

# Vendor application

## Application information

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Business Name: |  |  | | | |  |  |  |  |
| Full Name: |  |  | | | |  | Date of Birth |  |  |
|  |  | Last | First | | M.I. |  |  |  |  |
| Address: |  |  | | | |  | Phone: |  |  |
|  |  | Street address | | | Apt/Unit # |  |  |  |  |
|  |  |  | | | |  | Email: |  |  |
|  |  | City | | State | Zip Code |  |  |  |  |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Date(s) of Business: |  |  | | |  | SD Sales Tax Number (copy taken) |  |  |  |
|  | | |  | | | | | | |
| Location Doing Business | | | |  | | | | | |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Government issued ID (copy taken) | | |  | Yes | No |  |  | | |
|  |  |  | | | | | | | |
| Types of goods to be sold | | |  |  |  |  |  | | |
|  |  |  | | | | | | | |
| Will applicant, upon any sale of order; demand, accept or receive payment, or deposit of money in advance of final delivery? | | |  | Yes | No |  | If yes, when? |  |  |

## Disclaimer and signature

I certify that my answers are true and complete to the best of my knowledge.

I understand that false or misleading information in my application may result in the removal of my City of Winner certification.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Signature: |  |  |  | Date: |  |  |

CHAPTER 116: PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND MOBILE FOOD VENDORS

Section

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§ 116.01 DEFINITIONS.

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

   MOBILE FOOD VENDOR. Any person, principal or agent, engaging in an activity whereby 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.

   PEDDLER/SOLICITOR. 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.

   TRANSIENT MERCHANT. Any person transacting a temporary business within the city at an established place of business other than where that person’s normal place of business may be. This person is generally known to the Finance Officer.

(Ord. 1054, passed 7-3-2023)

§ 116.02 PERMIT REQUIRED.

   (A)   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 or herself or as an agent or representative of another. Permits issued under this chapter shall be non-transferrable.

   (B)   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 chapter. No permit shall be issued if the information in the application is incomplete.

(Ord. 1054, passed 7-3-2023) Penalty, see § 116.99

§ 116.03 NUISANCES.

   (A)   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 in violation of this chapter.

   (B)   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 chapter and doing business within the city shall openly display their permit.

(Ord. 1054, passed 7-3-2023) Penalty, see § 116.99

§ 116.04 EXCEPTIONS.

   The requirements of registration and permitting in this chapter shall not apply to:

   (A)   Solicitations, sales or distributions made by charitable, educational, or religious organizations.

   (B)   The seasonal sale of agricultural products grown or produced in this state by the seller.

   (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.

(Ord. 1054, passed 7-3-2023)

§ 116.05 APPLICATION FOR TRANSIENT MERCHANT PERMIT—CITY FINANCE OFFICER.

   The application for a transient merchant permit required by the provisions of this chapter shall be made to the City Finance Officer or designee, and 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.

(Ord. 1054, passed 7-3-2023)

§ 116.06 APPLICATION FOR PEDDLER/SOLICITOR/MOBILE FOOD VENDOR PERMIT—CHIEF OF POLICE.

   The application for a peddler, solicitor or mobile food v endor permit required by the provisions of this chapter shall be made to the Chief of Police or designee, and 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 kids 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)   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.

   (G)   The period of time the applicant wishes to engage in business within the city.

   (H)   A photocopy of the applicable South Dakota sales tax license.

(Ord. 1054, passed 7-3-2023)

§ 116.07 DURATION OF PEDDLER/SOLICITOR/TRANSIENT MERCHANT PERMIT.

   (A)   Any peddler, solicitor or transient merchant permit issued under the provisions of this chapter will expire at 8:00 o’clock p.m. on the date of expiration which is written on the permit, in any event not later than one year from the date of issuance.

   (B)   The City Finance Office or Chief of Police shall complete a review of each application for a peddler/solicitor/transient merchant permit and issue a permit within five business days of completion of the application, exclusive of weekends and holidays.

(Ord. 1054, passed 7-3-2023)

§ 116.08 DURATION OF MOBILE FOOD VENDOR PERMIT.

   (A)   Any mobile food vendor permit issued under the provisions of this chapter will expire at 8:00 o'clock p.m. on the date of expiration which is written on the permit, in any event not later than six months from the date of issuance.

   (B)   The Chief of Police shall complete a review of each application for a mobile food vendor permit and issue a permit within five business days of completion of the application, exclusive of weekends and holidays.

(Ord. 1054, passed 7-3-2023)

§ 116.09 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 11:00 p.m. and 5:00 a.m. In addition, peddlers conducting business by soliciting at any residence shall not engage in such solicitation between the hours of 8:00 p.m. and 8:00 a.m.

(Ord. 1054, passed 7-3-2023) Penalty, see § 116.99

§ 116.10 MOBILE FOOD VENDOR LOCATIONS AND TIMES PROHIBITED.

   (A)   Mobile food and beverage vending is prohibited where the vendor, the vendor’s vehicle or equipment, or the vending activity is blocking access to a public street, alley, bike path, sidewalk, or access to an adjacent property. They may operate in a lawful parking area of a street in a zoned residential area, but for no longer than 30 consecutive minutes on an individual city block, after which they must move to a different block. In zoned commercial or industrial areas of the city, the mobile food vendor must be parked off-street (such as in a parking lot) where sales are conducted in order to provide better safety for their customers.

   (B)   Mobile food and beverage vending may occur in a city park so long as the vendor is lawfully parked in a regular parking area and is not obstructing traffic or obstructing the view for fans of organized sporting events; provided, however, that mobile food and beverage vending is prohibited in any park where a concession contractor is operating in that park, unless the mobile vendor has first registered with the Finance Officer at least three weeks prior to the proposed usage; a public hearing is scheduled with the City Council with notice thereof published for one week prior to the public hearing; and after the public hearing, at which the city’s concession contractor shall be given the opportunity to be heard, the City Council may grant consent for the proposed usage.

   (C)   Mobile food and beverage vending is prohibited within the city between the hours of 11:00 p.m. and 5:00 a.m., except in residential areas where it is prohibited between the hours of 8:00 p.m. and 8:00 a.m.

   (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, during the hours of operation of that special event, and with authorization from the special event sponsor.

(Ord. 1054, passed 7-3-2023) Penalty, see § 116.99

§ 116.11 MOBILE FOOD VENDOR HEALTH, SAFETY, AND SANITATION.

   Mobile food and beverage vendors shall:

   (A)   Operate according to the applicable statutes and regulations of the State of South Dakota for health and safety;

   (B)   Provide a sufficient trash bin for public use and remove all garbage within 25 feet of the vendor’s food truck or food cart;

   (C)   Not sell or distribute alcoholic beverages;

   (D)   Not broadcast loud noise that results in a nuisance to the surrounding properties.

(Ord. 1054, passed 7-3-2023)

§ 116.12 SUSPENSION OR REVOCATION OF PERMIT.

   Any registration that authorizes a person to operate as a peddler under the provisions of this chapter may be revoked by the issuing city official or designee for the violation by the permittee of any provision of this chapter. Upon such revocation being communicated to the peddler, the peddler must immediately cease from any further activities provided for by this chapter. Failure to cease upon notification shall be unlawful; such permit shall immediately be surrendered, and failure to do so shall be an offense. The revocation may be appealed to the City Council by the vendor filing the written appeal with the Finance Officer not more than ten days after revocation by the city official is communicated to the vendor.

(Ord. 1054, passed 7-3-2023) Penalty, see § 116.99

§ 116.99 PENALTY.

    Any person who violates any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor and shall be punished under the authority of and pursuant to § 10.99.

(Ord. 1054, passed 7-3-2023)