

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: CERTAIN SALES METHODS

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§ 110.01 TRANSIENT MERCHANTS.

(A) No person shall engage in business as a transient merchant as hereinafter defined without a transient merchant's license for each structure, stand, tent, car, vehicle, booth or place, herein called stand, used by any merchant.

(B) A transient merchant's license shall be issued for quarter-year periods only, commencing with the first three months of the year as the first quarter. The license fee shall be \$25 per quarter year.

(C) A **TRANSIENT MERCHANT**, within the meaning of this section is any person who transacts any business, at wholesale or retail for the sale of goods, wares and merchandise, fruits or vegetables, farm or garden products, or manufactured goods of any kind, except as hereinafter provided, and who, for the purpose of carrying on the business, shall use or occupy any structure or stand of a temporary nature not constructed to be used throughout the year.

(D) This section shall not apply to the sale of fruits or vegetables, farm or garden products, grown or raised within the state by the person selling or offering the same for sale; nor to manufactured

articles manufactured within the state by the person selling or offering the same for sale.
(Prior Code, § 6:2:1) Penalty, see § 10.99

§ 110.02 TRANSIENTS IN TEMPORARY QUARTERS.

(A) Every person engaged in the business of selling at retail or exhibiting or offering for sale at retail any goods, wares or merchandise at any room or rooms in a hotel, lodging house, apartment house or other temporary location, whether for immediate or future delivery, shall pay a license fee of \$20 per day.

(B) This section shall not apply to any person having a permanently established place of business in a hotel, lodging house, apartment house or other place, nor to the bona fide agents of wholesalers or jobbers, who are engaged in selling goods, wares or merchandise to retail merchants for re-sale.
(Prior Code, § 6:2:2) Penalty, see § 10.99

§ 110.03 SALE OF FRUIT, PRODUCE, VEGETABLES AND MERCHANDISE FROM VEHICLES OR STANDS.

No person shall sell or offer for sale from wagons, automobiles, carts or other vehicles or from stands upon the streets, any fruit, vegetables, produce, goods, ware or merchandise of any kind or character without a license. The sellers shall pay a license fee of \$5 per day. No license shall be issued until the applicant has obtained the written consent of the owner or lessee of the property in front of which the applicant intends to stand.
(Prior Code, § 6:2:3) Penalty, see § 10.99

§ 110.04 PAWNBROKERS.

Any person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property and by taking possession of the property or any part thereof so mortgaged is a pawnbroker. Any person engaging in the business of a pawnbroker shall pay a license fee of \$25 per annum.
(Prior Code, § 6:2:4) Penalty, see § 10.99

§ 110.05 SCOPE.

This chapter shall not apply to buying and selling of goods by cooperative associations, nor to sales where the proceeds are to be used exclusively for religious, charitable or benevolent purposes, nor to sales to wholesale or retail merchants by sample for future delivery made by representatives of established wholesalers or manufacturers, nor to sales by licensed peddlers, nor to the sale of fruits or vegetables, farm or garden products, grown or raised within the state by persons selling or offering the same for sale, nor to manufactured articles manufactured within the state by those selling or offering the same for sale.
(Prior Code, § 6:2:5)

CHAPTER 111: SHOWS AND AMUSEMENTS

Section

111.01 Circuses, carnivals, shows, fortune tellers, clairvoyants and the like

§ 111.01 CIRCUSES, CARNIVALS, SHOWS, FORTUNE TELLERS, CLAIRVOYANTS AND THE LIKE.

Any person who gives or exhibits any circus, menagerie, wild west show or other outdoor amusement and any fortune teller, clairvoyant, palmist, astrologer or any person practicing mesmerism, phrenology, necromancy, hypnotism, divination, mediumship, magic or life reading, who demands or receives a fee for exhibition or exercise of his or her art or profession shall pay a license of \$500 per day. The City Council may suspend the fee in its discretion for any school, religious or civic group.
(Prior Code, § 6:3:1)

CHAPTER 112: PEDDLERS AND SOLICITORS

Section

- 112.01 Definitions
- 112.02 Going upon private residence property by solicitors and peddlers without invitation declared to be a nuisance; exceptions
- 112.03 Exceptions to licensing and bonding provisions
- 112.04 License fee required
- 112.05 Application for license
- 112.06 Bond required from solicitors and peddlers
- 112.07 Distribution or sale of offensive publications or articles prohibited

Cross-reference:

Pawnbrokers, see § 110.04

Transient merchants, see §§ 110.01 and 110.02

§ 112.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. A person engaged in the selling of personal property by going about from place to place or house to house to sell the same and who carries with him or her property for delivery at the time of sale.

SOLICITOR. A person engaged in going about from place to place or house to house soliciting orders for, or offering to sell personal property for future delivery.
(Prior Code, § 6:4:1)

§ 112.02 GOING UPON PRIVATE RESIDENCE PROPERTY BY SOLICITORS AND PEDDLERS WITHOUT INVITATION DECLARED TO BE A NUISANCE; EXCEPTIONS.

(A) The practice of going in and upon private residence property by solicitors or peddlers who have not previously been requested or invited by the owner or occupant thereof for the purpose of soliciting

orders for the sale of personal property or offering to sell personal property for future delivery or for the purpose of selling or disposing of personal property thereon, is declared to be a nuisance and is prohibited, and no person licensed as a solicitor or peddler hereunder shall be authorized to go upon any private residence property except with the prior request, invitation or consent of the owner or occupant thereof.

(B) This section shall not apply to the distribution or sale of religious, political, economic or educational tracts, pamphlets, papers or periodicals where the proceeds are to be used exclusively for religious, charitable or benevolent purposes, nor to the distribution or sale of personal property where the proceeds are to be used exclusively for religious, charitable or benevolent purposes, nor to the peddling or soliciting of orders for any agricultural product or article raised or manufactured by the peddler or solicitor in this state, except that no person shall go upon any private residence property for any purposes where the owner or occupant thereof has requested the person not to come thereon for any purpose or has placed on the premises in a conspicuous position near the entrance thereof a sign indicating that the occupants of the premises do not desire to be molested or have their rights of privacy disturbed by distributors, solicitors or peddlers of any personal property, articles or publications or to have any person come on to the premises for any purposes.
(Prior Code, § 6:4:2) Penalty, see § 10.99

§ 112.03 EXCEPTIONS TO LICENSING AND BONDING PROVISIONS.

The provisions of this chapter with reference to the bonding and licensing of peddlers and solicitors shall not apply to traveling salesmen doing business exclusively with retailers, merchants, manufacturers, jobbers or with public officials, nor to the peddling or soliciting of orders for any agricultural products or manufactured goods raised or manufactured in this state by the person selling or soliciting the sale of the same, nor to any solicitor who does not demand or accept payment of money or any deposit in advance,

nor to any solicitor whose terms do not require payment of any money or deposit on delivery without the privilege of examination, nor to the distribution or sale of newspapers, nor to distribution or sale of personal property where the proceeds are to be used exclusively for religious, charitable or benevolent purposes, nor to the distribution or sale of religious, political, economic or educational tracts, pamphlets or periodicals where the proceeds are to be used exclusively for religious, charitable or benevolent purposes.
(Prior Code, § 6:4:3)

§ 112.04 LICENSE FEE REQUIRED.

No person shall deal as a peddler or solicitor as defined by this chapter without having procured a license as herein required and no two or more persons shall deal under the same license as partners, agents or otherwise. No license shall be issued to any person unless the applicant resided in the state for a period of at least six months immediately preceding the issuance of the license. The license fee for a solicitor or peddler shall be \$25 per day.
(Prior Code, § 6:4:4) Penalty, see § 10.99

§ 112.05 APPLICATION FOR LICENSE.

The application for a license shall be prescribed by the City Council.
(Prior Code, § 6:4:5)

§ 112.06 BOND REQUIRED FROM

SOLICITORS AND PEDDLERS.

Every solicitor or peddler before receiving a license shall file in the office of City Finance Officer a bond in the penal sum of \$500 for the faithful performance and obligation of the solicitor or peddler arising in connection with his or her business as such, and for the payment of all claims for damages for which he or she may become liable through fraud, deceit or otherwise in the course of his or her business as a solicitor or peddler.
(Prior Code, § 6:4:6)

§ 112.07 DISTRIBUTION OR SALE OF OFFENSIVE PUBLICATIONS OR ARTICLES PROHIBITED.

No person shall distribute or sell or attempt to distribute or offer to sell any publication, pamphlet, paper, periodical, written, typed or printed matter or article or thing which may reasonably tend to incite riot or other public disorder or which advocates disloyalty to or the overthrow of the government of the United States or of this state by means of any artifice, scheme or violence or which urges any unlawful conduct or encourages or tends to encourage or which is done under circumstances or in a manner as to cause or tend to cause a breach of the public peace or good order of the community, or which is offensive to public morals or decency or which contains blasphemous, offensive, libelous or scurrilous language.
(Prior Code, § 6:4:7) Penalty, see § 10.99

CHAPTER 113: MUNICIPAL LIQUOR STORES

Section

- 113.01 Municipal liquor store
- 113.02 Council authorized to contract with others
- 113.03 Council authorized to make rules and regulations
- 113.04 Malt beverages to be purchased from duly licensed distributor
- 113.05 Mark-up paid to city
- 113.06 Method of collecting mark-up
- 113.07 Revocation for failure to comply
- 113.08 Sunday liquor sales

§ 113.01 MUNICIPAL LIQUOR STORE.

Only the city may apply for and receive licenses for the off-sale of intoxicating beverages in the city.
(Prior Code, § 9:6:1)

§ 113.02 COUNCIL AUTHORIZED TO CONTRACT WITH OTHERS.

The City Council may operate outlets for the off-sale of intoxicating beverage or it may contract with others under a municipal operating agreement solicited through advertisement.
(Prior Code, § 9:6:2)

§ 113.03 COUNCIL AUTHORIZED TO MAKE RULES AND REGULATIONS.

The City Council is authorized to make rules and regulations by resolutions it deems necessary for the operation of the municipal liquor store.
(Prior Code, § 9:6:3)

§ 113.04 MALT BEVERAGES TO BE PURCHASED FROM DULY LICENSED DISTRIBUTOR.

A malt beverage licensee under SDCL § 35-4-2(17) or § 35-4-2(18) shall purchase the malt beverages he or she sells from a distributor duly licensed by the State of South Dakota.
(Ord. 2002, passed 5-12-1988)

§ 113.05 MARK-UP PAID TO CITY.

(A) The city shall charge and collect a mark-up of 10% above the costs of malt beverages and wine for all malt beverages and wine sold within the city.

(B) The mark-up percentage shall apply to all malt beverages and wine, whether purchased for on-sale or off-sale purposes.
(Ord. 2002, passed 5-12-1988)

§ 113.06 METHOD OF COLLECTING MARK-UP.

(A) Malt beverage licensees shall obtain malt beverages direct from their wholesalers and payment for the malt beverages shall be made direct to the wholesalers.

(B) Invoices shall be provided to the City Finance Officer who shall monthly determine the mark-up and bill the malt beverage licensee.

(C) Payment shall be due within 30 days of mailing of the bill.
(Ord. 2002, passed 5-12-1988)

§ 113.07 REVOCATION FOR FAILURE TO COMPLY.

Failure to provide invoices, falsification of invoices or failure to pay the mark-up within the time provided shall be grounds for revocation of the malt beverage license.
(Ord. 2002, passed 5-12-1988)

§ 113.08 SUNDAY LIQUOR SALES.

Off-sale licensees, licensed under SDCL § 35-4-2(3) or (5), or anyone operating the city's off-sale license issued under SDCL § 35-4-2(3) or (5) pursuant to an agreement for operation of the municipal off-sale license, may sell and allow to be sold, alcoholic beverages including malt beverages, on Sunday, except Memorial Day or Christmas Day, from 7:00 a.m. Central Time (6:00 a.m. Mountain

Time) until 12:00 a.m. Central Time (11:00 p.m.
Mountain Time).
(Ord. 2015, passed 8-7-1989)

CHAPTER 114: CONTRACTORS

Section

114.01 Requirements of contractors

§ 114.01 REQUIREMENTS OF CONTRACTORS.

(A) Contractors doing work in or for the city are required to do the following prior to starting work.

(B) For the purposes of this section, **CONTRACTORS** would include any individual being hired to construct any structure or remodel any structure, install or repair any sewer or water lines, to do any excavating or landscaping or construct or repair any item such as a fence, road, drive and the like.

(1) The contractor shall be aware of the building permit process and file one or make sure the individual he or she is working for has done so. Building permits can be filed at the City Finance office and are at no cost by either the contractor or a private individual.

(2) If doing any digging, excavating, landscaping or trenching, the contractor shall call the SD One Call 48 hours prior to work or if an emergency, call and identify it as such to be able to start work immediately, as per SDCL § 49-7A.

(3) The contractor shall file proof of insurance with the City Finance Officer if working on any public land (county, city, school, state, water district and the like) or if working in any right-of-way along city streets.

(Ord. 2122, passed 11-1-2004)

