

REVISED ORDINANCES OF SIOUX FALLS, SOUTH DAKOTA

PEDDLERS AND VENDORS

Sec. 29-1. Definitions.

- (1) The word “peddler” as used in this chapter means 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, wares, merchandise, or services, including food and beverages, and shall also mean and include any person transacting a temporary business within the city.
- (2) “The phrase “temporary business” as used in this chapter means the sale of goods, wares, merchandise, or services, including food and beverages, sold by a person, business, or other entity for fewer than ninety (90) days within any period of twelve (12) consecutive months, or from a car, truck, other motor vehicle, trailer, or any structure other than a permanent building.

Sec. 29-2. Exceptions to chapter.

The provisions of this chapter 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 department.
- (2) Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
- (3) Persons selling jams, jellies, vegetables, fruits, or flowers grown or produced by them and not purchased by them for resale.
- (4) 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.

Sec. 29-3. Refusing to leave.

It shall be unlawful for any peddler who enters upon premises owned or leased by another to fail to promptly leave the premises after having been notified by the owner or possessor of the premises, or his agent, to leave the premises.

Sec. 29-4. Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when the premises is posted with a sign stating “No Peddlers Allowed,” “No Soliciting,” or words to that effect.

Sec. 29-5. Misrepresentation.

No peddler shall make false or fraudulent statements concerning the quality or nature of their goods, wares, merchandise, or services for the purpose of inducing another to purchase the goods, wares, merchandise, or services.

Sec. 29-6. Hours of operation.

No peddler shall peddle door-to-door between the hours of 8:00 p.m. and 9:00 a.m. the following morning, except by specific appointment with or invitation from the prospective customer.

Sec. 29-7. Prohibited conduct.

Any peddler selling or soliciting for sale goods, wares, merchandise or services by traveling from place to place, house to house, or street to street shall not remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.

Article II, Permit.

Sec. 29-17. Required.

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so from the city finance department.

Sec. 29-18. Application.

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

- (1) Contain a statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any state or federal law or municipal ordinance or Code other than traffic offenses; the nature of the offense; the punishment or penalty assessed therefor, if previously convicted; and the place of conviction.
- (2) Whether the applicant, upon any sale or order, shall demand, accept or receive payment, or deposit of money in advance of final delivery.
- (3) The period of time the applicant wishes to engage in business within the city.
- (4) The local and permanent addresses of the applicant.
- (5) The local and permanent addresses and the name of the entity, if any, that the applicant represents.
- (6) The kind of goods, wares, merchandise, or services the applicant wishes to peddle within the city.
- (7) The last five cities or towns wherein the applicant has worked before coming to this city.
- (8) The applicant's date of birth and social security account number or other identifying number.

Sec. 29-18.1. Bond required.

Every peddler before receiving a license shall file with the city finance department a bond in the penal sum of \$ 1,000.00 conditioned for the faithful performance and payment of obligations of the peddler arising in connection with the business, and for payment of all claims or damages for which the peddler may become liable through fraud, deceit or otherwise in the course of business as a peddler.

Sec. 29-19. Chapter 23 applicable.

The provisions of chapter 23, insofar as the provisions may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this article.

Sec. 29-20. False information.

No person shall give any false or misleading information in connection with his or her application for a permit required by Articles I and II of this chapter.

Sec. 29-21. Fingerprints, photographs.

At the request of the police chief, the applicant for a permit required by this article shall submit to fingerprinting and photographing.

Sec. 29-22. Fee.

Before any permit shall be issued under the provisions of this article, the applicant shall pay a fee of \$ 35.00.

Sec. 29-23. Issuance restricted.

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, unless that entity is operating a temporary business at a fixed location, but each individual person engaging in the business of peddling from door-to-door or street-to-street within the city shall be required to have a separate permit, whether acting for himself or herself or as an agent or representative of another.

Sec. 29-24. Display.

Every peddler having a permit issued under the provisions of this article and doing business within the city shall display his permit upon the request of any person, and failure to do so shall be an offense.

Sec. 29-25. Revocation.

Any permit issued under the provisions of this article may be revoked for the violation by the permittee of any provision of this Code, state law, or city ordinance by the finance director. Upon such revocation, such permit shall immediately be surrendered, and failure to do so shall be an offense.

Article III, Sidewalk Vendors.

Sec. 29-26 through Sec. 29-38.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district means the Main Street business improvement district as defined by Section 39-135 of these ordinances.

Stand means any table, showcase, bench, rack, pushcart, wagon or any other movable vehicle or device, which may be moved without the assistance of a motor and which is not required to be licensed and registered by the state department of commerce and regulation, used for the displaying, storing or transporting of articles offered for sale by a vendor.

Vendor means any person engaged in the selling or soliciting for sale of goods, wares, merchandise, services, including food and beverages, on the public streets or sidewalks, from a stand or motor vehicle or from their person.

Vend means to sell or solicit for the sale of goods, wares, merchandise, or services, including food and beverages.

Sec. 29-26.1. Chapter 23 applicable.

The provisions of chapter 23, insofar as the provisions may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this article.

Sec. 29-27. License required.

It shall be unlawful to sell or offer for sale any food, beverage, merchandise or service on any street or sidewalk in the central business district within the city without first obtaining a vendor's license.

Sec. 29-28. Applications for licenses.

The license required by section 29-27 shall be issued in accordance with chapter 23 of this Code. The application for a vendor's license shall include, in addition to the information required in section 23-3:

- (1) The name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the vending business, or of a stand or motor vehicle to be used in the operation of the vending business.
- (2) A description of the type of food, beverage, merchandise or service to be sold.
- (3) A description and photograph or schematic drawing of any stand or motor vehicle to be used in the operation of the business, including a license and registration number of any motor vehicle used in the operation of the business.
- (4) Before commencement of operations, a certificate of inspection as required by section 29-34.
- (5) Before commencement of operations, proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and city from all claims or damages to property and bodily injury, including death and attorneys' fees, which may arise from operations under or in connection with the license. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city.

Sec. 29-29. Issuance of licenses.

The planning and building services department shall prepare a list of designated vending locations in the central business district. All businesses fronting designated vending locations shall have a first right of refusal to obtain a vending license for the designated location in front of their place of business. If more applications are received than there are designated vending locations as determined by the planning and building services department, the applications, if approved, shall be awarded in the order of application. If a license is denied, the applicant shall be provided with a statement of the reasons for denial, which reasons shall be entered in writing on the application. A license to vend on the sidewalk shall specify the location from which vending is permitted, shall only be valid for vending at that location, and is nontransferable.

Sec. 29-30. Vending outside central business district.

Vending outside the central business district is permitted upon receipt of a peddler's license.

Sec. 29-31. Prohibited conduct.

No vendor shall:

- (1) Store, park or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
- (2) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.
- (3) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.
- (4) Use any device that is designed to amplify sound for the purpose of making verbal solicitations.
- (5) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or motor vehicle.
- (6) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his stand or motor vehicle where such items have not been described in his application.
- (7) Solicit or conduct business with persons in motor vehicles.
- (8) Sell anything other than that which he is licensed to vend.
- (9) Vend without the insurance coverage specified in section 29-28(5).
- (10) No vendor selling from a stand on the sidewalk in the central business district shall vend at any location which is not approved by the city planning department or allow the stand or any other item relating to the operation of the vending business to lean

against or hang from any building or other structure lawfully placed on public property without the owner's permission.

Sec. 29-32. Special events.

Any vendor's license granted for the central business district shall be preempted during the operation of recognized special events being conducted in the central business district. A person in charge of a special event shall obtain a vendor's license prior to holding any special event. Such special event vending license shall be granted subject to compliance with any conditions or requirements placed on it by the finance officer. Recognized special events are as follows:

- (1) Those special events named in the special events calendar as adopted by the city commission upon recommendation of the Main Street Sioux Falls, which calendar shall be adopted and made available to the public no later than March 13 of each year.
- (2) Those special events that are conducted in the central business district by a bona fide nationally chartered veterans, religious, charitable, educational or fraternal organization, local civic or service club, political party or volunteer fire department or political committee on behalf of a candidate for a political office, which exists under the laws of the state.

Sec. 29-33. Size requirements for vending stands.

No vending stand shall exceed 30 inches in width and six feet in length and 38 inches in height to the counter top and seven feet vertical clear space, ground to lowest point of protective covering, which measurements shall include the entire vehicle and any attachments.

Sec. 29-34. Health and sanitation requirements for food and beverage vending.

Vendors of food and beverages shall comply with the inspection provisions and standards for food service establishments contained in the fire code adopted in section 16-15 and the Food and Drug Administration's food service sanitation ordinance adopted in section 17-27, and the following:

- (1) The equipment used in vending food and beverages shall be inspected upon application for a license and shall be required to obtain a valid food service license and operating permit.
- (2) Each food or beverage vending business shall be inspected at least twice a year.

Sec. 29-35. Display of license.

All licenses required under this article shall be displayed at all times during the operation of the vending business.

Sec. 29-36. Advertising.

No advertising, except the posting of prices, shall be permitted on any stand or motor vehicle, except to identify the name of the product or the name of the sidewalk vendor.

Sec. 29-37. Renewal of license.

All licenses required in this article are valid for the entire licensing period, excluding special events, unless revoked or suspended prior to expiration. An application to renew a license shall be made no later than 30 days before the expiration of the current license.

Sec. 29-38. Denial, suspension and revocation of license.

Any license required in this article may be denied, suspended or revoked for any of the following causes:

- (1) Fraud or misrepresentation contained in the application for the license.
- (2) Fraud or misrepresentation made in the course of carrying on the business of vending.
- (3) Conduct of the licensed business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morals.
- (4) Conduct of the business in violation of any city or state tax and licensing laws.
- (5) Conduct which is contrary to the provisions of this article.