



City of  
**SUMMERSET**  
A GREAT PLACE TO CALL HOME

MELANIE TORNO,  
MAYOR

COMMISSION:  
DAVID BUTLER  
CLYDE HIRSCH  
MICHAEL KITZMILLER  
SIDNEY READE

**PEDDLER'S LICENSE APPLICATION**

**Documents required: SD Sales Tax License, Vehicle/Company Insurance, and Driver's License) Once we have all required documents (highlighted above), we will be able to work on your application for a peddler's license.**

Name \_\_\_\_\_ Date \_\_\_\_\_

Email \_\_\_\_\_ Phone # \_\_\_\_\_

South Dakota Sales Tax # \_\_\_\_\_ Driver's 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: \$25 per day, \$75 per week, \$200 per month**

**FOR OFFICE USE ONLY**

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

Duration of Permit \_\_\_\_\_ Permit Number \_\_\_\_\_

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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 \_\_\_\_\_

Secondhand goods of any individual not engaged in trade, shall keep the same for inspection for ten (10) days from the time of the transfer, except on written release from the City of Summerset proper police authority, the mentioned property shall be held during this period on the licensed premises or some other structure location within the City and shall not be disposed of or altered from the form which it was received during this period.

**Secs. 5-177 – 5-195. Reserved.**

## **ARTICLE VIII. PEDDLERS**

**State law references** – Peddlers generally, SDCL Ch. 37-13; authority to license, tax, regulate peddlers, hawkers, etc., SDCL §§ 9-34-7, 9-34-8.

**Sec. 5-196. Definitions.**

The word “peddler” as used in this article shall mean any person, whether a resident of this City or not, traveling from place to place, from house to house, or from street to street, by foot or by any vehicle for the purpose of selling goods, wares, merchandise or services, other than agricultural products produced or processed in this state; and shall include the terms “solicitor,” “transient or itinerant merchant or vendor,” or “transient or itinerant photographer.”

**State law references** – Definition of peddlers, etc., SDCL § 37-13-1.

**Sec. 5-197. Exceptions.**

The provisions of this article shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity in the City.

**State law references** – Additional exceptions, SDCL § 37-13-2.

**Sec. 5-198. Entrance to Premises Restricted.**

It shall be unlawful for any peddler to enter upon a private premises when the same are posted with a sign stating, “Not Peddlers Allowed,” “No Solicitors Allowed,” or the like.

**Sec. 5-199. Refusing to Leave.**

Any peddler who enters upon premises owned or leased by another and willfully refuses to leave the premises having been notified by the owner or possessor of the premises, or his agent, to leave the same, shall be deemed guilty of a misdemeanor.

**Sec. 5-200. Misrepresentation.**

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

### **Sec. 5-201. Hours of Operation.**

It shall be unlawful for any peddler to engage in the business of peddling between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with an invitation from the prospective customer.

**State law references** – Authority to license, tax, regulate hawkers, peddlers, pawnbrokers, transient merchants, SDCL §§ 9-34-7, 9-34-8; peddlers and solicitors, SDCL § 37-13-1 et seq.

### **Sec. 5-202. Permit Required.**

It shall be unlawful for any person to engage in business as a peddler within the City without first obtaining a permit and paying the fee in section 5-204 et seq.

### **Sec. 5-203. Information Required.**

The applicant for a permit under this article shall state:

- (1) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;
- (2) The period of time the applicant wishes to engage in business with the City;
- (3) The local and permanent address of applicant;
- (4) The local and permanent address of the name of the person, if any, that the applicant represents;
- (5) The kind of goods, wares, merchandise or services the applicant wishes to engage in such business within the City;
- (6) The last five (5) cities or towns wherein the applicant has worked before coming to this City;
- (7) Such other relevant information as the City may require for the investigation of the applicant.

### **Sec. 5-204. Permit Fee.**

Any person engaged in the business of peddling as defined in section 5-196, shall pay a permit fee based upon the duration he/she shall desire to engage in business within the City, as follows:

- (1) Per day \$25.00
- (2) Per week \$75.00
- (3) Per month \$200.00

### **Sec. 5-205. Driver's License.**

At the time of filing his/her application, the applicant for a permit required by this article shall present his/her driver's license or other picture identification.

### **Sec. 5-206. False Information.**

It shall be unlawful for any person to give any false or misleading information in connection with his/her application for a permit required by this article.

**Sec. 5-207. Photographs.**

At the time of making application for a permit required by this article, the applicant shall submit to photographing by the proper authority.

**Sec. 5-208. Issuance.**

No permit shall be issued by the City of Summerset under the provisions of this article until the applicant shall have complied with all the provisions and requirements of this chapter.

**Sec. 5-209. Issuance Restricted.**

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the City shall be required to have a permit whether acting for himself/herself or as an agent or representative of another.

**Sec. 5-210. Contents of Permit.**

Each permit issued under the provisions of this article shall be signed by the City of Summerset, shall be dated as of the date of its issuance, and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as herein provided, or which was issued in violation of this section, shall be void.

**Sec. 5-211. Display.**

Every peddler having a permit issued under the provisions of this article and doing business within the City shall display his/her permit upon the request of any person; and failure to do so shall be deemed a misdemeanor.

**Sec. 5-212. Duration.**

Every permit issued under the provisions of this article shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of twelve (12) months.

**Sec. 5-213. Revocation.**

Any permit issued under the provisions of this article may be revoked for the violation by the permittees of any provision of this Code, state law or City ordinance. Upon such revocation such permit shall immediately be surrendered to the City of Summerset and failure to do so shall be deemed a misdemeanor.

**Sec. 5-214. Sales From Vehicles Prohibited; Exceptions.**

No person shall sell or offer for sale any goods or merchandise from a cart, wagon, automobile, truck or other vehicle in the streets, sidewalks or thoroughfares of the City. This section does not apply to the delivery of farm and garden products where the order for the same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business. Nothing in this paragraph shall prohibit the City from entering into a contract for the sale of ice cream and sundries for immediate consumption on the terms and conditions agreed to by the City Commission.

**Sec. 5-215. Hours of Operation.**

It shall be unlawful for any peddler or other person to sell or offer to sell any person within a municipal park of the City any goods, wares, merchandise, books, pictures, novelties, souvenirs or trinkets or any other article of commerce or trade, including goods of his/her own production or manufacture, except for designated City events as authorized in section 5-214.