the public, except in the place that has been designated as a restroom is guilty of an offense and in violation of this section. (Ord. No. 1484, 9-21-09)

III. DEFINITIONS

Not applicable.

IV. PROCEDURES

Paved Lot Tailgating Considerations: Tailgating in the designated parking lot must follow the tailgate policies established by DSU. All tailgating activities must be done within this designated lot. All tailgating activities, including the consumption of alcohol outside of this designated lot is prohibited. Open alcohol may not be carried outside the parking lots.

1. Tailgating areas will open not more than five (5) hours prior to scheduled event time, unless approved by DSU Administration prior to the event.
 - a. 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.
 - b. 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.
 - c. Tailgaters are required to clean their areas at the conclusion of each event. Tailgaters leaving excessive trash will forfeit all tailgating privileges for the remainder of the season. All furniture must be removed from the tailgating areas within two (2) hours after the conclusion of the event.
 - d. No animals, except service animals, are permitted in the parking or tailgate areas.
 - e. 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 Administration.

- f. Tailgate spots are available on a first-come, first-reserved basis. The University reserves the right to require advance reservation and a parking pass for certain areas. Corporate hospitality tents will be located in the best available spot.
- g. Madison Police Department, 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 a ban from all tailgating areas.
- h. 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.
- i. South Dakota Codified Law and University policies will be enforced by Madison Police Department with assistance from University Athletics and other designated staff as appropriate.

V. RELATED DOCUMENTS, FORMS AND TOOLS

South Dakota Board of Regents Policies

[SDBOR Policy 4:27](#)

[SDBOR Policy 6:14](#)

South Dakota Codified Laws

[SDCL 35-9-2](#)

[SDCL 35-9-1](#)

[SDCL 35-9-1.1](#)

[SDCL 35-9-9](#)

[SDCL 32-23-1](#)

[SDCL 35-1-9.1](#)

[SDCL 22-18-35](#)

City of Madison Ordinance

[Madison City Ord. No. 1484 Sec. 13-4](#)