

AMENDED MEADE COUNTY ORDINANCE NO. 11

AN ORDINANCE LICENSING AND REGULATING PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS, PROFESSIONALS, BUSINESSES AND TRADES OPERATING OUTSIDE THE BOUNDARIES OF AN INCORPORATED MUNICIPALITY.

BE IT ORDAINED BY MEADE COUNTY:

WHEREAS, Amended Meade County Ordinance No. 11 was adopted by the Meade County Commission on May 2, 2000, and

WHEREAS, the County Commission finds that it is appropriate and in the best interests of the citizens of Meade County to change the regulations concerning temporary businesses,

NOW, THEREFORE, BE IT ORDAINED BY MEADE COUNTY:

Amended Meade County Ordinance No. 11 is repealed in its entirety and replaced with the following:

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall apply:

- A. "Transient Vendor" means any person, firm or corporation, whether its owner, agent, consignee, or employee who engages in a temporary business of selling and delivering goods, services, wares, and/or merchandise within the County and who, in furtherance of such purpose, hires, leases or uses or occupies any building or structure, vehicle, tent, room, apartment, shop, street, alley, property, or other place within the county for the exhibition and sale of such goods, wares or merchandise, either privately or at a public auction, including any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. Persons so engaged shall not be relieved from complying with this article because of temporary association with or sponsorship by any local dealer, trader, merchant or auctioneer or by conducting such transient business with, as a part of, or in the name of any local licensee. "Transient merchant" shall include "peddlers" as herein defined.
- B. "Peddler" includes any person traveling by foot, vehicle, or any other type of conveyance, from place to place, carrying or transporting goods, wares and merchandise; offering and exposing the goods, wares and merchandise for sale or making sales and delivering articles purchased; or who, without traveling from place to place, shall sell or offer the goods, wares or merchandise for sale from his person or from any vehicle or conveyance.
- C. "Tattoo" means to make permanent marks or designs on the skin by puncturing it and inserting indelible colors.
- D. "Body piercing" means to place a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for a decorative or other

nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL § 36-4-11.

- E. “Flea Market” shall mean a business activity which as its principal business rents or leases space to two or more vendors who sell or exchange second-hand or used personal property for a consideration from separate booths or locations. Flea Market does not include the retail sale of property, food, or beverages where there is one primary vendor for the business. “Flea Market” shall not include an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes.

SECTION II. REGULATIONS

- A. No transient vendor shall do business in Meade County without first obtaining a Transient Vendor License, which shall be prominently displayed at the location where the transient vendor is conducting business.
- B. No person may sell, rent, lease, offer for hire, or in any way allow to be used or occupied any land, ground, building, structure, vehicle, tent, room, apartment, shop, street, alley, property, or other place within County by any transient vendor without a Transient Vendor Host License.
- C. No person may knowingly allow any transient vendor without a Transient Vendor License to operate on real property over which he has control.
- D. No person shall be required to obtain a Transient Vendor License to sell agricultural products that are produced in Meade County by the transient vendor or any member of his or her family.
- E. Flea Markets shall be allowed under the following regulations:
 - 1. The individual vendors within the Flea Market are hereby deemed Transient Vendors and subject to all licensing requirements applicable thereto.
 - 2. Sale of new personal property or food or beverages shall be allowed.

SECTION III. TRANSIENT VENDOR LICENSE

- A. There shall be two classes of Transient Vendor License:
 - 1. Class A licenses shall be valid for a period of fifteen days, commencing August 1 and expiring August 15.
 - 2. Class B licenses shall be valid for a period of 365 days from the date of issuance, but shall in no case be valid between the period of August 1 and August 15
- B. The applicant for a Transient Vendor License required under this division shall file with the Auditor a sworn application in writing, on a form furnished by the County Auditor’s office, giving the following information:
 - 1. The name of the business;
 - 2. The name of the applicant;
 - 3. The permanent home address of the applicant;
 - 4. Location where the applicant intends to conduct business in Meade County;
 - 5. A brief description of the nature of the business and the goods to be sold; and
 - 6. South Dakota Sales Tax ID number.
- C. The fee for a Class A Transient Vendor License shall be \$400.00. The fee for a Class B Transient Vendor License shall be \$50.00, except that no resident of Meade County shall be required to pay any fee for a Class B license. Any fee shall be paid at the time of

application. The County Commission shall have the authority, on request of the applicant made to the Commission at a regular meeting, to waive or reduce any fee hereunder.

- D. Any organization recognized under Internal Revenue Code 501(c)(3) as a bona fide religious or charitable organization shall be exempt from paying a license fee upon presentation of proof of such status. Acceptable forms of proof shall include articles of incorporation or other official governmental documentation of the organization's status.
- E. If the transient vendor will be performing tattooing and/or body piercing, an additional inspection fee of \$25.00 for tattooing and \$50.00 for body piercing shall be paid at the time of application. Such fee shall be remitted by Meade County to the State of South Dakota Department of Health as and for their inspection fee. This amount shall be subject to change should the Department of Health change the fee it charges for inspection.
- F. Upon payment of the appropriate fee and completion of the application, an applicant shall be issued a transient vendor license.

SECTION IV. TRANSIENT VENDOR HOST LICENSE

- A. Any person who sells, rents, leases, offers for hire, or in any way allows to be used or occupied by a transient vendor any land, ground, building, structure, vehicle, tent, room, apartment, shop, street, alley, property, or other place within Meade County shall first obtain a Transient Vendor Host License.
- B. The applicant for a Transient Vendor Host License required under this division shall file with the Auditor a sworn application in writing, on a form furnished by the County Auditor's office, giving the following information:
 - 1. The name of the landowner and the name of any lessor or tenant;
 - 2. The name of the applicant;
 - 3. The permanent home address of the applicant;
 - 4. Location where the applicant intends to allow transient vendors to conduct business in Meade County;
 - 5. A brief description of the nature of the business and the goods to be sold by the transient vendors; and
 - 6. A schematic drawing showing generally the location where any transient vendors are to be located. Such schematic need not be to scale, but shall be oriented to the north and shall be sufficient to indicate to an observer the general location, whether inside or outside any building, of any transient vendors.
- C. There shall be no fee for a Transient Vendor Host License. A Transient Vendor Host License shall be valid for 365 days.
- D. Only one (1) Transient Vendor Host License shall be required per contiguous parcel of land under the control of a single owner.

SECTION V. PENALTIES.

- A. A violation of this ordinance shall be punishable by a fine of up to \$200 and/or one year in jail.
- B. Any transient vendor found to be operating without a Transient Vendor License shall be prohibited from obtaining a Transient Vendor License for a period of 400 days.

- C. Any person or entity who is required to obtain a Transient Vendor Host License and (a) is found to be operating without such license; or (b) knowingly allows any unlicensed Transient vendor to conduct business on land under his or her control shall be prohibited from obtaining a Transient Vendor Host License for a period of 400 days.

SECTION VI. SEVERABILITY.

This ordinance and each section and provision hereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

Dated this _____ day of _____, 200____.

Robert Mallow, Chairman

ATTEST: _____

Lisa Schieffer, Auditor

First Reading: March 7, 2006
Second Reading: April 4, 2006
Adopted: April 4, 2006
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