

TITLE 4 – LICENSES
[TRADE REGULATION AND LICENSES SDCL 9-34]

Chapter 4.01 – General Provisions
Chapter 4.02 – Public Dancing and Public Dance Halls
Chapter 4.03 – Transient Merchants, Peddlers

CHAPTER 4.01 – GENERAL PROVISIONS

4.0101 License, Unlawful Without. It shall be unlawful for any person, persons, firm or corporation to engage in any activity for which a license is required without first having obtained a license, as hereinafter provided. The City Council may at any time expand the general provisions of this Chapter by requiring any person, persons, firm or corporation engaging in any trade, business or occupation within the City which is not specified by this ordinance to obtain a license, as deemed necessary. (SDCL 9-34-1)

4.0102 Application for License. Any person, persons, firm or corporation wishing to obtain a license as herein provided, shall make written application to the City Council, stating the name of the applicant, address, purpose of the activity, the length of time for which said license is wanted, and the particular place at which said license is to be used.

Fees for all licenses shall be fixed by the City Council, where not specified in this ordinance, and all license fees shall be paid in full at the time of application in such manner as approved by said Council.

4.0103 License Expiration. Any licenses granted under the provisions of this Chapter shall be renewable annually and shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.

4.0104 Revocation. The City Council shall have the authority at any time to suspend or revoke any license granted under the provision of this Chapter whenever said Council shall be satisfied upon written complaint that any such calling, vocation, or kind of business for which said license has been issued, has been made or conducted in an improper or illegal manner, and in case of such revocation, the City Council may refund to the holder of such license such proportionate amount of money paid therefore as said Council shall deem just.

4.0105 Issuance of License. Except as otherwise provided, all licenses shall be issued by the Finance Officer after issuance of the license has been approved by the City Council and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the City.

- 4.0106 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the City stating when and to whom issued, for what purpose and for what length of time, the amount of money paid for said license, and the place where such property is to be carried on.

CHAPTER 4.02 – PUBLIC DANCING AND PUBLIC DANCE HALLS

- 4.0201 License Fees. If the City Council approves any application for a license to operate a public dance hall or conduct a public dance, as provided herein, the applicant shall pay to the Finance Officer the sum of fifty dollars (\$50.00). A one-night dance license shall be ten dollars (\$10.00). The applicant shall be responsible and liable for any damage or littering resulting from such activity and as such shall assume all liabilities. (SDCL 9-34-15)
- 4.0202 Minors Prohibited. No person or persons under the age of eighteen (18) years shall be permitted to enter or remain in any public dance hall unless accompanied by his or her father, mother, or legally appointed guardian.
- 4.0203 Supervision. Public dances conducted in any public hall licensed hereunder may be required by the City Council to retain one or more supervisors, who shall be authorized to remove any person who is intoxicated or is conducting himself or herself in an improper or disorderly manner. No public dance or public dance hall shall be conducted past the hour of 1:00 a.m.
- 4.0204 Defined. A public dance hall, as used in this Chapter, shall mean any place or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public, by payment either directly or indirectly of an admission fee price for dancing, for the personal gain or profit of the person, firm, or corporation, conducting, maintaining, or operating such public dance hall.

Nothing in this Chapter shall be construed to apply to dances conducted, maintained, or operated as a community enterprise and without personal profit to any person, firm or corporation, where the admission fee charged does not exceed the cost of operating, maintaining, or conducting such public dance.

CHAPTER 4.03 – TRANSIENT MERCHANTS, PEDDLERS

- 4.0301 Definitions. For the purpose of this Chapter, the following terms are hereby defined:
- A. "Peddler" – any person, whether a resident of this city or not, traveling from place to place, from house to house, or from street to street for the purpose of selling or soliciting for sale of goods, products or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transacting a temporary business within the city.

B. "Temporary business" – shall not include bona fide garage or rummage sales which are not conducted at the same location more than four times per year; the duration of each sale shall not exceed four days.

4.0302 Application for License. Any peddler wanting to do business in the City shall complete and file an application with the Finance Officer containing the following:

1. Whether the applicant, upon a sale or order, receives payment or a deposit in advance of final delivery;
2. The period of time the applicant wishes to engage in business within the city;
3. The local, and permanent address of the applicant;
4. The kind of goods, products, or services the applicant wishes to sell;
5. The last five (5) cities or towns the applicant has worked in;
6. Proof that the applicant has received the license required by the State of South Dakota pursuant to SDCL 37-13, as amended;
7. An application fee of twenty-five (\$25) dollars.

4.0303 Granted License. The application shall be submitted to the Council for review. If the Council grants the license, it shall be issued to the peddler and valid for a period of one year. If the Council does not grant the peddler a license, the Finance Officer shall refund the application fee to the applicant. The application may be renewed by filing a renewal application and twenty-five (\$25) dollar fee with the Finance Officer before the expired year.

4.0304 Exceptions. The provisions of this ordinance shall not apply to the following:

1. Solicitations, sales or distributions made by charitable, educational, or religious organizations which have registered with the city finance office on forms provided by that office.
2. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
3. Members of professions licensed by the state which have continuing education requirements.
4. Persons selling or delivering personal property to regular customers on established routes.

4.0305 Unlawful conduct. The following conduct shall be deemed unlawful:

1. For any peddler to remain upon premises after having been told by the owner or possessor of the premises to leave.
2. For any peddler to make false or fraudulent statements concerning the quality or nature of his goods, products, or services.
3. To enter upon any premises posted with a sign stating "No Peddlers Allowed" or "No Soliciting".
4. To engage in business of peddling between the hours of 8 p.m. and 9 a.m., or anytime on Sunday, except by specific appointment or invitation.
5. For any peddler to engage in business within the City without first obtaining a license to do so.
6. For any peddler to fail to display his license upon the request of any person.

4.0306 Licenses not Transferable. No license issued under this Chapter is transferable to any other person.

4.0307 Revocation. Any license issued under the provisions of this article may be revoked for the violation by the licensee of any provision of this ordinance or state law. Upon such revocation, such license shall immediately be surrendered to a city police officer or the Finance Officer.