

CHAPTER 4-1 TRANSIENT MERCHANTS AND SOLICITORS

4-1-1 LICENSE REQUIRED

It shall be unlawful for any person, persons, firm, company or corporation within the limits of the City, to engage in, pursue, or transact any business or avocation, or to do any act, or to make any exhibition hereinafter named or described, without first having obtained a license therefore, as herein provided.

Authority: SDCL 9-34-1, 7, 8; see also: Ch. 37-12

4-1-2 PAYMENT FOR LICENSE

Any person wishing to obtain a license under and by virtue of this title shall pay to the Finance Officer the amount provided by City Ordinance for such license for which the Finance Officer shall give a receipt, designating the kind of license applied for.

Authority: SDCL 9-34-1, 7, 8; see also: Ch. 37-12

4-1-3 ISSUANCE OF LICENSE

The Finance Officer of the City or his authorized Deputy, shall have authority to issue or grant a license to any person or persons to pursue any of the occupations or callings mentioned in this Ordinance, or any other Ordinance now or hereafter in force in the said city, whenever the person applying therefore shall have paid the fee provided therefore to the Finance Officer and taken a receipt therefore, if, in the judgment of the Finance Officer, the person or persons so applying are proper persons to be entrusted with the Finance Officer, the person or persons so paying the fee and applying for such license are not proper persons to be entrusted with such business, the Finance Officer shall endorse upon said receipt "Licensed Refused," sign the same, and return the receipt or receipts to the person or persons therein named, and upon its presentation of said receipt to the City Treasurer, after being so endorsed, the license fee shall be returned to the person or persons paying the same.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-4 APPLICATION OF LICENSE

Every transient Merchant, Hawker, solicitor or transient photographer, before soliciting, advertising, selling or exhibiting for sale, his goods, wares and merchandise, or his services or products, shall make an application upon a blank to be furnished by the Finance Officer, in which application the applicant shall supply the following information:

1. His, her or its name, permanent address, temporary address, in Howard, and the name and home address of the person, firm, association or corporation which he or she represents.
2. The number and locations of establishments to be maintained and operated in Howard.
3. The length of time the applicant expects and intends to continue in business in Howard.
4. The names and number of persons who will be employed by the applicant, and who will be operating as agents or representatives of the application in Howard.

Such application shall be sworn to by the applicant, and shall be filed in triplicate; one copy of which shall be retained by the Finance Officer, and one copy of which shall be forwarded by the Finance Officer to the Sheriff, and one copy of which shall be retained by the applicant.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-5 EXPIRATION OF LICENSE

All licenses granted under the provisions of this or any other Ordinance of the City shall terminate not later than the 31st day of December following, and no license shall be granted for any purpose hereafter for a period beyond the 31st day of December next succeeding the date of granting the same. All licenses granted by the Finance Officer within the provisions of this or any other Ordinance of this City shall take effect from and after the granting of the same, and be in force and for a period specified, unless the same be revoked by the Finance Officer, as provided by the next section.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-6 REVOCATION OF LICENSE

Any person or persons who have procured a license for any particular business, trade or calling, shall change his or their business, trade or calling to another different than that specified in the license granted therefore, and pursue such business, trade or calling, assuming to act under the said same license, or if, in conducting said business, such person or persons shall violate any of the conditions of such license, or any Ordinance of the City, the Finance Officer may revoke such license, provided before such license shall be revoked, a hearing in regard thereto shall be had before the City Council of said City, of which hearing, the time and place thereof, written notice shall be given to the holder of such license at least five (5) days prior thereto, and in such event, no part of said license fee shall be returned to the party taking out such license.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-7 TERM OF LICENSE

All licenses provided for this title shall be applied for, issued and regulated as to the time of the commencement and termination, and as to the power of the Finance Officer to issue or refuse the same, as now is, or may hereafter be provided by Ordinance.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-8 LICENSE POSTED OR EXHIBITED

Every person to whom a license is issued shall display or post the same in his place of business, or shall exhibit the same to any person in authority when required to do so.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12

4-1-9 LICENSE FEES

The rate of the license for the businesses, trades, callings, occupations or avocations hereinafter named shall be, and the same are hereby fixed and established according to

the following schedule, the same shall be paid by all persons engaged in or pursuing such businesses, trades, callings, occupations or avocations as follows to wit:

1. Transient merchants: Any person, partnership or registered business selling goods as a merchant shall pay license fee of \$100.00 per year if the entity sells or offers to sell said goods 1 calendar day or more per year.
2. Hawkers and Solicitors: Any person, partnership or registered business selling goods as a Hawker or solicitor shall pay license fee of \$100.00 per year if the entity sells or offers to sell said goods 1 calendar day or more per year.

Authority: SDCL 9-34-1, 7, 8; See also Ch. 37-12; Ordinance #625; 12/6/04

4-1-10 EXCEPTIONS TO CHAPTER

All transient merchants, hawkers and solicitors are exempt from the operation of this ordinance that market and sell any produce, goods, wares, or merchandise which are either raised or manufactured by him. Nor shall the provisions of this Ordinance apply to any regular commission, merchant, dealer or corporation having a storage house, or established place of business, or legal residence in this City. Nor shall this Ordinance apply to traveling salesmen doing business neither exclusively with retailers, merchants, manufacturers, jobbers, or newspapers, nor to the distribution or sale of personal property where the proceeds are to be used exclusively for religious, charitable, or benevolent purposes, not the distribution where the proceeds are to be used exclusively for religious, charitable or benevolent purposes.

Authority: SDCL 9-34-1, 7, 8; See also: Ch. 37-12