



City of
SUMMERSET
A GREAT PLACE TO CALL HOME

APPLICATION FOR TEMPORARY VENDOR LICENSE

Documents required: SD Sales Tax License, Company Insurance, Driver's License and SD Dept. of Health License (if applicable)

Name _____ Date _____

Email _____ Phone # _____

South Dakota Sales Tax # _____ Driver's License # _____

South Dakota Department of Health License # _____

Local Address of Applicant _____

Permanent Address of Applicant _____

Permanent Address of Business/Person that the Applicant Represents (if applicable):

Last five (5) Cities/Towns the Applicant has Worked Before Coming to Summerset:

Type of Business You Wish to Engage in Within our City Limits _____

Local Site of Your Business (name, address, phone number) _____

Dates Your Business Will be in Operation Within our City Limits _____

Signature _____ Date _____

I understand and agree to abide by all local, state and federal laws at all times.

Permit Fee: \$500 for 12 day period / \$100 for 2 day period

FOR OFFICE USE ONLY

Permit Fee Amt _____ Date Paid _____ Payment Type: Cash Check Credit Card

Duration of Permit _____ Permit Number _____

Signature of Property Owner Whose Property You Will be Conducting Your Business:

Signature _____ Date _____

By signing this document, you, the property owner, agree to the City of Summerset's ordinances involving owners of commercially zoned private property who allow vendors on their property.

Printed Name _____

Printed Business Name _____

ORDINANCE 5.01C

LICENSES, PERMITS AND BUSINESS REGULATIONS REPEAL AND AMENDMENT

AN ORDINANCE TO REPEAL ARTICLE XI, SECTIONS 5-272 AND 5-273 OF ORDINANCE 5 – LICENSES, PERMITS AND BUSINESS REGULATIONS ORDINANCE, AND IT SHALL BECOME NULL AND VOID.

AND TO AMEND AND ADD ARTICLE IX TO ORDINANCE 5 – LICENSES, PERMITS AND BUSINESS REGULATIONS ORDINANCE.

ARTICLE IX. LICENSING OF TRANSIENT PROFESSIONAL PEOPLE AND MERCHANTS

Sec. 5-231. Definitions.

A. **Vendor:** For the purpose of this Section, a vendor is an person, firm, corporation, partnership or association not having an operating place of business within the City who, in conjunction with an event of more than three (3) or four (4) consecutive days, engages in temporary or transient business in the City selling goods, wares, merchandise or services, or a permanent business person, firm or corporation which is located within the City limits who, for more than three (3) or four (4) consecutive days, is selling such goods, wares, merchandise or services, 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 or sale of such goods, wares, merchandise, or services.

The person, firm or corporation so engaged shall not be relieved from the provisions of this Section for any reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as part of or in the name of any local dealer, trader, merchant or auctioneer.

B. **Year:** A twelve (12) month period.

C. **Business:** For the purpose of this Section, business is defined as the activity of buying and selling.

D. **Operation:** For the purpose of this Section, operation is defined as “in action, functioning.”

E. **Event:** For the purpose of this Section, event is defined as an organized occurrence or happening where the City provides extraordinary services, including but not limited to law enforcement or traffic control.

Sec. 5-232. Vendor License Required.

Any firm, person or corporation which intends to operate a temporary business within the corporate limits of the City of Summerset in conjunction with an event of more than three (3) or four (4) consecutive days shall be required to purchase a vendor license for each structure, stand, tent, vehicle, booth, location or place which is used by such merchant for the sale or distribution of goods. The person so engaged shall not be relieved from the provisions of this Section by reasons of association with any local operating business, dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant, auctioneer, or business.

The vendor license must be posted in each individual stand during operation.

The City retains the right to revoke or extend a license on a case by case basis.

Exemptions:

- A. Sales where the proceeds are to be used exclusively for religious, charitable or benevolent purposes. Written proof of charitable, non-profit status as declared by the IRS (i.e., 501(c) (3) documentation) must be presented during application.

Sec. 5-233. Application.

To obtain a license, a vendor shall file, in the office of the City Finance Officer, a verified application stating his/her name, residence, description and identification of the place in which he/she proposes to do business, dates of operation, name, address and phone number of property owner where business will take place, and the description of the goods he/she intends to handle.

South Dakota state sales tax number shall be presented at the time of application.

South Dakota State Department of Health License, when applicable, shall be presented at the time of application.

Sec. 5-234. Fee, Issuance, and Duration of License, to Include Refunds.

A temporary business shall pay a vendor fee of five hundred dollars (\$500.00) for each twelve (12) consecutive day period, or portion thereof in any calendar year. On filing the application and payment of the fee described in this Section, the Finance Officer shall issue a license to the applicant to do business at a place described in the application and for the duration for which the license fee has been paid.

The City of Summerset is hereby authorized to refund up to 50% of a vendor license fee, provided that notice is given to the City Finance Office ten (10) days prior to the beginning of the event or requested use period.

Sec. 5-235. Temporary Structure Permit Required.

Definitions

- A. **Flame Retardant or Flame Resistant Tarp:** For the purpose of this ordinance, flame retardant or flame resistant tarps shall have a physical marking or tag attached to the tarp which shows that the tarp has been tested and declared flame resistant and/or flame retardant. Tarps not bearing this physical insignia shall not be accepted.
- B. **Permanent Structure:** For the purpose of this ordinance, a permanent structure is defined as a structure that is established for 365 days a year and complying with the uniform building code for the occupancy, which is utilizing a structure.
- C. **Permanent Barrier:** For the purpose of this ordinance, a permanent barrier is defined as a wall or fence which has been constructed as a permanent attachment to property and is a minimum of 5'0" in height and has openings which are no longer than 4" in either direction.
- D. **Permanent Business:** For the purpose of this ordinance, a permanent business is defined as a place of business which is in physical operation and open to the public at one stationary location for a period of not less than 300 days a year and has a permanent State Sales Tax License for said location
- E. **Seasonal Business:** For the purpose of this ordinance, a seasonal business is defined as a place of business which is in physical operation and open to the public at one location for a period not exceeding 300 days but more than 30 days and has a permanent Sales Tax License for said location.
- F. **Temporary Business:** For the purpose of this ordinance, a temporary business is defined as a place of business which is in physical operation and open to the public at one or more locations for a period not exceeding 300 days (A merchant's license will be required for this classification of business).
- G. **Temporary Structure:** For the purpose of this ordinance, temporary structure is defined as any vending stand, reviewing stand, canopy, tent, awning, fence, or other miscellaneous structure which is intended for use on a temporary basis.
 - 1. Temporary structures, such as vending stands, reviewing stands, canopies, tents, awnings, fences and miscellaneous structures may be erected in areas zoned Highway Service and General Commercial, provided that a special temporary structure permit is obtained for each stand. Said permit shall be issued by the Building Official of his/her designee for a period of not to exceed thirty (30) days per location. This thirty (30) day time frame shall include set up and tear down time.
 - a. **Location:** for the purpose of this ordinance, location is defined as the site on which the temporary structure is first constructed or placed. A temporary structure may not be

disassembled and reconstructed or moved to a different location on the same property or parcel of land, or an adjacent parcel of land, after an initial permit is issued for the structure.

2. The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2" by 4" in width.
 - a. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½" plywood, ½" chipboard, or particleboard.
 - b. Wood, as defined above, may also be used for shelving temporary structure.
 - c. Tarps, which are utilized of temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this ordinance. All tarps not complying with this ordinance shall be removed.
3. All temporary structures shall be removed upon expiration of the time limit stated on the permit.
4. If the structure is not removed by the expiration date stated on the permit, the City shall remove the structure without further notice to the owner and shall charge the cost of the removal to the property owner. At the time the permit is issued, the Building Official or his/her designee shall provide the owner with a copy of this ordinance. The owner or occupant of the stand shall sign the permit, which will serve as an acceptance of service, which will constitute sufficient notice that the structure is not to be placed for more than thirty (30) days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.
5. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public road or alley.
6. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Summerset or the laws of the State of South Dakota.
7. Temporary structures may not be used for housing permanent or seasonal businesses.
8. A fine for each day of violation may be imposed as permitted for a Class II misdemeanor with a maximum fine of \$200.00 and a maximum jail sentence of thirty (30) days in jail or both such fine and imprisonment.

Sec. 5-236. Unlawful to Obstruct Streets, Sidewalks, Etc.

It shall be unlawful for any person, firm or corporation to encumber or obstruct any sidewalk, street, public way, public alley, or public ground in the City of Summerset.

It shall be unlawful for any person, firm or corporation to leave standing or store any vehicle, structure or object in any public right of way, street, sidewalk, or on public ground which obstructs the use of the same for travel and passage.

It shall be unlawful for any person, firm or corporation to permit merchandise to be kept, stored or displayed, whether for sale or exchange, upon any public right of way, street, sidewalk or public ground unless otherwise authorized by the Summerset City Council.

Sec. 5-237. Prohibited Signs.

The following signs are prohibited within the limits of the City, and any person who erects a prohibited sign may be found guilty of a class two misdemeanor and be subject to a fine two hundred dollars (\$200.00) and/or incarceration in the county jail for a maximum of thirty (30) days.

- A. Signs attached or applied to trees, utility poles, vending machines, boxes, benches and other unapproved supporting structures;
- B. Signs encroaching on a public-right-of-way or extending beyond a property line except as allowed by this ordinance;
- C. Illuminated signs containing flashing, intermitting or moving light that interferes with the public's enjoyment of property, the traveled way of streets or obscure traffic signs or devices;
- D. Signs that constitute pedestrian or vehicular traffic hazards or which could be confused with any governmental regulatory, directional or warning sign;
- E. Signs attached to any public property, including but not limited to the following:
 - a. power poles,
 - b. street light poles,
 - c. traffic signs,
 - d. fire hydrants,
 - e. or any public building;
- F. Signs that interfere with traffic signs or signals;
- G. Signs that have vulgar pictures or wording;
- H. Signs that cause a visibility problem or interfere with traffic in any way.