

Ordinance #188

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, PERTAINING TO THE REGULATION OF PEDDLERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA:

Section 1. Definitions

Section 2. Permit Required

Section 3. Exceptions

Section 4. Application for Permit

Section 5. Fees and Duration of Permit

Section 6. Hours of Operation

Section 7. Additional Condition of Permit

Section 8. Suspension or Revocation of Permit

Section 9. Penalty for Violation

Section 1. DEFINITIONS

The following definitions shall apply to this ordinance:

- a. **Peddler:** as used in this ordinance shall mean any person traveling from place to place, from house to house to from street to street for the purpose of selling or soliciting for sale good, wares, merchandise or services, and shall also include any person transacting a temporary business within the City at an established place of business.

Section 2 PERMIT REQUIRED

It shall be unlawful for any person to engage in business as a peddler within this City without first obtaining a permit to do so. No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity. Each individual person engaging in the business of peddling within the City shall be required to have a permit whether acting for himself or as an agent or representative of another.

Section 3 EXCEPTIONS

The provisions of this ordinance shall not apply to:

- a. Solicitations, sales or distributions made by charitable, educational, or religious organizations.
- b. The seasonal sale of agricultural products produced or processed in this state;
- c. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.

- d. Bona fide garage, rummage, yard, or moving sales which do not occur at the same location more than four times per year, for more than four days each time.

Section 4. APPLICATION FOR PERMIT

The application for a permit required by the provisions of this article shall contain:

- a. The applicant's name, permanent address, local address and date of birth.
- b. The name local and permanent addresses of the person or entity that the applicant represents and if an entity, the type of entity and the state in which the entity is legally organized.
- c. A photo copy of the applicants driver's license or state identification card.
- d. A statement describing the kind of goods, wares, merchandise or services the applicant wishes to sell within the City.
- e. A statement of whether the applicant, upon any sale or order, shall demand, accept or receive payment, or deposit, of money in advance of final delivery.
- f. The period of time the applicant wishes to engage in business within the City.
- g. A photo copy of the applicable South Dakota sales tax license.

It shall be unlawful for any person to give any false or misleading information in connection with an application for a permit required by this article. No permit shall be issued if the information in the application is incomplete. The permit is non-transferrable.

Section 5. FEES AND DURATION OF PERMIT

Before any permit shall be issued under the provisions of this ordinance, the applicant shall pay a fee in the form of cash, cashier's check, or money order tendered at the time of application, pursuant to the following schedule:

- a. Thirty Day Permit \$ 20.00

Any permit issued under the provisions of this ordinance will expire at 8:00 o'clock p.m. on the date of expiration which is written on the permit.

The City Finance Office shall complete a review of each application for a Peddler's permit and issue a permit within 48 (forty-eight) hours of completion of the application and payment of the application fee, exclusive of weekends and holidays.

If the applicant has previously been the subject of a suspended or revoked permit as provided in this ordinance, no permit shall issue until such time as the matter has been submitted to the City Council for consideration at its next regularly scheduled meeting.

Section 6. HOURS OF OPERATION

It shall be unlawful for any peddler to engage in the business of peddling, selling or vending between the hours of 8:00 p.m. and 9:00 a.m. Peddling shall only be allowed on Sundays between the hours of 1:00 p.m. and 6:00 p.m. It shall be unlawful for any peddler to engage in the business of peddling on the following days:

New Year's Day,.....	January 1
President's Day,.....	Third Monday in February
Memorial Day,.....	Last Monday in May
Independence Day,.....	July 4
Labor Day,.....	First Monday in September
Native American Day,.....	Second Monday in October
Thanksgiving Day,.....	Fourth Thursday in November
Day after Thanksgiving Day,..	Fourth Friday in November
Christmas Eve,.....	December 24
Christmas Day,.....	December 25
New Years Eve,	December 31

There will be no exceptions to this section.

Section 7. ADDITIONAL CONDITIONS OF PERMIT

The following additional conditions shall apply to all permits issued under this ordinance.

- a. No peddler may enter upon any private premises when the same are posted with a sign stating "No Peddlers Allowed".
- b. No peddler who enters upon premises owned or leased by another shall refuse to leave said premises after having been notified by the owner or possessor of said premises, or his agent, to leave the premises.
- c. Every peddler having a permit issued under the provisions of this article and doing business within the City shall openly display his permit.

Section 8. SUSPENSION OR REVOCATION OF PERMIT

Upon complaint of a violation of any provision of this ordinance, state law, or city ordinance by the permittee, the Mayor may suspend any permit issued under the provisions of this article. Upon such a suspension, the permit shall immediately be surrendered to the City Finance Office. The matter of the suspension shall then come before the City Council at its the next regularly scheduled meeting. Upon hearing the grounds of the suspension by the Mayor and considering the evidence offered by the permittee, the Council shall determine whether or not the permit should be revoked or reinstated. If it is determined that reinstatement is appropriate, the council

may impose such conditions as it deems reasonable to protect the health and welfare of the public as a condition of reinstatement.


Section 9. PENALTY FOR VIOLATION

A violation of any provision of this ordinance is punishable in accordance with the applicable provisions of South Dakota Codified Law Sec. 9-19-3.

First Reading:	01/14/13
Second Reading:	02/11/13
Passage and Adoption:	02/11/13
Publication Date:	02/21/13
Effective Date:	03/13/13

Adopted this 11th day of February, 2013.

CITY OF CROOKS



Kelly Finke, Mayor

Attest:



Linda Hunnel
Municipal Finance Officer