

MEADE COUNTY ORDINANCE 11

AN ORDINANCE LICENSING AND REGULATING PEDDLERS, 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 March 2, 2011 and with minor revisions February 26, 2014 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Amended Meade County Ordinance No. 11 is repealed in its entirety and replaced with the following: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 I. DEFINITIONS:

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

- A. For the purpose of this Ordinance, a "VENDOR" is any person, firm, corporation, partnership or association not having an operating place of business within Meade County who, in conjunction with an event of more than five (5) consecutive days engages in temporary business in Meade County selling or distributing goods, wares, merchandise or services, whether for present or future delivery, actual or potential, or a permanent business person, firm or corporation which is located within Meade County, who, for more than five (5) consecutive days is selling or distributing such goods, wares, merchandise or services, whether for present or future delivery, actual or potential, away from his/her or its usual operating place of business and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure, or space for the exhibition, sale, or distribution of such goods, wares, merchandise, or services. The person, firm or corporation so engaged shall not be relieved from the provisions of this Section by reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.
- B. YEAR: A twelve (12) month period.
- C. BUSINESS: The activity of buying, selling, and/or distributing current or future goods and/or services.
- D. OPERATION: In action, functioning.
- E. EVENT: An organized occurrence or happening within Meade County.

SECTION II. REGULATIONS:

- A. A Vendor doing business in Meade County must obtain a separate Vendor License for each location and a state sales tax license. Both shall be publicly displayed at each location where the 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 vendor without a Vendor Host License. No person may knowingly allow any vendor without a Vendor License to operate on real property over which he/she has control.

SECTION III. VENDOR LICENSE:

- A. License shall be valid for 12 consecutive days.
- B. A Vendor License application must be filed on a form furnished by Meade County, providing the following minimum information:
 - 1. Name of the business;
 - 2. Name of the applicant;

3. Permanent home address of the applicant;
 4. Location where the applicant intends to conduct business in Meade County;
 5. Brief description of the nature of the business and the goods and/or services to be sold;
- C. Each person performing tattooing and/or body piercing shall be considered a separate Vendor and, therefore, shall each obtain a separate Vendor License under this ordinance.
 - D. The fee for each Vendor License shall be determined by Meade County Resolution. The fee shall be paid at the time of the application.
 - E. A written request for full or partial refund of the vendor licensing fee may be submitted by organizations recognized under Internal Revenue Code 501(c) (3) as a bona fide religious or charitable organization, on forms supplied by the Director of Equalization, no earlier than 30 calendar days preceding the event or no later than 10 days after. All requests shall be considered by the Meade County Governing Board within 60 days of receipt of the request.
 - F. Vendors performing tattooing and/or body piercing, are subject to an additional inspection fee as determined by SD Dept of Health at time of application, which shall be paid at the time of application.

SECTION IV. 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 vendor any land, ground, building, structure, vehicle, tent, room, apartment, shop, street, alley, property, or other place within Meade County shall first obtain a Vendor Host License.
- B. A Vendor Host License application must be filed on a form furnished by Meade County, providing the following minimum information:
 1. Name of the landowner and the name of any lessor or tenant;
 2. Name of the applicant;
 3. Permanent home address of the applicant;
 4. Location of the vending site where the applicant intends to allow vendors to conduct business in Meade County;
 5. A schematic drawing showing the location where vendors are located. Such schematic need not be to scale, but shall be oriented to the north, and sufficient to indicate the general location, whether inside or outside any building(s).
- C. A Vendor Host, during the course of operating under the license, shall:
 1. Maintain a list of all Vendors located on the property of the Vendor Host;
 2. Provide such list, upon request, to Meade County;
 3. Verify each Vendor has a Vendor Permit issued under the Ordinance and a state sales tax license;
 4. Provide assistance to Meade County as requested, including reasonable access to the property for the purposes of enforcing the Ordinance.

SECTION V. FEES:

- A. All fees shall be set by resolution by the Meade County Commission
- B. All fees are to be considered "non-refundable" except where noted in Section III Subsection E.

SECTION VI. ENFORCEMENT:

Violation of this ordinance shall be punishable per occurrence by:

- A. VENDOR
 1. Violations are subject to a written warning and/or ;
 2. A fine of \$300.00;

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B. HOST

1. Violations are subject to a written warning and/or;
2. A fine of \$500.00.

C. Any Vendor/Host operating in violation of this ordinance shall be prohibited from obtaining a Vendor/Host License for a period of 400 days, though the violator may request a bond to insure future compliance in lieu of the prohibition. Such bond shall be at the discretion of Meade County.

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 12th day of March, 2014.

Alan Aker, Chairman

ATTEST: _____
Lisa Schieffer, Auditor

First Reading: February 26th, 2014

Second Reading: March 12th, 2014

Adopted:

Publications:

Effective Date:

RESOLUTION NO. _____

**A RESOLUTION TO MODIFY SET FEES REFERENCED WITHIN MEADE COUNTY
ORDINANCES**

Whereas, the Board of County Commissioners has purposed to establish various fees that are referred to within Meade County's ordinances per the Fee Schedule labeled as Exhibit "A" attached;

Now therefore, be it resolved by the Meade County Commissioners, that the aforementioned modified fee schedule be Established.

ESTABLISHED THIS ____ DAY OF _____, 2014

Publication Date: _____

Effective Date: _____

SIGNED: Alan Aker - Chairperson
Meade County Commission
Meade County, South Dakota

ATTEST: Lisa Schieffer - Auditor

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Action, Discussion: C. Public Hearing on Proposed Changes to Ordinance 11

Toni Woodruff spoke in opposition of the proposed higher rates of \$850.00 for a larger vendor/\$500 for a small vendor.

Motion to approve the first reading with amended changes.

Motion by Niederwerder, second by Bertolotto.

Motion to amend the original motion and strike all distinction in size of vendors. A roll call vote was then taken.

Motion by Aker, second by Rausch.

Motion Carries. Yea: Heidgerken, Rausch, Aker.

Nay: Bertolotto, Niederwerder.

Vote was then taken on the original/amended motion.

Final Resolution: Motion Carries. Yea: Heidgerken, Rausch, Aker, Bertolotto, Niederwerder.

Motion was made for the increase in fees as follows:

2014- \$450

2015-\$ 500

2016-\$ 550

2017-\$ 600

2018-\$ 650

and to reflect 10% reduction for early application.

Motion by Niederwerder, second by Rausch.

Motion to amend vendor fees to be \$400.00 from here on out with the 10% reduction for early application. Motion dies for lack of a second.

Motion by Aker, second none.

Motion Fails.

Vote then took place on the original motion.

Final Resolution: Motion Carries. Yea: Heidgerken, Rausch, Niederwerder.

Nay: Aker, Bertolotto

Motion was made to set the second reading of Ordinance #11 for March 12, 2014 @ 1:00 p.m.

Motion by Rausch, second by Niederwerder.

Final Resolution: Motion Carries. Yea: Heidgerken, Rausch, Aker, Bertolotto, Niederwerder.

**MEADE COUNTY ORDINANCE 11
2017 MEADE COUNTY APPLICATION FOR VENDOR LICENSE**

Business Name: _____

Applicant Name: _____

Permanent Address: _____

City, State, Zip Code: _____

Business Phone #: _____

Cell Phone #: _____ Email Address: _____

Starting date: _____ Ending date: _____

• License is valid for 12 consecutive days.

Location in Meade County where business is being conducted:

Brief description of goods/services being sold: _____

Is this application for a prepared food business? NO___ YES___

South Dakota Tax ID #: _____

No organization shall initially be exempt from full payment of vendor licensing, regardless of tax exempt status. Organizations recognized under Internal Revenue Code 501(c)(3) as a bona fide religious or charitable organization may submit a written request for full or partial refund by a pre-approved format to the Director of Equalization Office no earlier than 30 calendar days preceding the event or no later than 10 days after. All requests shall be considered by the Meade County Governing board within 60 days of acceptance of the request.

Fees:

Meade County Application Fee: **\$600** OR: \$ _____

If received 30 or more days prior: **\$540**
\$ _____

Are you a tattoo artist? ___ NO ___ YES, add **\$100** \$ _____
(state inspection fee)

Are you performing piercing? ___ NO ___ YES, add **\$100** \$ _____
(state inspection fee)

TOTAL \$ _____

The undersigned applicant hereby swears and affirms that the above and foregoing statements are true and correct. I understand and agree that I am responsible for payment of the applicable state sales tax on goods/ services I sell. I further understand and agree that display or sale of obscene materials will be grounds for immediate suspension of my license and that any violation of state or local laws regarding obscene materials will be prosecuted.

Applicant

Date

Would you like license: ___ Mailed ___ Held at Equalization Office to be picked up prior to start date

Meade County Equalization Office
1300 Sherman St Sturgis SD 57785
Fax: 605-347-6830