

## MEADE COUNTY ORDINANCE 11

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

#### ARTICLE I: AUTHORITY AND PURPOSE :

##### Section 1: Authority

The Meade County Commissioners are authorized to adopt this Ordinance pursuant to SDCL 7-8-20 (16).

##### Section 2: Purpose

WHEREAS, Amended Meade County Ordinance 11 was adopted by the Meade County Commission on March 2, 2011 and with minor revisions February 26, 2014 and January 24, 2018 and February 11, 2020.

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

NOW, THEREFORE, BE IT ORDAINED that Amended Meade County Ordinance 11 is repealed in entirety and replaced with the following:

#### ARTICLE II: DEFINITIONS

**A. VENDOR:** 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, including ATM's, 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, leasing, 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. 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 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, leasing 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.

**F. TRANSPORTATION SERVICES:** Any person shall be deemed to have engaged in the business of operating a vehicle for hire if he keeps or maintains any such vehicle for the purpose of deriving a value from any such passenger for the transportation in such vehicle which originates or terminates pickup or drop-off in unincorporated Meade County.

#### ARTICLE III: REGULATIONS

##### Section 1. General Regulations

**A.** A Vendor doing business in Meade County must obtain a separate Vendor License for each location, ATM, tattoo artist, transportation service vehicle, or roving vendor, as well as have a state sales tax license. Both shall be publicly displayed at each location where the vendor is conducting business.

**B.** A Vendor doing business in Meade County who has no fixed location from which the vendor is conducting business shall have the Vendor License and state sales tax license on his person and available for inspection at all times when conducting business.

C. 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.

D. A Vendor License or a Vendor Host shall be valid for 12 consecutive days.

### **Section 2. Vendor License**

A. 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 or business 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;
6. If providing transportation services, an affidavit shall be filed with the Meade County Director of Equalization on the form provided, stating:
  - 6.1. The operator of each vehicle is not a felon or sex offender.
  - 6.2. Each vehicle is in proper operational condition.
  - 6.3. Each vehicle has valid insurance in effect for each vehicle.
  - 6.4. License plate of each vehicle is listed.
  - 6.5. The operator of each vehicle has a valid driver's license.

B. 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.

C. The fee for each Vendor License shall be determined by Meade County Resolution. The fee shall be paid at the time of the application.

D. A written request for full or partial refund of the licensing fee may be submitted to the Director of Equalization by organizations recognized under Internal Revenue Code 501(c) (3) as a bona fide religious or charitable organization. This request must be accompanied by proof of IRS status, and proof of current charitable or religious activity no later than 10 days following the event.

E. Vendors performing tattooing and/or body piercing, are subject to an additional inspection fee as determined by SD Department of Health at time of application, which shall be paid at the time of application.

### **Section 3. 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 or business address of the applicant;
4. Location of the vending site(s) 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. The fee for each Vendor Host License shall be determined by Meade County Resolution. The fee shall be paid at the time of the application.

D. 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 to Meade County on or before the first Monday of the event;

3. Verify each Vendor has a Vendor Permit issued by Meade County and a state sales tax license before operation;
4. Provide assistance to Meade County as requested, including reasonable access to the property for the purposes of enforcing the Ordinance.

**ARTICLE IV: FEES**

**Section 1.** All fees shall be set by resolution by the Meade County Commission

**Section 2.** All fees are to be considered "non-refundable" except where noted in Article III, Section 2, Subsection D.

**ARTICLE V: ENFORCEMENT**

Violation of this ordinance shall be punishable per occurrence by:

**Section 1: VENDOR**

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

**Section 2: HOST**

1. Violations are subject to a written warning and/or;
2. A maximum fine up to \$500.

**Section 3.** Any Vendor or Host operating in violation of this ordinance shall may be prohibited from obtaining a Vendor or 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 on such terms and conditions as determined in the sole discretion of Meade County.

**ARTICLE VI: SEVERABILITY:**

**Section 1.** 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 11th day of February, 2020.

  
Ted Seaman, Chairman

ATTEST:   
Lisa Schieffer, Auditor

First Reading: January 14, 2020  
Second Reading: February 11, 2020  
Adopted: Feb 11, 2020  
Publications: Feb 19, 2020  
Effective Date: March 10, 2020

