

**CITY OF CROOKS
ORDINANCE #324**

**AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, PERTAINING TO
THE REGULATION OF PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND
MOBILE FOOD VENDORS.**

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

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Section 1. Definitions

The following definitions shall apply to this ordinance:

- a. Peddler/Solicitor/Transient Merchant: as used in this ordinance shall mean any person, principal, or agent, traveling from place to place, from house to house or from street to street for the purpose of selling or soliciting for sale goods, wares, merchandise, or services, and shall also include any person transacting a temporary business within the City at an established place of business.
- b. Mobile Food Vendor: as used in this ordinance shall mean any person, principal, or agent, engaging in an activity whereby prepared food, either on-site or at another licensed food preparation facility, or beverages are sold from a food truck or food cart. This definition shall not include food and beverage delivery services.

Section 2. Permit Required

It shall be unlawful for any person to engage in business as a peddler/solicitor/transient merchant or mobile food vendor 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/soliciting within the City shall be required to have a permit whether acting for himself/herself or as an agent or representative of another. Permits issued under this ordinance shall be non-transferrable.

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.

Section 3. Nuisances

It shall be unlawful for any peddler/solicitor/transient merchant to enter upon a private premises when the same is posted with a sign stating, "No Peddlers Allowed", "No Solicitors Allowed" or the like. Any peddler/solicitor/transient merchant who enters upon premises owned or leased by another and willfully refuses to leave the premises having been notified by the owner or possessor of the premises, to leave the same, shall be deemed guilty of a class 2 misdemeanor. It shall be unlawful for any peddler/solicitor/transient merchant to make false or fraudulent statements concerning the quality or nature of goods, wares, merchandise, or services for the purpose of inducing another to purchase the same. Every peddler/solicitor/transient merchant having a permit issued under the provisions of this article and doing business within the City shall openly display their permit.

Section 4. 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 5. Application for Peddler/Solicitor/Transient 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 photocopy of the applicant's government issued identification.
- 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 photocopy of the applicable South Dakota sales tax license.

Section 6. Application for Mobile Food Vendor Permit

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

- a. The applicant's name, address, phone numbers and government issued ID number.
- b. The business name, address, phone numbers and SD Sales Tax number.
- c. A photocopy of the applicant's government issued ID.
- d. A statement describing the kinds of goods, wares, merchandise or services the applicant wishes to sell within the City.
- e. A description of the location/site where the Mobile Food Vendor will be set up and size of the unit.
- f. The period of time the applicant wishes to engage in business within the City.
- g. A photocopy of the applicable South Dakota sales tax license.

Section 7. Fees and Duration of Peddler/Solicitor/Transient Permit

Before any Peddler/Solicitor/Transient Merchant 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 fees established via resolution by the City Council.

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/Solicitor/Transient Merchant permit and issue a permit within 5 (five) business days of completion of the application and payment of the application fee, exclusive of weekends and holidays.

Section 8. Fees and Duration of Mobile Food Vendor Permit

Before any Mobile Food Vendor Permit shall be issued under the provisions of this ordinance, the applicant shall pay a fee tendered at the time of application pursuant to the fees established via resolution by the City Council.

The City Finance Office shall complete a review of each application for a Mobile Food Vendor permit and issue a permit within 5 (five) business days of completion of the application and payment of the application fee, exclusive of weekends and holidays.

Section 9. Peddler/Solicitor/Transient Vendor Hours of Operation

It shall be unlawful for any Peddler/Solicitor/Transient Merchant 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/Solicitor/Transient Merchant 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 Year's Eve,.....December 31

Section 10. Mobile Food Vendor Locations and Times Prohibited

- a. Mobile food and beverage vending is prohibited where vending activity is blocking access to a public street, alley, bike path, sidewalk, or access to an adjacent property, or in areas zoned residential.
- b. Mobile food and beverage vending is prohibited in any municipal-owned property, including parks, without express written permission of the City.
- c. Mobile food and beverage vending is prohibited within the city between the hours of 12:00 am and 5:00 am.
- d. The above prohibited times and locations do not apply to mobile food vendors operating where a city-approved special event permit has been issued, and with authorization from the special event sponsor.

Section 11. Mobile Food Vendor Health, Safety, and Sanitation

Mobile Food and beverage vendors shall:

- a. Operate according to the minimum public health and food safety requirements determined by South Dakota Department of Health;
- b. Comply with the fire safety requirements checklist as provided on the South Dakota mobile food and beverage vending license;
- c. Comply with the licensing requirements of the State of South Dakota including food, sales tax, and mobile food and beverage vending;
- d. Provide a trash bin for public use and remove all garbage within 25 feet of any food truck or food cart;
- e. Not sell or distribute alcoholic beverages;
- f. Not broadcast loud noise that results in a nuisance to the surrounding properties.

Section 12. Suspension or Revocation of Permit

Any permit issued under the provisions of this chapter shall be subject to suspension or revocation by the City Administrator for violation of any provisions of state law, or city

code. If the issues that caused the suspension or revocation are corrected, the City Administrator may determine reinstatement is appropriate, and may impose additional conditions as deemed reasonable to protect the health and welfare of the public as a condition of reinstatement.

Section 13 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.

Section 14. Ordinances in Conflict

All ordinances or parts thereof in conflict herewith are repealed. Ordinance #188 is specifically repealed.

Aye: Harstad, Beyer, Richardson

Nay:

Abstain:

Adopted this 10th day of April, 2023.



F. Butch Oseby, Mayor



Attest:



Tobias Schantz, Finance Officer

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