

PREPARED BY:  
CITY OF LEAD  
801 W. MAIN ST.  
LEAD, SD 57754  
(605) 584-1401

**ORDINANCE #1123-25**  
**AN ORDINANCE MODIFYING**  
**PEDDLERS**

***BE IT ORDAINED*** by the City Commission of the City of Lead that, pursuant to SDCL 9-19, the City of Lead Ordinances listed below be amended to read as follows:

**PEDDLERS**

**§ 110.014 PURPOSE.**

The purpose of this ordinance is to regulate vendors, peddlers, and mobile food providers operating within the City of Lead to ensure public safety, protect public infrastructure, and provide fair use of public spaces and utilities.

**§ 110.015 DEFINITION.**

**ELECTRICAL PEDESTAL:** A city-owned utility connection point providing electrical service to vendors for a fee.

**FOOD TRUCK/HIGH-IMPACT VENDOR:** A self-contained mobile food service vehicle or trailer requiring preparation, cooking, or heating of food on site.

**LOW-IMPACT VENDOR:** Vendors providing informational displays, nonprofit services, handmade or low-revenue goods, or similar operations with limited public impact.

~~The word~~ **PEDDLER:** Shall include the terms TRANSIENT VENDOR, SOLICITOR and ITINERANT MERCHANT and shall mean any person traveling from place to place, house to house or street to street by foot or vehicle for the purpose of selling merchandise or services and does not have a physical location of business in the state, and shall also mean any person transacting a business of the temporary or seasonal nature.

**PERMIT:** A written authorization issued by the City allowing vending activities within a specific timeframe.

**STANDARD VENDOR:** Vendors not otherwise classified as low-impact or food truck/high-impact.

**VENDOR:** Any individual or business offering goods or services for sale from a temporary, mobile, or non-permanent location.

## VENDOR CATEGORIES:

### Tier 1: Low-Impact Vendor

Includes nonprofits, informational booths, low-revenue craft vendors, and small-scale producers (e.g., honey, handmade goods) not using a generator or city electricity.

### Tier 2: Standard Vendor

Includes general vendors, mobile sellers, small food or beverage providers not using a generator or city electricity.

### Tier 3: Food Trucks / High-Impact Vendors

Includes full service food trucks and high-revenue vendors operating from a trailer, truck, or mobile kitchen.

### Electric Pedestal Users (Add-On Fee)

Any vendor connecting to city-owned electrical pedestals pays the add-on rate regardless of tier.

(Prior Code, § 8-200) (Ord. 984-08, passed 5-19-2008)

## § 110.016 EXCEPTIONS TO SUBCHAPTER.

The provisions of this chapter 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.

The City Administrator may waive or reduce fees for:

- City-sponsored events
- Governmental agencies
- Youth or school groups
- Nonprofits providing free information or services

(Prior Code, § 8-201)

## § 110.017 ENTRANCE TO PREMISES RESTRICTED.

It shall be unlawful for any peddler to enter upon any private premises without request or invitation from the owner or occupant.

(Prior Code, § 8-202) Penalty, see § 110.999

## § 110.018 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 or her agent to leave the same, shall be deemed guilty of a misdemeanor.

(Prior Code, § 8-203) Penalty, see § 110.999

§ 110.019 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.

(Prior Code, § 8-204) Penalty, see § 110.999

§ 110.020 HOURS OF OPERATION.

It shall be unlawful for any peddler to engage in the business of peddling between the hours of ~~8:00~~ 10:00 p.m. to ~~8:00~~ 6:00 a.m. unless by specific appointment with a customer or a waiver of hours is granted by a city official.

(Prior Code, § 8-205) (Ord. 984-08, passed 5-19-2008) Penalty, see § 110.999

§ 110.021 CHAPTER 111 APPLICABLE.

The provisions of Chapter 111, insofar as the same may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this subchapter.

(Prior Code, § 8-206) Penalty, see § 110.999

§ 110.022 REQUIRED.

It shall be unlawful for any person to engage in business as a peddler within the city without first obtaining a permit to do so.

(Prior Code, § 8-207) Penalty, see § 110.999

§ 110.023 APPLICATION.

A peddler will be required to submit a complete peddler's license application to the city and submit the required fee prior to transacting any business within the city. The Lead City Commission will set a fee for the peddler's license by resolution. In the event that a peddler's license application is incomplete or deemed erroneous, or the fee is not paid, that will be sufficient to deny the application.

(Prior Code, § 8-208) (Ord. 984-08, passed 5-19-2008)

§ 110.024 DISPLAY.

Every peddler having a permit issued under the provisions of this subchapter and doing business within the city shall display his or her permit upon the request of any person, and failure to do so shall be deemed a misdemeanor.

(Prior Code, § 8-210) Penalty, see § 110.999

§ 110.025 **PERMIT TYPES AND** DURATION.

~~Every permit issued under the provisions of this subchapter shall be valid for the period of time stated thereon, but in no event shall any like permit be issued for a period in excess of 30 days.~~

The City shall issue daily, weekly, monthly, and annual permits.

The type and duration selected shall correspond to the fee schedule established by City Commission resolution.

Peddler licenses are issued on a daily basis. All equipment, merchandise, and setup must be removed at the end of each business day. The City Administrator may grant a variance for event-related activities or other qualifying circumstances.

(Prior Code, § 8-211)

#### § 110.026 FEE SCHEDULE ADOPTED BY RESOLUTION.

Permit fees, electrical pedestal rates, and pedestal lease rates shall be established and periodically updated by resolution of the City Commission.

Said fees may be adjusted to reflect administrative costs, electrical usage, infrastructure maintenance, and vendor impact on public spaces.

#### § 110.027 ELECTRICAL PEDESTAL USAGE.

Vendors connecting to a city electrical pedestal must obtain the corresponding electrical add-on permit. Unauthorized connection to city electrical service is prohibited. The City may assign pedestal spaces and limit the number of users. Extended or long-term pedestal usage may require a lease agreement approved by the City Commission.

#### § 110.028 LOCATION AND OPERATIONAL PLAN.

Vendors must operate in locations designated by the City. Vendors shall not obstruct sidewalks, access routes, fire lanes, or public infrastructure.

Noise from generators must comply with City noise ordinances.

Waste, grease, and wastewater must be disposed of properly; no discharge into stormwater systems is permitted.

Tier 3 vendors shall secure and maintain a general liability insurance policy in an amount not less than one million dollars, (\$1,000,000).

#### § 110.029 EXEMPTIONS.

The City may waive or reduce permit fees for:

- City-sponsored events
- Nonprofit organizations
- Youth groups
- Governmental agencies
- Informational or public service booths

#### § 110.030 DENIAL, SUSPENSION, OR REVOCATION.

A vendor permit may be denied, suspended, or revoked for:

- False information on the application
- Violation of this ordinance or other city codes
- Unsafe or unsanitary food operations

- Unauthorized electrical use
- Failure to pay required fees
- Failure to obtain insurance coverage

§ 110.031 PENALTIES.

Operating without a permit or violating the provisions of this ordinance may result in:

- Fines as established by City Commission resolution
- Revocation of permit
- Removal from the vending site by law enforcement

Those voting aye:

Those voting nay:

ATTEST:

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Dustin Heupel  
City of Lead, Mayor  
(Seal)

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Robin Lucero  
City of Lead, City Administrator

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Second Reading: 1/5/2026

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