

Ordinance 15-019

An Ordinance Amending Chapter 74, of the Code of Ordinances of the City of Brookings, South Dakota to include Division 2, and Pertaining to the Regulation of Temporary Vendor Permits in the City of Brookings

Be It Ordained and Enacted by the Council of the City of Brookings, State of South Dakota, as follows:

1.

DIVISION 2. - TEMPORARY VENDOR PERMIT

Sec. 74-61. - Temporary vendor permit; fee required.

It is unlawful for any temporary vendor to engage in such business upon any sidewalk in the central business district without first obtaining a permit as required by this division. A fee shall be paid for said permit as set by resolution from time to time by the city council.

Sec. 74-62. - Application.

An application for a temporary vendor permit shall be submitted to the city with the following information:

- (1) Applicant's name, address and phone number (personal and business);
- (2) Applicant's drivers license number and date of birth;
- (3) Type(s) of food, beverage or merchandise to be sold;
- (4) Tax ID number and other state required license information (food service license, etc.);
- (5) Photo of device, if any, to be used for vending;
- (6) Certificate of insurance with the City of Brookings named as an additional insured (\$1,000,000.00 for food and \$25,000.00 for merchandise);
- (7) Site map showing exact location on sidewalk of operation, including maximum length and width of proposed space to be used, or showing blocks of operation for push-cart.
- (8) A description and photo image of all proposed signage used on the stationary or mobile vending cart or umbrella.

Sec. 74-63. - Restrictions and operational limits.

- (1) No permit may be used for the sale of food, beverages or merchandise which is not described on the application.
- (2) Food, beverages and merchandise may be sold only to pedestrians. Soliciting motorists is strictly prohibited.
- (3) No permit may be granted for a period exceeding 30 consecutive days. Renewals may be permitted, subject to the applicant's compliance history.
- (4) Glass containers are prohibited.
- (5) The permit is not transferable in any manner.

- (6) The permit is valid only at the location shown on the application.
- (7) All vendors must have a trash receptacle.
- (8) The use of any noise producing devices is prohibited.
- (9) Total signage may not exceed eight square feet. Freestanding signage and electronic signage is prohibited.
- (10) No vendor shall sell food or beverages between the hours of 2 a.m. and 6 a.m. Hours of operation are not limited on private property.

Sec. 74-64. - Misrepresentation.

It is unlawful for any temporary vendor to make false or fraudulent statements concerning the quality or the nature of its goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Sec. 74-65. - Suspension or revocation.

The city may suspend or revoke any permit issued pursuant to this division if false information was submitted in the permit application or if any local, state or federal law or regulation has been violated by the permittee.

Sec. 74-66. – Penalties.

A violation of this article shall subject the violator to revocation of the permit and a fine of up to \$200.00. Each day a violation occurs may constitute a separate offense.

Secs. 74-67—74-95. - Reserved.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: September 8, 2015
Second Reading: September 22, 2015
Published: September 25, 2015

CITY OF BROOKINGS, SD



Tim Reed, Mayor





Shari Thornes, City Clerk