

TITLE XI: BUSINESS REGULATIONS

Chapter

110.ALCOHOLIC BEVERAGES

111.BUSINESS OR OCCUPATIONAL LICENSES

112.SOLICITORS AND PEDDLERS

Section

110.01 On-sale and off-sale liquor licenses

CHAPTER 110: ALCOHOLIC BEVERAGES

§ 110.01 ON-SALE AND OFF-SALE LIQUOR LICENSES.

(A) The Board of Trustees shall have the option for issuance of liquor licenses.

(B) Issuance fee for on-sale liquor licenses shall be \$900; off-sale liquor licenses shall be \$300; on-sale liquor licenses for Sunday sale shall be \$200.
(1986 Code, Title 42, § 1)

(C) (1) A licensee licensed under SDCL subdivision (17) or (18) of 35-4-2 shall purchase the malt beverages which the licensee sells from the Town of Pickstown (municipality).

(2) In selling malt beverages to any licensee described in division (C)(1) above, the municipality shall not charge the licensee more than 5% above the municipality's cost for malt beverages plus freight.

(3) Payment for malt beverages as required herein shall be made at the times and in the manner as prescribed by the Finance Officer of the municipality.
(Ord. 88-57, passed 5-11-1988) Penalty, see § 10.99

Section

- 111.01 Licenses required
- 111.02 Application **CHAPTER 111: BUSINESS OR OCCUPATIONAL LICENSES**
- 111.03 Procedures for obtaining licenses
- 111.04 Appeal
- 111.05 Application fee
- 111.06 Terms of license
- 111.07 Exempt

- 111.99 Penalty

§ 111.01 LICENSES REQUIRED.

It shall be unlawful within the Town of Pickstown for any person or entity to engage in, pursue or transact any business, trade, profession or occupation without complying with the regulations as provided in this chapter.

(Ord. 2000-121, passed 9-20-2000) Penalty, see § 111.99

§ 111.02 APPLICABILITY.

The provisions of this chapter shall apply to all persons or entities, including but not limited to individual vendors, concessionaires, flea marketers and event organizers, unless specifically exempted by § 111.07 herein.

(Ord. 2000-121, passed 9-20-2000) Penalty, see § 111.99

§ 111.03 PROCEDURES FOR OBTAINING LICENSES.

(A) Any person or entity required to obtain a license pursuant to this chapter shall:

(1) Complete a written application to be supplied by the Finance Officer of the Town of Pickstown; and

(2) Submit the completed application to the Finance Officer of the Town of Pickstown, along with the required application fee.

(B) The Finance Officer of the Town of Pickstown shall then act upon the application within 3 business days of receiving the same by granting or denying a temporary business license. The Finance Officer of the Town of Pickstown shall make a record of any action taken upon the application, and provide a copy of the same to the applicant by mail no later than 3 days after the application. The temporary business license shall not be in effect for longer than 14 days after the date of the Finance Officer granting the temporary license, or until the next regularly scheduled board meeting, whichever occurs sooner, excluding the date of entry. Following the application for the license, irrespective of whether or not a temporary license was issued, the Finance Officer shall put the application for a license on the agenda for the next regularly scheduled Board of Trustees meeting or other meeting legally held or scheduled and otherwise in compliance with South Dakota law. The Board Chairperson shall solely decide as to whether or not a special meeting should be held to discuss the license. In the event a special meeting is held, the applicant shall be solely responsible for the costs associated with conducting the special meeting.

(C) The Board of Trustees shall have the exclusive right to grant or deny a business license, except for the temporary license outlined in division (B). Should the application be granted by the Board, the Finance Officer shall issue a license to the applicant. The decision by the Board shall be final in all respects as to all parties.

(Ord. 2000-121, passed 9-20-2000) Penalty, see § 111.99

§ 111.04 APPEAL.

The applicant may appeal the denial of an application by the Finance Officer to the Board of Trustees. No appeal shall be effective unless submitted in writing and filed with the Finance Officer of the Town of Pickstown within 20 days of the date of the Finance Officer's action upon the application. Upon the proper filing of an appeal, the Finance Officer of the Town of Pickstown shall place the appeal before the Board of Trustees at its next regularly scheduled meeting, and shall provide notice of the date, time and place of hearing the same by the Board of Trustees to the applicant no later than 5 days prior to the meeting. At the meeting, the applicant may present his or her or its case for the granting of the application; and thereafter, the Finance Officer of the Town of Pickstown shall present his or her case for the denial of the application. The Board of Trustees shall then render a decision on the applicant's

appeal, which decision shall deny or grant the application. Should the application be granted, the Finance Officer of the Town of Pickstown shall issue a license to the applicant. The decision by the Board of Trustees shall be final in all respects as to all parties.
(Ord. 2000-121, passed 9-20-2000) Penalty, see § 111.99

§ 111.05 APPLICATION FEE.

A fee of \$10 shall be paid at the time of submitting an application for a license under this chapter. Upon approval of the application, the applicant shall pay an annual fee of \$10 to maintain the license in good standing. If any applicant fails to pay the annual \$10 fee, their license under § 111.01 shall be revoked and of no further effect, and the licensee shall be prohibited from doing business in the Town of Pickstown until a new application and license are obtained.
(Ord. 2002-130, passed 7-10-2002) Penalty, see § 111.99

§ 111.06 TERMS OF LICENSE.

Unless otherwise specified, any license issued pursuant to this chapter shall be for the term specified within the document itself. If no term is specified, the license shall expire 3 months after its issuance. The Board shall have the authority to determine the term of any and all licenses granted pursuant to this chapter based upon the circumstances of the particular application. However, the term of a license shall not exceed 5 years. At the expiration of the term of any license, the operator shall submit a new application and fee, and shall not be authorized to conduct or continue any business or operations unless and until the application is approved and delivered.
(Ord. 2000-121, passed 9-20-2000)

§ 111.07 EXEMPT.

The following shall be exempt from the provisions of this chapter:

(A) Residential garage or rummage sales; and

(B) Charitable events.

(Ord. 2000-121, passed 9-20-2000)

§ 111.99 PENALTY.

Any person, firm, corporation or other entity which violates any of the provisions of this chapter, as may be amended, shall be assessed or fined the sum of \$100 per day for each day that the person, firm, corporation or other entity engages in, pursues or transacts any business, trade, calling, profession

or occupation, within the Town of Pickstown. Furthermore, any person, firm, corporation or other entity violating any of the provisions of this chapter, as may be amended, shall be prohibited from engaging in, pursuing or transacting any business, trade, calling, profession or occupation within the Town of Pickstown until a time that the person, firm, corporation or other entity may become properly licensed pursuant to this chapter, as may be amended, and makes proper payment upon any and all assessments of fines which may have been levied for any violation of this chapter.
(Ord. 2000-121, passed 9-20-2000)

Section

112.01	Solicitors and peddlers; generally
	CHAPTER 112: SOLICITORS AND PEDDLERS
112.99	Penalty

§ 112.01 SOLICITORS AND PEDDLERS; GENERALLY.

(A) It shall be unlawful for any person, firm or corporation, to pursue the occupation of a peddler, solicitor or transient merchant, as hereinafter defined, without first having procured from the Finance Officer a license, upon payment of the fees as follows:

- (1) For a peddler's license, the fee shall be \$25 per day;
- (2) For a solicitor's license, the fee shall be \$25 per day; and
- (3) For a transient merchant's license, the fee shall be \$100 per month.

(B) A solicitor, in addition to procuring a license from the Finance Officer, upon payment of the fee specified herein, shall register with the Finance Officer, his or her name and address and file with the officer, a bond in the penal sum of \$1,000 to be approved by the Town Attorney for the protection of residents of the Town of Pickstown when advancing money for personal property for future delivery.

(C) A **PEDDLER** is a person engaged in the selling of personal property by going about from place to place, or house to house, to sell the same and who carries property with him or her for the delivery at the time of sale.

(D) A **SOLICITOR** is a person engaged in going from place to place, or house to house, to solicit orders for, or to offer to sell, personal property for future delivery.

(E) A **TRANSIENT MERCHANT** is any person, firm or corporation or association and agents of any of them, transacting a temporary business where goods and merchandise are exposed for sale, where the business is established for temporary operation only.

Pickstown - Business Regulations

(F) The provision of this chapter shall not apply to traveling salespersons doing business exclusively with retail merchants, nor to persons who market their own fruits, garden or agricultural products produced in South Dakota.

(G) Any and all violations of the provisions of this chapter are hereby declared to be a public nuisance and the Law Enforcement Officer or his or her assistants, are hereby directed and required to prevent the nuisance, or to arrest persons engaged in committing the same.
(1986 Code, Title 18, §§ 8.01 through 8.04) Penalty, see § 112.99

§ 112.99 PENALTY.

Any persons guilty of violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$100, together with the costs of prosecution.
(1986 Code, Title 18, § 8.05)