

ORDINANCE NO. 5522

AN ORDINANCE TO CREATE A SIDEWALK VENDOR LICENSE BY ADDING CHAPTER 5.56 TO THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the State of South Dakota has given municipalities the general police power to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, the City of Rapid City currently may required a business license; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to adopt an ordinance to require a license for sidewalk vendors.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that

CHAPTER 5.56: SIDEWALK VENDORS

- 5.56.020 License - Required.
- 5.56.030 Permit - Required
- 5.56.040 License - Application
- 5.56.050 License - Fee.
- 5.56.060 License – Term
- 5.56.070 License - Display
- 5.56.080 Sidewalk Vendor License–Application–False statements.
- 5.56.090 Issuance–Required findings.
- 5.56.100 Suspension–Revocation.

5.56.020 License - Required.

No person shall engage in the business of operating a sidewalk vending unit, without a license as provided by this article.

5.56.030 Permit Required.

No person shall engage in the business of operating a sidewalk vending unit, without a permit as provided by §12.20.020 F. The sidewalk vendor license shall be required prior to submitting for the sidewalk vendor permit.

5.56.040 License - Application.

Every person desiring a license to operate a sidewalk vending unit in the city shall make application in writing to the Common Council. The application for the license shall contain all pertinent information required by Chapter 5.04 of this code and shall also give the following additional information:

- A. A valid copy of all necessary permits required by State and County health authorities.
- B. Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- C. Previous experience in the business, if the applicant has not been licensed before

5.56.050 License - Fee.

The annual license fee for each sidewalk vendor license shall be \$100.

5.40.060 License–Term.

The term of the license shall be in accordance with Chapter 5.04 of this code.

5.40.070 License–Display.

Every operator of any sidewalk vendor licensed under this article shall carry on each vehicle, in a conspicuous place, a license showing his or her license number as provided by the city at the time of issuing the license.

5.56.080 License–Application–False statements.

Any license issued under the provisions of this chapter shall be revoked by the Chief of Police upon discovery of any false material statement made in the application for the license.

5.56.090 Issuance–Required findings.

The Common Council shall approve the issuance of a sidewalk vendor license applied for under this article, if it is satisfied that the applicant has met the following requirement:

- A. That he or she is a fit person to engage in the business
- B. Business is operated in compliance with all applicable requirements of the City Ordinance and State Law

5.60.100 Suspension–Revocation.

Any license issued under this chapter may be revoked, for cause, by the Council, after notice to the holder of the license and an opportunity for hearing before the Council. The Chief of Police shall have the authority to suspend any license issued under this chapter for good cause pending a hearing before the Council. The power to suspend the license shall be exercised only if it shall appear to the Chief of Police that there is probable cause to believe that the holder of the license has committed a crime involving moral turpitude. The holder of any license suspended by the Chief of Police shall have a right to a hearing before the Chief of Police within 48 hours of a written request therefor. As used herein the term Chief of Police shall include the Chief of Police and any subordinate officer temporarily acting as the officer in charge of the Police Department.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: