

**HERMOSA TOWN BOARD  
WORK SESSION  
MAY 22, 2024  
6:00 PM**

- 1) **ROLL CALL:**
  - A. BOT Roll Call: Ferguson, Henrichsen, Holsworth, Kramer, Koontz
  - B. Acknowledgement of other Attendees
  
- 2) **CALL FOR CHANGES:**
  - A. Review of current agenda items
  - B. Motion to accept the agenda as presented/amended
  
- 3) **CONFLICT OF INTEREST DECLARATION**
  
  
- 5) **WORK SESSION ITEMS:**
  - A. Abatements, complaints and ordinance discussion
  - B. Vendor Permit Fees
  - C. Update Permits
  - D. Town of Hermosa Water Issues
    - Metering and Technology Solutions, Beacon Meters
    - Ordinance Clarification Discussion
  - E. Conflict of Interest
  - F. Garbage Ordinance
  
- 7) **ADJOURN:** Motion by \_\_\_\_\_; Second by \_\_\_\_\_ to adjourn the meeting at \_\_\_\_\_ PM.

## § 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**NOXIOUS MATTER.** Includes trash, garbage, refuse and all other material which has been strewn about, is otherwise apparently abandoned or of no apparent value, which is unsightly or malodorous, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.

**NUISANCE.** All substances which emit any foul, unhealthy, noxious or disagreeable smell or odor; any stable or shop which is kept in a condition so as to be offensive or annoying to the public; all green or salted hides and carcasses left or deposited in any open or public area; personal property of any kind if unlicensed, unprotected by a durable cover, or not maintained in a neat and safe manner for a period of 30 days or more. This includes, but is not limited to, automobiles, machinery, equipment, accessories, parts, structures, property accouterments such as fences, accessways.

**WEEDS.** Includes all weeds on the state and/or county weed lists, including, but not limited to, of the kind known as Russian Thistle, Canadian Thistle, Cocklebur, Rag Weed, Golden Rod, Burdock, Creeping Jennie and all other noxious or unhealthful vegetation, especially those whose pollen is known to cause hay fever. To allow to grow to maturity on any private property or vacant lot shall constitute a nuisance.

(Ord. 10.012, passed 4-3-2001; Ord. 91.1A, passed 5-30-2017)

## § 91.02 PROHIBITED CONDITIONS.

(A) All weeds, tall grass in excess of eight inches in height, noxious matter, open wells and nuisances are declared a violation of this chapter and no owner of any lot, place or area within the town, or the agent of the owner or the occupant of the lot, place or area, shall permit on the lot, place or area, or upon any public way abutting the same, any weeds, tall grass, noxious matter or other nuisance to grow, lie, or be located thereon.

(B) Notwithstanding the prohibitions set forth in division (A), for parcels of three acres or more in undeveloped commercial and residential properties, grass growing in excess of eight inches shall be permitted for haying purposes so long as the owner, agent of the owner, or the occupant of the parcel of land of three acres or more maintains a 20-foot wide cut of the growing grass within the perimeter of the parcel of land of eight inches or less. The eight-inch or less cut shall not be necessary for that portion of the parcel that constitutes the boundary line of the town.

(Ord. 10.012, passed 4-3-2001; Ord. passed 5-7-2019) Penalty, see § 10.99

## § 91.03 ENFORCEMENT AUTHORITY.

The Board of Trustees may appoint an authorized agent for the purpose of performing inspections, providing appropriate notifications of violations, conducting enforcement and abatement action as may be required to ascertain compliance with ordinances of the town, and obtaining legal counsel as required. Detailed reports of all action taken by the appointed enforcement authority will be provided at each regular meeting of the Board of Trustees.

(Ord. 10.012, passed 4-3-2001)

## **§ 91.04 NOTICE TO ABATE.**

(A) The Board of Trustees or the duly authorized agent is authorized and empowered to notify, in writing, the owner of any lot, place or area within the town, or the agent of the owner, and the occupant of the premises, to cut, destroy or remove any weeds, tall grass, noxious matter or nuisance found growing, lying or located on the property or upon the public way abutting same.

(B) The notice shall notify the owner, agent and/or occupant to cut, destroy, remove or otherwise remedy any such weeds, tall grass, noxious matter or other nuisance within a prescribed amount of time and shall be delivered as set for below.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

## **§ 91.05 ABATEMENT BY TOWN AUTHORITY.**

Upon failure, neglect or refusal of any owner, agent or occupant to comply with the notice provided for in § 91.04, within the prescribed time after the mailing thereof, the Board of Trustees or the duly authorized agent is authorized and empowered to provide for the cutting, destroying, removal or any other remedy as may be required, of the weeds, tall grass, noxious matter or other nuisance and to defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 91.06.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

## **§ 91.06 ABATEMENT BY TOWN COST ASSESSMENT.**

The Board of Trustees or the duly authorized agent shall cause an account to be kept against each lot upon which work is done pursuant to § 91.05, and have same certified to the Finance Officer upon completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property and add the assessment to the general assessment against the property, and certify the special assessment, together with the regular assessment, to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessment for taxes for general purposes.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

## **§ 91.07 NOTIFICATION GUIDELINES.**

All notices will carry an original signature by at least one member of the Town Board of Trustees.

(A) *First notice - courtesy note.*

(1) The courtesy note shall be delivered by regular mail and/or hand delivered by Town Marshal/Deputy to the last known address of the property owner, agent and/or occupant. Hand deliveries are to be signed by the occupant if present. If occupant not present, notice will be hung on doorknob with date noted as to date and time of placement by law enforcement. The courtesy note shall contain the specific violation, the expected remedy, shall reference the ordinance violated, and shall state the date of the re-inspection. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually seven calendar days from the postmarked date and noted on door hanger.

(2) Weeds, tall grass, malodorous, unhealthy, and dangerous violations require only one notice. Weeds and tall grass shall be removed within seven calendar days of the postmarked or hand delivered date of the notice. Malodorous, unhealthy, or dangerous violations shall be remedied within three calendar days of the date of the notice.

(B) *Second notice - notice of violation.* The notice of violation shall be delivered via door hangar (hand delivered by law enforcement) to the last known address of the property owner, agent and/or occupant. The notice of violation shall contain the specific violation, the expected remedy, shall reference the code section or ordinance violated, shall state the date of the re-inspection, and shall state consequential action which will be abatement. State the abatement action being taken, the cost of the abatement action to be assessed against the property, and the date the action shall be taken. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually two weeks from date of the notice.

(C) *Third notice - notice of abatement.* The notice of abatement shall be delivered via registered mail, return receipt requested, with a copy delivered via regular mail, to the last known address of the property owner, agent, and/or occupant, and/or hand delivered by law enforcement. The notice of abatement shall contain the specific violation, shall reference the ordinance violated, shall state the abatement action taken, the date the action was taken, and the cost of the action to be assessed against the property.

(D) *Subsequent violations.* Upon subsequent violation of this chapter within a 24-month period after notice has been given as provided above, the town shall immediately send notice of pending abatement action and require the owner to remedy the nuisance within three days of delivery by regular mail and hand delivered by Marshal to the last known address.

(Ord. 10.012, passed 4-3-2001; Ord. 10.012A, passed 12-7-2004; Ord. passed 4-17-2018; Ord. passed 4-17-2018; Ord. passed 8-4-2020)

#### **§ 91.08 EXCEPTIONS.**

The Board of Trustees shall act and perform all the duties and exercise the powers of the Board of Adjustments. The Board of Adjustments shall have the power to make special exceptions to provisions of this chapter, provided that the applicant for the special exception shall first file with the Board of Adjustment a consent, signed by not less than 75% of the owners of property within 500 feet of the lot or site of which the special exception is sought, provided further that the special exception be granted by not less than a majority vote of the full Board of Adjustments.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

#### **§ 91.09 APPLICATION.**

For the health, safety and welfare of the citizens of this community, all properties within the jurisdictional boundaries of the town will comply with all provisions of this chapter without regard to conditions existing at the time that it goes into effect.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

#### **§ 91.10 COMPLAINTS.**

(A) Should any member of the Town Board of Trustees receive a written or verbal, complaint, a Trustee on the Town Board shall, within two days, investigate the complaint and make immediate determination of required action and so notify both the plaintiff and owner of the determination. The complaint shall be required before any courtesy notice or abatement action shall be initiated and shall be anonymous.

(B) Should the complaint be declared valid, the Town Board of Trustees, upon majority vote, may give the violating owner a courtesy notice of the violation of the first offense.

(C) All notices will carry an original signature by at least one member of the Town Board of Trustees.

(Ord. 10.012A, passed 12-7-2004; Ord. passed 8-4-2020)

**§ 91.11 CONFLICTS WITH OTHER LAWS.**

(A) In the interpretation and application of the provisions of this chapter, these provisions shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety and the general welfare.

(B) Whenever the requirements of this chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. 10.012, passed 4-3-2001)

**§ 91.99 PENALTY.**

Each day any violation of this chapter continues shall constitute a separate offense. In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 10.99 of this code.

(Ord. 91.1A, passed 5-30-2017)



# Town of Hermosa

# 5B

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: town@hermosasd.com

## TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE \_\_\_\_\_

Receipt # _____	Cash _____	Check # _____	Amount _____
-----------------	------------	---------------	--------------

Transient Vendor & Peddler Information \_\_\_\_\_

Company Name \_\_\_\_\_

Owner/President \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

Description of Items to Be Sold \_\_\_\_\_

Location of Temporary Business \_\_\_\_\_

Times When the Sales Will Be Conducted \_\_\_\_\_

South Dakota Vendor License \_\_\_\_\_

South Dakota Sales Tax License # \_\_\_\_\_

**Fees: 1 day - \$50.00 7days - \$200 .00 Monthly - \$800.00 + 5%**

The Above Information Is True and Correct

**Vendor Signature**

**Date**

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

- \* Name, address and phone number of the person, partnership, partner, corporation, or similar business entity;
- \* A description of the nature of the sales to be conducted and type of business that will conduct sales;
- \* Description of the location where the sales will be conducted within the town;
- \* The times when the sales will be conducted within the town;
- \* License or permits with the county and/or the state;
- \* If electrical access, open fires, or use of propane: certificate from Fire Marshal's office showing that all codes are met;
- \* All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
- \* All current governmental registrations and licenses must be displayed at the sale.

**PLANNING COMMISSION**

Approved  Denied

**HERMOSA BOARD OF TRUSTEES**

Approved  Denied

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

License # \_\_\_\_\_  
Office Use

**HERMOSA PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
**June 13, 2023 @ 6:00pm**



ROLL CALL: Harris called the meeting to order at 6:00pm with the following members present; Harris, Irvine, Westergard, Waltman and Klaski absent. Liaison Schumack. Pledge of Allegiance led by Harris.

CALL FOR CHANGES: Motion made; seconded to amend the approve the agenda as presented; vote; all aye; motion carried.

CONSENT CALENDAR: Motion made; seconded to approve the May 9, 2023, meeting minutes. Vote; all aye; motion carried. May 23<sup>rd</sup> meeting was cancelled.

CONFLICT OF INTEREST DECLARATION: None

OLD BUSINESS:

Permit 2022-18 – Custer County Concession Stand – Motion made; seconded to remove from agenda; vote; all aye; motion carried.

Permit 2022-25 – Parcels 009318 & 009319 – Design for Sewer System – Pending

ADA Compliance – Hermosa Community Center – Accessibility Ramp to upstairs entrance. Owner was present to answer questions regarding requested requirements from town for accessibility ramp to entrance upstairs. Previously agreed upon timeline was to be completed by June 30, 2023. Nick Brengle indicated they had received some quotes for purchasing/installing the ramp but would not be able to meet the requested timeline date of June 30, 2023. Brengle requested more time to come up with other affordable options. Board requested owner keep us informed and motion made; seconded to extend deadline to September 12, 2023; vote; all aye; motion carried.

NEW BUSINESS:

Permit 2023-18 – Manufactured Home Moving Permit Application – Walnut Grove Mobile Home Park – Lot 57 -Motion made; seconded to approve application; vote; all aye; motion carried.

Vendors Application – Firework sales – Black Powder Fireworks – June 27<sup>th</sup> through July 5<sup>th</sup> at Hermosa Community Center. Board voiced concerns where the fireworks will be located in the building kept separate and away from children. Nick indicated the Firework sales would be probably upstairs. Board member expressed concerns if they possessed an adequate number of fire extinguishers. Nick will comply with all state regulations and contact the Fire Marshal. Motion made; seconded; to approve Vendor Permit application with fee of \$150.00 and 5% of gross sales; vote; all aye; motion carried.

REVIEW BOT MINUTES: June 5, 2023

ORDINANCE REVIEW & WORK ITEMS:

Contractors Licensing Ordinance – Chapter 112 - 112.03 – Discussion from Harris who did not attend the work session on May 30, 2023, included changing the ordinance requiring everyone who works in town to purchase a Contractor's License. Any remodeling and/or maintenance project inside or outside of your home would require a license from the town if Ordinance were approved. Currently the ordinance states if you are listed on a permit, you must obtain a Contractor's License in the town of Hermosa. Harris had questions on how the town would be able to enforce the requirements and obligations of proposed 112.03(A). Motion made; seconded to move proposed ordinance to the June 20, 2023, BOT meeting; vote; Harris nay; Irvine aye; Westergard aye; motion carried.

Solar (Panels) Ordinance – Pending

Review of 2018 Comprehensive Plan – Pending

COMPLETED WORK ITEMS SENT TO BOT:

TRUSTEE INPUT:

CITIZEN INPUT:

ADJOURN: Motion made, seconded to adjourn the meeting at 6:40pm; Vote; all aye; motion carried.

There may be a quorum of Board of Trustees present at Planning & Zoning Meetings

66

9182

# Town of Hermosa

PO Box 208 • 230 Main Street • Hermosa, SD 57744  
Phone (605) 255-4291 • Fax (605) 255-4094  
Email: town@hermosasd.com

## TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE 6-9-23

Receipt #	Cash	Check #	Amount
			<b>150.00</b> <b>CASH</b>

~~A 40% PAID  
TAX !!~~

### Transient Vendor & Peddler Information

Company Name Black Powder, LLC DBA Black Powder Fireworks  
 Owner/President Brad Schmitz / Kevin Brennan  
 Mailing Address 3329 Cherry Ln N Fargo, ND 58102  
 Email bschmitz@blackpowderfireworks.com / kbrennan@blackpowderfireworks.com  
 Phone \_\_\_\_\_ Cell 651-373-0297  
 Description of Items to Be Sold Class C 1 1/4 Retail Fireworks  
 Location of Temporary Business 122 Vilas St Hermosa, SD 57744  
 Times When the Sales Will Be Conducted June 27 - July 5 2023 \*  
 South Dakota Vendor License \_\_\_\_\_  
 South Dakota Sales Tax License # Applied -> Confirmation # 321883

Fees: 1 day - \$25.00    7 days - \$100.00    Monthly - \$300.00    +5% ?

The Above Information is True and Correct

Vendor Signature \_\_\_\_\_

Date 6-9-23

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

- Name, address and phone number of the person, partnership, partner, corporation, or similar business entity;
- A description of the nature of the sales to be conducted and type of business that will conduct sales;
- Description of the location where the sales will be conducted within the town;
- The times when the sales will be conducted within the town;
- Licenses or permits with the county and/or the state;
- If electrical access, open fires, or use of propane: certificate from Fire Marshal's office showing that all codes are met;
- All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
- All current governmental registrations and licenses must be displayed at the sale.

License # \_\_\_\_\_  
City Use Only

In accordance with Federal law and U.S. Department of Agriculture policy, this material is prohibited from discrimination on the basis of race, color, national origin, age, disability, religion, sex, and marital status. Where all prohibited based solely on race or ethnicity. For a complete list of exemptions, visit USDA, Director, Office of Civil Rights, 1482 Independence Avenue, S.W., Washington, D.C. 20250-4610 or call (800) 795-5272 (voice) or (202) 720-6382 (TDD).

**HERMOSA TOWN BOARD**  
**TUESDAY, MAY 16, 2023**  
**REGULAR MEETING @ 6.00pm**

ROLL CALL: Holsworth called the meeting to order on Tuesday, May 16<sup>th</sup> at 6.00 pm with the following members present: Henrichsen, Holsworth, Kramer, Schumack. Also present: Chuck Ferguson, Mitch Johnson, law enforcement and citizens. Pledge of Allegiance led by Dan Holsworth.

CALL FOR CHANGES: Motion made, seconded to approve agenda as presented; Vote: all ayes, motion carried.

CONSENT CALENDAR: Motion made, seconded to approve May 2nd, 2023 regular meeting minutes as presented; Vote: all ayes, motion carried.

CONFLICT OF INTEREST DECLARATION: None

PUBLIC HEARING: Motion made, seconded to enter into the public hearing at 6.02 pm for 2023-24 Malt beverage & SD Farm wine license renewals. Motion made, seconded to approve **Pop's Grocery**, 30 N. Ferguson Street, G & G Sub - Lot 1 (Formerly Outlot E) IN SW4SE4 Sec 29 T2 R8, Hermosa, Custer County, South Dakota, 57744; Retail (on-off sale) Malt Beverage license renewal; Vote: all ayes, motion carried. Motion made, seconded to approve **Corner Pantry Travel Center** – Outlot M of J&B Subdivision Section 30, T2, R8, Custer County, South Dakota, 57744; Retail (on-off sale) Malt Beverage & SD Farm Wine license renewal; Vote: all ayes, motion carried. Motion made, seconded to approve **Hermosa Community Center LLC**, Lots 23&24, Block 5, Town of Hermosa, Section 32, T2S, R8E, BHM, Custer County, South Dakota, 57744; Retail (on-off sale) Malt Beverage license renewal; Vote: all ayes, motion carried. No comments from the public. Motion made, seconded to come out of the public hearing at 6.04 pm; Vote: all ayes, motion carried.

CLAIMS: Custer County sheriff: Law enforcement contract/911 dispatch \$8,666.67; Chuck Ferguson: Pull pump #1 & #2 \$700.00; Dakota Supply Group: Booster bushings, adapters, check valves, gaskets \$81.40; Golden West Technologies: Monthly service-May23 \$563.50; Johnson Law Office: Legal advice, Mr. Styles e-mails \$799.00; Metering & Technology solutions Meters & meter supplies \$3,519.48; Mt. Rushmore Telephone: Phone/Internet/Fax \$255.73; Northwest pipe fittings Inc.: water lids, brass screws, adapt. \$247.90; ODP Business solutions LLC: Paper(White & Color) \$192.73; Pioneer Bank & Trust: Bank charge for 2 signature acct. \$25.00; Rural development: RD1 loan-May interest/principal \$1,278.00, RD2 loan-May interest/principal \$417.00, RD3 loan-May interest/principal \$222.00; Sanders Sanitation: Monthly sanitation service 04/23 \$4,376.02; SD Department of Revenue: Sales tax Mar/Apr 2023 \$570.46; SD Municipal League: FO school registration fee \$75.00; Southern Hills Publishing: Publishing/Legal notices 04/23 \$195.93; Summit fire protection: Fire extinguisher annual insp. \$233.00; Technichem, Inc. 25 lbs. Sludge bugs lagoon blend \$359.10; US BANK; SRF May interest/principal \$1,493.23; Vanda Belt: Lysol cleaner \$16.52; Accounts Payable Total \$24,287.67. Payroll related: Total Paid On: 5/15/23 Financial administration \$1,939.97; Water \$261.60 Sewer \$156.96; Promoting City/ BBB \$52.32; EFTPS-Electronic Federal Tax FED/FICA TAX \$609.35; Payroll Total \$3,020.20. REPORT TOTAL: General \$18,257.40; BBB Gross receipt tax \$68.43; Water \$8,098.15; Sewer \$883.89; TOTAL FUNDS: \$27,307.87. Motion made, seconded to approve claims list as presented; Vote: all ayes motion carried.

LAW ENFORCEMENT/ ABATEMENTS/COMPLAINTS: Custer County Log included in the meeting packet. Appreciate all the work law enforcement does to keep our town safe.

LEGAL: Per attorney's recommendation, motion made, seconded to remove Permit #2022-09 for 194 Fairgrounds Place Road from the agenda; Vote: all ayes, motion carried. Initiative petition to be discussed at the executive session.

ENGINEER: Water Rehab Project (WRT System)- submittal is being prepared-pending. Hermosa Sidewalk Project-pending. Sewer Project (Lagoon design & expansion) – awaiting DANR review of the test results regarding Ammonia levels so we can do the design resubmittal and approval of timeline extension for the settlement agreement. Water/Sewer Facility Plans and Black Hills Council of Local Governments-pending. Town of Hermosa water and sewer extension project-additional information was resubmitted, pending. Hermosa Hills drainage-awaiting final walk-through, after the light is installed on Walter street and gravel issues addressed. Whitney street drainage- continued monitoring the situation. Roy's drive-in –monitoring. Facility plans for booster, water meters and Rural development - pending.

PLANNING & ZONING: Review of May 9th, 2023, P&Z meeting minutes. Permit 2022-25-Digging/Row– pending, 2023-06– commercial remodeling permit application – pending. Review of 2023-15 – Informational Permit – 27 N. 4th St. – Pour 10x16 cement deck, no action needed. Vendor fair & Farmers market: Motion made, seconded to wave the Town's vendor and peddler permit fee for the Vendor fair & Farmers market on June 24th 2023 event including Hermosa Community Center, except for the vendors that are attending the event that day with the food truck or any other vehicle/trailer/cart, they will require to complete application and pay \$25.00 fee at the Town of Hermosa office; Vote: all ayes, motion carried. Motion made, seconded to remove items 10) D. & E. from the agenda; Vote: all ayes, motion carried.

March 5, 2024

FINANCE OFFICE: Monthly financials will be presented March 19, 2024, meeting. Work Session agendas, pending. Motion made and seconded to offer finance officer position to Terri Cornelison, \$25.00 per hour, pending favorable background check, with six-month probation period; vote: three ayes, one nay, motion carried.

OLD BUSINESS: Hermosa Connects, Vendor Fair Permits: motion made and seconded to waive the vendor permit fee with discussion. Vote: all ayes, motion carried. The board will clarify its ordinance, this issue to be reviewed prior to the 2025 event.

NEW BUSINESS: Gravel on Tower Road, discussed previously. West River Coalition, Cat care group, pending. Reduction in number of newsletter copies, pending. Volunteer of the Year, nominations to be reviewed at March 19, 2024, meeting. Trustee attendance payment(s): Ordinance 30.07 to be followed. Custer County Commissioners meeting update: Kramer to attend the March 6, 2024, meeting. This item will be placed on each agenda for updates. Motion made and seconded to remove, 'Trustee attendance payments' from the agenda; vote: all ayes, motion carried.

ITEMS FROM CITIZENS: A Soap Box Derby will be one of the events occurring at the 2<sup>nd</sup> Annual Vendor Fair on June 22, 2024. Hermosa Connects meeting: Monday, March 11, 2024. Citizen suggested sidewalk erosion mats on Vilas Street be removed so they are out of the way before spring rains.

EXECUTIVE SESSION:

Motion made and seconded to enter Executive Session allowable by SDCL 1-25-2.1 – Legal at 7:53 pm; vote: all ayes, motion carried. Motion made and seconded to exit executive session at 8:24 pm; vote: all ayes, motion carried. Motion made and seconded to allow Attorney Johnson to write a letter to ACES to satisfy the contract for the N 79 water/sewer line project; vote: all ayes, motion carried. Motion made and seconded to adjourn meeting at 8:25 pm, vote: all ayes, motion carried.

ATTEST:

\_\_\_\_\_  
Gail Boddicker  
Finance Officer

\_\_\_\_\_  
Vicki Henrichsen  
Town Board President

Published once at the approximate cost of \_\_\_\_\_.

April 16, 2024

Promoting City/ BBB, \$62.38, EFTPS-Electronic Federal Tax, FED/FICA TAX, \$1,144.36, HEALTH POOL OF SD, Life insurance, \$5.25. Total Payroll Related Paid: \$5,570.19.  
GENERAL: \$13,377.58, BBB GROSS RECEIPTS TAX, \$81.06, WATER: \$783.04, SEWER: \$8,583.75. **REPORT TOTAL: \$22,825.43.**

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Custer County log in packet. Ferguson gave an update on current abatements.

LEGAL: None

PUBLIC WORKS: Ferguson provided updates on streets, water, and sewer departments. Motion made and seconded to approve the quote from Black Hills Electric in the amount of \$2,551.03 for the new street light on Whitney Street near lift station approximately at 4<sup>th</sup> Street; vote: 3 aye, 1 nay, 1 abstain, motion carried. Bolted Tank Interior Floor Reseal, pending. Open Work Orders (Attached), ongoing. PACE Contract, pending and still scheduled for May. Motion made and seconded to cease lagoon pumping; vote, all aye, motion carried. Ferguson was recognized for two Certificates of Achievement he received regarding the Public Water System. Motion made and seconded to remove Items F & H under Public Works; vote: all aye, motion carried.

FINANCE OFFICE: Monthly financials presented. Work session scheduled for Tuesday, April 30, 2024. Motion made and seconded to start the work session meeting at 5 p.m.; vote: 3 aye, 2 nay, motion carried. Motion made and seconded to approve the cost of the addition of 50 public users to the Front Desk Standard program with GWorks; vote, all aye, motion carried. Motion made and seconded to have Finance Officer Cornelison research and bring findings to the next meeting on May 7<sup>th</sup>, the requirements for changing the employee pay periods; vote: all aye, motion carried.

OLD BUSINESS: Hermosa Connects will hold a mixer on April, 22, 2024 from 5-7 pm as well as their vendor fair on June 20, 2024. Motion made and seconded to close off 2<sup>nd</sup> Street down to Whitney Street to corner of 3<sup>rd</sup> Street for the vendor fair on June 20, 2024; vote: all aye, motion carried. The fire department and residents in that area will be notified of the closure. Aqueous Film Forming Foam Products Liability Litigation is pending. Joan Harris gave an update on the Headwaters Economics.

NEW BUSINESS: Gravel on Tower Road is pending. Motion was made and seconded to approve the 2024-2025 Retail on-off sale) Malt Beverage & SD Farm Wine renewal applications for Corner Pantry Travel Center: License #RB2776, Pop's Corner Grocery: License # RB-25133 and Hermosa Community Center: License #27834; vote: all aye, motion carried. Kramer gave update from her attendance to the Custer County Commission meeting on April 3, 2024. **The vendor permit fees will be discussed at the next work session on April 30, 2024.** Mosquito spraying will be discussed at the next meeting on May 7, 2024. Motion made and seconded to appoint Linda Kramer as the Emergency Management person; vote; all aye, motion carried. Motion made and seconded to remove Items B and C from the agenda; vote: all aye, motion carried.

ITEMS FROM CITIZENS: There were no items brought forward by citizens.

EXECUTIVE SESSION: Tabled until the next meeting on May 7, 2024.  
Motion made and seconded to adjourn meeting at 7:55 pm, vote: all ayes, motion carried.

ATTEST:

---

Terri Cornelison  
Finance Officer

---

Vicki Henrichsen  
Town Board President

May 7, 2024

**Related Paid: \$10,387.88. Utility Deposit Refunds:** Thomas Mandarino, \$51.99; Brent Wurdeman, \$33.55; Tatianne Clark \$76.73. **Deposit Refund Total: \$162.27. REPORT TOTAL: \$43,067.50.**

**LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS:** Custer County log in packet. Ferguson gave an update on conversation she had with Sheriff Mechaley. Abatements – no further action will be taken on current abatements/letters of complaint until a work session is completed. Motion made and seconded to set the work session for Wednesday, May 22, 2024 at 6 p.m.; vote: 4 aye, 1 nay, motion carried.

**LEGAL:** Kent Hagg was in attendance and stated he will be available during the interim of seeking a new attorney.

**PUBLIC WORKS:** Ferguson provided updates on streets, water, and sewer departments. Bolted Tank Interior Floor Reseal, pending. Open Work Orders (Attached), ongoing. PACE Contract, pending and still scheduled for May. Ferguson discussed ordering “slow down” signs to deter speeders. Motion made and seconded to do nothing with the slow down signs; vote: 2 aye, 2 nay, 1 abstain, motion failed.

**FINANCE OFFICE:** Monthly financials will be presented at the next meeting on May 21, 2024. Finance Officer Cornelison provided information on the Town of Hermosa policy only designating that pay day is on the 15<sup>th</sup> and last day of each month. When a pay day falls on a weekend or holiday, that pay day is moved up to the first banking day prior. Motion made and seconded to change pay periods to end on the 5<sup>th</sup> and 21<sup>st</sup> of each month ; vote: all aye, motion carried. Information was reviewed on pricing for GWorks upgrade. Cornelison was instructed to get pricing on the HR module only and bring to the next meeting. Motion made and seconded to approve \$75 registration fee, meals and mileage for Cornelison to attend the Finance Officer School in Spearfish, SD, on June 12-14, 2024; vote: all aye, motion carried. Motion made and seconded to approve \$30 registration fee, meals and mileage for Cornelison to attend Budget Training in Rapid City, SD, on June 18, 2024; vote: all ayes, motion carried.

**OLD BUSINESS:** Hermosa Connects meets the second Monday of each month at 9a.m. at the Hermosa Coffee House. Motion made and seconded to remove Item B under Old Business; vote: all aye, motion carried. Motion made and seconded to remove Item C under Old Business; vote: all aye, motion carried. Motion made and seconded to rescind Resolution 06-2023; vote: all aye, motion carried. Motion made and seconded to remove Item D under Old Business from agenda; vote: all aye, motion carried.

**NEW BUSINESS:** Gravel on Tower Road is pending. Kramer will not be attending the Custer County Commission meeting on May 8, 2024. **The vendor permit fees will be discussed at the next work session on May 22, 2024.** Discussion was held on supplementing the general fund budget for other expenses which has been used for the TNR program. Motion made and seconded to keep the budget where it currently at; motion died for a lack of a second. Motion made and seconded to supplement the general fund other expense budget by \$500; vote: 4 ayes, 1 nay, motion carried. Motion made and seconded to remove Item D under New Business from the agenda; vote: all aye, motion carried.

**ITEMS FROM CITIZENS:** Audience had input.

**EXECUTIVE SESSION:** Tabled until the next meeting on May 21, 2024.

**ADJOURN:** Motion made and seconded to adjourn meeting at 8:19 pm, vote: all ayes, motion carried.

ATTEST:

\_\_\_\_\_  
Terri Cornelison  
Finance Officer

\_\_\_\_\_  
Vicki Henrichsen  
Town Board President

# CHAPTER 113: PEDDLERS, SOLICITORS AND VENDORS

---

## Section

- 113.01 Purpose
- 113.02 Definitions
- 113.03 License
- 113.04 Fees
- 113.05 Duration
- 113.06 Exemptions
- 113.07 Hours
- 113.08 Special provisions
- 113.09 Zoning and other regulations
- 113.10 Enforcement
  
- 113.99 Penalty

### § 113.01 PURPOSE.

(A) For the protection of the citizens of the town, and to prevent undesired, unhealthful and/or criminal activity.

(B) The town shall require all transient vendors and peddlers to register with, and obtain a vendor's permit from the town office prior to commencing business within the jurisdictional boundaries of the town.

(Ord. 1.004R, passed 9-6-2011)

### § 113.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EMERGENCY SITUATION.** An unforeseen occurrence that requires immediate attention, the absence of which would endanger the health or safety of others, cause the loss of perishable goods, or create an economic hardship due to the unavoidable imminent nature of the circumstance.

**FOOD VENDOR.** Any person, partnership, corporation or similar business entity (whether a town resident or not) who is the vendor of produce, prepared or prepackaged foods.

**NON-PROFIT ORGANIZATION.** An incorporated organization which exists for educational, religious or charitable reasons, and from which its shareholders or trustees do not benefit financially. Any money earned must be retained by the organization, and used for its own expenses, operations and programs.

**SPECIAL EVENT.** Any public gathering, approved by the governing body of the town.

**STAND.** A table, bench, booth, rack, handcart, pushcart or any other fixture or device used for the purpose of displaying, distributing, storing or transporting merchandise.

**STREET FAIR.** A community event in the town that uses and occupies a portion of a public way, designated by the town, for the sale of merchandise by commercial retailers or for other promotions by nonprofit organizations.

**TEMPORARY USE AND STRUCTURE.** Any use or structure that is not located in a permanent structure and is not the primary use of property.

**TRANSIENT VENDOR.** Any person who opens a temporary place of business for the sale of goods or whom, on the streets or while traveling about the town, sells, offers for sale or solicits orders for the future delivery of goods where payment is required prior to the delivery of the goods. **TRANSIENT VENDOR** also includes any person who represents a business or organization, including, but not limited to, any entity that notifies the Town Board of Trustees that its representatives are present in the township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods, or an auction or an auctioneer company.

**VENDOR.** Any person who has been issued a valid vendor permit.

**VENDOR PERMIT.** The approved application of a person under the conditions as set forth in this chapter. A **VENDOR PERMIT** provides a person with a license to sell, distribute or display merchandise at a designated temporary outlet within the town.

(Ord. 1.004R, passed 9-6-2011)

### § 113.03 LICENSE.

Applicants applying for a **special event vendor license** shall present to any entity sponsoring the event the following:

(A) Name, address and phone number of the person, partnership, partner, corporation or similar business entity;

(B) A description of the nature of the sales to be conducted and type of business that will conduct sales;

(C) Description of the location where the sales will be conducted within the town;

(D) The times when the sales will be conducted within the town;

(E) License or permits with the county and/or the state;

(F) If electrical access, open fires or use of propane: certificate from Fire Marshal's office showing that all codes are met;

(G) All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and

(H) All current governmental registrations and licenses must be displayed at the sale.

(Ord. 1.004R, passed 9-6-2011)

### § 113.04 FEES.

Upon presentation of a completed copy of the town vendor/peddlers permit application and a state sales tax license, picture identification card, and payment of the registration fee (as set per current fee schedule), made payable to the town, the Finance Officer shall issue a receipt of authorization.

(Ord. 1.004R, passed 9-6-2011)

### **§ 113.05 DURATION.**

The registration and fee authorize the transient vendor or peddler to market their wares within the jurisdictional boundaries of the town for a period not to exceed the seven calendar days, one month or one year, time limit depending upon the permit purchased.

(Ord. 1.004R, passed 9-6-2011)

### **§ 113.06 EXEMPTIONS.**

(A) Any non-profit that is the entity applying for the vendors licensing is exempt from any fees but must still complete the application process and comply with all other requirements as set forth in this chapter.

(B) Residential yard sale activities that do not run more than four days within any three-month period are exempt from this chapter.

(C) Any persons, firms or organizations distributing goods or services for which there is no charge shall not be required to obtain a vendors permit, nor pay any fee.

(D) Any emergency situation shall be exempt.

(Ord. 1.004R, passed 9-6-2011)

### **§ 113.07 HOURS.**

No vendor or peddler shall peddle door to door between the hours of 8:00 p.m. and 9:00 a.m., except by specific appointment with, or invitation from, the prospective customer.

(Ord. 1.004R, passed 9-6-2011) Penalty, see § 113.99

### **§ 113.08 SPECIAL PROVISIONS.**

The following vendors may have the following specific regulations.

(A) Fireworks sales: fees as per fee schedule, insurance requirements

(B) Carnivals: fees as per fee schedule, insurance requirements and show that the rides are certified.

(Ord. 1.004R, passed 9-6-2011)

### **§ 113.09 ZONING AND OTHER REGULATIONS.**

(A) An applicant shall comply with all zoning requirements and other regulations and ordinances of the town.

(B) Where there is a conflict of these provisions with the zoning regulations, the zoning regulations shall control or supersede this chapter.

(Ord. 1.004R, passed 9-6-2011)

### **§ 113.10 ENFORCEMENT.**

(A) Any transient vendor or peddler not in compliance with this chapter shall pay a fine in accordance with § 10.99.

(B) It shall be the duty of any police officer of code enforcement official of the town to enforce the provisions of this chapter.

(Ord. 1.004R, passed 9-6-2011)

**§ 113.99 PENALTY.**

(A) Any person, who violates any of the provisions of this chapter shall upon conviction, be subject to a fine as per the town's current fee schedule.

(B) Each day the violation shall exist shall be construed as a separate offense.

(Ord. 1.004R, passed 9-6-2011)



<https://dor.sd.gov/> 1-800-829-9188

# Special Events

*The purpose of this Tax Fact is to explain how South Dakota use tax applies to special events. It is not intended to answer all questions that may arise. The information contained in this fact sheet is current as of the date of publication.*

July 2023

## What is Considered a Special Event?

A special event is any craft fair, vendor show, trade show, fair, exhibition, exposition, or other temporary event where retail vendors may sell to customers.

A spectator event is any organized activity meant for entertainment or education and open to the public. Most special events are also spectator events, and are subject to tourism tax, in addition to the state and municipal sales tax.

## Is a License Required to be a Vendor at a Special Event?

**Sturgis Rally:** Yes, you must obtain a temporary South Dakota sales tax license if you will be a vendor at the Sturgis Rally. You must obtain a temporary tax license and file the Sturgis Rally special event return even if you have a South Dakota sales tax license. For more information, please go to: <https://dor.sd.gov/businesses/sturgis-motorcycle-rally/>.

**State Fair:** Yes, you must obtain a temporary South Dakota sales tax license if you will be a vendor at the state fair. You must obtain a temporary tax license and file the State Fair Special Event return, even if you have a South Dakota sales tax license.

**All Other Special Events:** No, you do not need a license to be a vendor at any other special events. If you have a South Dakota sales tax license, you will report the special event sales on your next scheduled sales tax return. If you do not have a South Dakota sales tax license, you will file the special event return that the event organizer provides. Please contact DOR at 800-829-9188 if you do not receive one.

## Application of Tax

All sales at a special event are subject to the state sales tax, applicable municipal sales tax, applicable municipal gross receipts tax, and tourism tax.

### **Municipal Tax in South Dakota**

Most municipalities have a sales tax that is in addition to the state sales tax. If a special event is in one of these municipalities, the municipal tax will apply to products and services sold. The municipality may also have an additional gross receipts tax on lodging, eating establishments, alcoholic beverages and ticket sales or admissions to places of amusement, athletic or cultural events. This is in addition to the state sales tax, the municipal sales tax and tourism tax. A list of municipal tax rates is available on the department's website at <https://dor.sd.gov> or by calling 1-800-829-9188.

### **Tourism Tax**

Tourism tax applies to sales at spectator events, visitor attractions, and visitor-intensive businesses. The tourism tax rate is in addition to the state sales tax and any applicable municipal taxes. Tourism tax does not apply at farmers markets.

***Special events are spectator events where tourism tax applies.***

## Application of Tax (cont.)

### Sales Tax Does Not Apply

- **Display Only:** If you are only displaying a product, and have no products available for sale, please write "Display Only" on the special event return and send it to DOR.  
⇒ Use tax is due on items given away (i.e. promotional items)
- **Direct Sellers:** If you are a direct seller and the company you sell for has charged you the sales tax on your purchases, please provide the name of the company you represent on the top section of the special event return and send it to DOR.
- **Non-Profit Fundraiser:** Certain qualifying fundraising events do not owe sales tax on sales made.  
⇒ Please mark the section of the special event return that states "I represent a non-profit fundraiser" and list the name of the organization.

South Dakota Taxes and Rates	
<b>State Sales and Use Tax</b> – Applies to all sales or purchases of taxable products and service. Sales tax does not apply to products or vehicles subject to the ag excise or motor vehicle excise taxes.	<b>4.2%</b>
<b>Municipal Sales and Use Tax</b> – Applies to all sales of products and services that are subject to the state sales tax or use tax if the purchaser receives or uses the product or service in a municipality that imposes a sales tax or use tax.	<b>1 to 2%</b>
<b>Municipal Gross Receipts Tax (MGRT)</b> – Imposed on alcoholic beverages, eating establishments, lodging accommodations, admissions to places of amusement, athletic, and cultural events. MGRT is in addition to municipal sales tax and use tax.	<b>1%</b>
<b>Tourism Tax</b> – Applies to certain lodging and amusement services. The tourism tax is used for the promotion of tourism in South Dakota. Tourism tax does not apply when you are remitting use tax.	<b>1.5%</b>

## Fundraising Events

Some fundraising activities may be exempt from sales tax. To qualify for tax exemption on fundraising sales the receipts, after costs, must be dedicated for religious, benevolent, fraternal, youth association or charitable purposes. The fundraising activities cannot be for more than 3 consecutive dates. Contact DOR to discuss your fundraising event and confirm it qualifies for the sales tax exemption.

## Organizing a Special Event

Organizers of a special event should notify the local DOR office about the event. The department will provide tax information and tax return forms for the vendors attending the event. For local office information, call our Taxpayer Assistance Center at 1-800-829-9188, or find us on the web at <https://dor.sd.gov/>

Charges for admissions, booth rentals or other vendor fees are subject to sales tax.

***There are some exemptions for fundraising events and for membership organizations.  
Please discuss this when you contact the local DOR office to set up the event.***

## Frequently Asked Questions

---

### How many vendors need to attend an event for it to be considered a special event?

- There is no minimum size requirement. If you are holding a special event contact DOR.

### Is there a minimum amount of sales before I am required to report sales tax?

- No, there is no minimum. The sales tax applies to all sales.

### I spent more money to get to the event and pay for a booth than I had sales, do I still owe sales tax?

- Yes, the sales tax applies to all sales to your customers. There are no deductions for expenses.

### I live outside of South Dakota and I am attending one special event, do I need to collect South Dakota sales tax?


- Yes, all sales in South Dakota are subject to South Dakota sales tax.
- If you have an online business and sell into South Dakota throughout the year, you will also need a permanent South Dakota sales tax license for all your online sales into South Dakota.
- Find the sales tax license application here: <https://apps.sd.gov/rv23cedar/main/main.aspx>

## Filing the Special Event Return

---

- All returns must be filed, even if you have no sales to report or are reporting sales on a permanent license.
- The return is due on the 20th of the following month from the event date.  
⇒ ***The Sturgis Rally and State Fair have different due dates.***
- If you signed up for the event but do not attend, please notify DOR.
- If you would like to file and pay electronically (through E-Path), please contact DOR to create an account.
- See the following page for an example of how to complete a return.
- **Late Filing and Paying Penalty:** A penalty of 10% (.10) of the tax liability is assessed if a return is not received within 30 days following the month the return is due. The minimum penalty is \$10 and is assessed even if no tax is due. Interest: 1% (.01) interest will be assessed each month on any past due tax until the tax is paid in full. (A minimum of \$5.00 interest is due the first month).

**Example of a Special Event Return. The filer had \$100.00 in sales. The sales were not prepared food.**

<b>ANY TOWN - SPECIAL EVENT CRAFT SHOW</b>																																																				
Event Date: June 1, 2021 to June 5, 2021																																																				
Return Due Date: July 20, 2021																																																				
<b>ALL VENDORS NEED TO COMPLETE &amp; SEND THIS FORM TO THE ADDRESS BELOW.</b>																																																				
<p><b>READ CAREFULLY:</b> Report your sales and pay the tax due on this form, <u>UNLESS</u> one of these statements applies to you.</p> <p style="text-align: center;"><i>I have a South Dakota Sales Tax License.</i> Write the license below. Do not report any sales or tax on this form. License Number: _____</p> <p><i>I represent a non-profit fundraiser.</i> List the organization name and complete the name/address section below. Do not report any sales or tax on this form. Non-profit Organization: _____</p> <p><i>I am an independent representative.</i> List the company name and complete the name/address section below. Do not report any sales or tax on this form. Direct Selling Company: _____</p>																																																				
<p>LICENSE: 5099-9999-SE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 2px;">NAME: Tax Payer</td> <td rowspan="5" style="width: 40%; text-align: center; vertical-align: middle;"> <b>DUE DATE:</b>  <b>July 20, 2021</b>  <i>Interest and penalty will apply to all returns filed after the due date.</i> </td> </tr> <tr> <td style="padding: 2px;">BUSINESS NAME: Tax Payer Sales</td> </tr> <tr> <td style="padding: 2px;">ADDRESS: 1001 Generic Drive</td> </tr> <tr> <td style="padding: 2px;">CITY, STATE, ZIP: Any Town, SD 99999</td> </tr> <tr> <td style="padding: 2px;">TELEPHONE NUMBER:</td> </tr> <tr> <td colspan="2" style="padding: 2px;">EMAIL ADDRESS:</td> </tr> </table>			NAME: Tax Payer	<b>DUE DATE:</b> <b>July 20, 2021</b> <i>Interest and penalty will apply to all returns filed after the due date.</i>	BUSINESS NAME: Tax Payer Sales	ADDRESS: 1001 Generic Drive	CITY, STATE, ZIP: Any Town, SD 99999	TELEPHONE NUMBER:	EMAIL ADDRESS:																																											
NAME: Tax Payer	<b>DUE DATE:</b> <b>July 20, 2021</b> <i>Interest and penalty will apply to all returns filed after the due date.</i>																																																			
BUSINESS NAME: Tax Payer Sales																																																				
ADDRESS: 1001 Generic Drive																																																				
CITY, STATE, ZIP: Any Town, SD 99999																																																				
TELEPHONE NUMBER:																																																				
EMAIL ADDRESS:																																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 45%;">SALES TAX CALCULATIONS</th> <th style="width: 10%;">CODE</th> <th style="width: 15%;">TAXABLE SALES</th> <th style="width: 10%;">RATE</th> <th style="width: 20%;">TAX DUE</th> </tr> </thead> <tbody> <tr> <td>1 State Sales Tax</td> <td></td> <td style="text-align: right;">\$ 100.00</td> <td style="text-align: right;">4.50%</td> <td style="text-align: right;">\$ 4.50</td> </tr> <tr> <td>2 Tourism Tax</td> <td style="text-align: center;">700-1</td> <td style="text-align: right;">\$ 100.00</td> <td style="text-align: right;">1.50%</td> <td style="text-align: right;">\$ 1.50</td> </tr> <tr> <td>3 City Sales Tax for Any Town-G</td> <td style="text-align: center;">999-2</td> <td style="text-align: right;">\$ 100.00</td> <td style="text-align: right;">2.00%</td> <td style="text-align: right;">\$ 2.00</td> </tr> <tr> <td colspan="5" style="padding: 2px;"><i>Prepared food, alcohol sales, and admissions are subject to an additional tax to be reported on line 4.</i></td> </tr> <tr> <td>4 Additional City Sales Tax for: Any Town-GR</td> <td style="text-align: center;">999-1</td> <td></td> <td style="text-align: right;">1.00%</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>5 Total Tax Due (add lines 1 through 4)</td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ 8.00</td> </tr> <tr> <td>6 Penalty/Interest (if applicable)</td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>7 Total Due (add lines 5 plus 6)</td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ 8.00</td> </tr> <tr> <td>8 Amount Remitted - Make check payable to the South Dakota State Treasurer</td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> </tbody> </table>			SALES TAX CALCULATIONS	CODE	TAXABLE SALES	RATE	TAX DUE	1 State Sales Tax		\$ 100.00	4.50%	\$ 4.50	2 Tourism Tax	700-1	\$ 100.00	1.50%	\$ 1.50	3 City Sales Tax for Any Town-G	999-2	\$ 100.00	2.00%	\$ 2.00	<i>Prepared food, alcohol sales, and admissions are subject to an additional tax to be reported on line 4.</i>					4 Additional City Sales Tax for: Any Town-GR	999-1		1.00%	\$	5 Total Tax Due (add lines 1 through 4)				\$ 8.00	6 Penalty/Interest (if applicable)				\$	7 Total Due (add lines 5 plus 6)				\$ 8.00	8 Amount Remitted - Make check payable to the South Dakota State Treasurer				\$
SALES TAX CALCULATIONS	CODE	TAXABLE SALES	RATE	TAX DUE																																																
1 State Sales Tax		\$ 100.00	4.50%	\$ 4.50																																																
2 Tourism Tax	700-1	\$ 100.00	1.50%	\$ 1.50																																																
3 City Sales Tax for Any Town-G	999-2	\$ 100.00	2.00%	\$ 2.00																																																
<i>Prepared food, alcohol sales, and admissions are subject to an additional tax to be reported on line 4.</i>																																																				
4 Additional City Sales Tax for: Any Town-GR	999-1		1.00%	\$																																																
5 Total Tax Due (add lines 1 through 4)				\$ 8.00																																																
6 Penalty/Interest (if applicable)				\$																																																
7 Total Due (add lines 5 plus 6)				\$ 8.00																																																
8 Amount Remitted - Make check payable to the South Dakota State Treasurer				\$																																																
<p><b>Please Note:</b></p> <ul style="list-style-type: none"> <li>Sales tax applies on all sales made at the ANY TOWN - SPECIAL EVENT CRAFT SHOW.</li> <li>All sales at this event are subject to the state sales tax, the tourism tax and the applicable city sales tax for Any Town.</li> </ul> <p>I declare under the penalties of perjury this return has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.</p> <p>Date _____ Licensee _____</p>																																																				

**Contact Us**

If you have any questions, please contact the **South Dakota Department of Revenue.**

Call toll-free: 1-800-829-9188

Business Tax Division Email: [bustax@state.sd.us](mailto:bustax@state.sd.us)

Website: <https://dor.sd.gov/>

Mailing address and office location: South Dakota Department of Revenue  
445 East Capitol Ave  
Pierre, SD 57501



Sample

# Transient Merchant / Mobile Food Truck Property Owner Application

## PROPERTY OWNER INFORMATION

Name \_\_\_\_\_  
 Business Name \_\_\_\_\_  
 Business Address \_\_\_\_\_  
 Phone number \_\_\_\_\_  
 Email \_\_\_\_\_

## PERMIT REQUEST

**Mobile Food Truck Vendor**  
 State and license number of vehicle: State \_\_\_\_\_ LicenseNumber \_\_\_\_\_

**Transient Merchant Permit**  
 If you are applying for a transient merchant permit are toilet facilities within 300 ft provided? YES  NO

## VENDOR INFORMATION

Vendor Name \_\_\_\_\_  
 Vendor Business Name \_\_\_\_\_  
 Vendor Location \_\_\_\_\_  
 Products / Services to be Sold \_\_\_\_\_

ONE (1) DAY PERMIT
DATE _____

THREE DAY PERMIT
BEGINING DATE _____
ENDING DATE _____

I hereby agree that any falsification, misstatement or omission, including those related to location and goods to be sold, shall result in immediate revocation of this permit and forfeiture of the right to operate within the city limits of Custer City. It is further understood that payment of applicable state and city sales tax is a requirement of this permit.

Property Owner's Signature \_\_\_\_\_

### Office Use Only

REQUIRED LICENCES AND CERTIFICATES	AMOUNT RECEIVED
SOUTH DAKOTA SALES TAX LICENSE (copy) <input type="checkbox"/>	RECEIPT NUMBER _____
SOUTH DAKOT DEPT. OF HEALTH LICENSE (copy) <input type="checkbox"/>	AMOUNT _____
CERTIFICATE OF LIABILITY INSURANCE (If required) <input type="checkbox"/>	CHECK <input type="checkbox"/> CASH <input type="checkbox"/> CREDIT CARD <input type="checkbox"/>

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Events that are open to the general public and take place on public grounds; require closure of streets or parking lots, sound amplification, fireworks, or are located within a park, are coordinated through the Special Event Permit Application process. Typically, these events require permits, licenses, and approvals from several City departments, depending on the size and nature of the special event.

To apply for a Special Event Permit, please complete this application. Your application, including required attachments, needs to be submitted at least forty-five (45) days before your event. Facility Use Agreements and additional equipment rental should also be completed at this time (if applicable).

\* Special Event  
Sample

**Event Name:\***

**Event Date:\***

—

**Event Hours:\***

—

**Permit(s) & License(s) requests included in this application:\***

- Street Closure(s) (\$200 Fee)
- Parking Lot Closure(s) (\$200 Fee - waived if also requesting street closure)
- Parade Permit - with escort & closures (\$250 Fee)
- Parade Permit (\$50 Fee)
- Noise Permit
- Fireworks Permit (\$50 Fee)
- Special Event Liquor License (\$500 Fee)
- Consumption Permit (\$500 Fee)

**\*Special Event Permit fee(s) need(s) to be RECEIVED by the City of Mitchell by the day of event to ensure final approval of Special Event Permit.**

**Time Requested for Street Closure(s)**

—

**Time Requested for Parking Lot Closure(s)**

mm/dd/yyyy

hh:mm am/pm

—

mm/dd/yyyy

hh:mm am/pm

**Event Information:**

**Overall Event Description:\***

**Please check all that apply:\***

**Total anticipated attendance:\***

- This is a first time event.
- This event is open to the public.
- Admission will be charged.
- Vendor and / or participant fees are required.
- The event includes the sale or use of alcoholic beverages.
- Items and / or services will be sold at the event.
- The event will be held in a City Park or Facility.

**Name of Group Sponsoring the Event:\***

**Is your organization a "Tax Exempt", non profit organization?\***

- yes (please attach 501C Exemption Letter)
- no

**501C Exemption Letter Attachment**

 No file chosen

**Event Application Contact Person:\***

**Contact Person's Email:\***

**Phone Number: \***

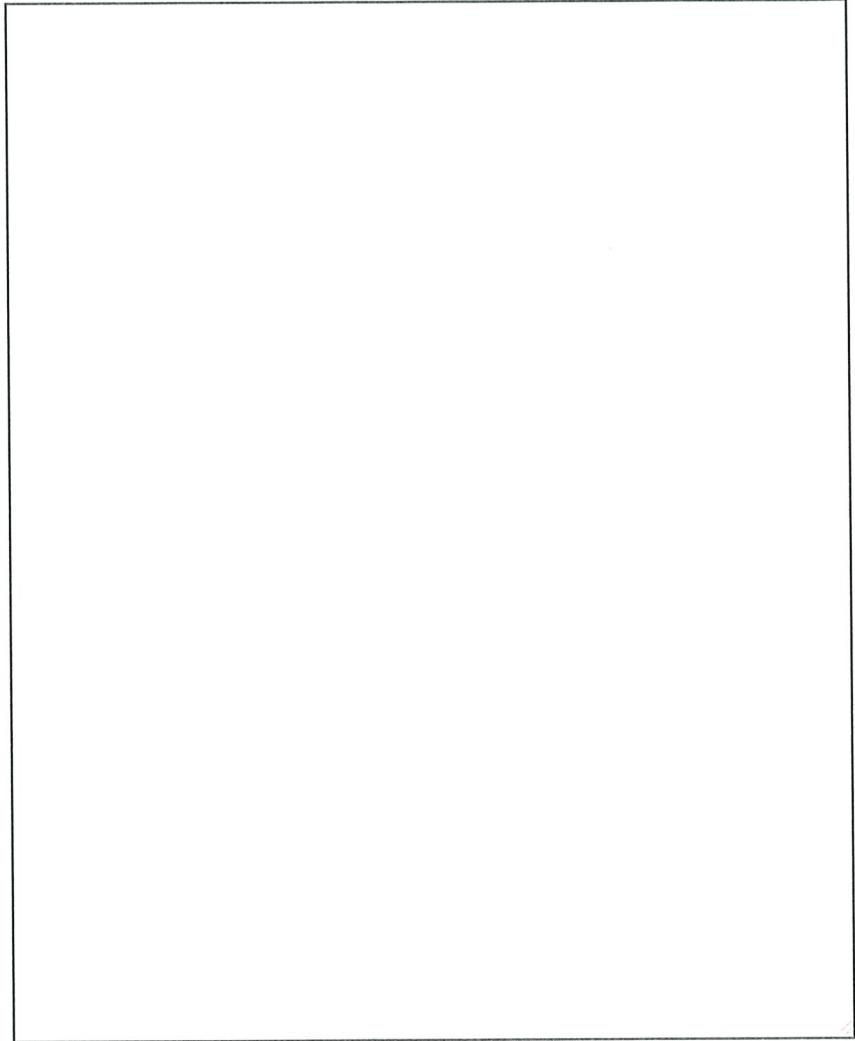
**Day of Event Contact Person:\***

**Contact Person's Email:\***

**Phone Number:\***

**Facility Use, Impacted Areas, and Event Map**

Please provide a detailed description of what facilities and additional equipment will be needed, along with how many bleachers and picnic tables need to be reserved. (including bleachers, picnic tables, water, electricity, etc.). Also, please provide a detailed list/description of what street/parking lot closure(s) are needed. Attach a copy of the Event Map with your application. The Event Map should show overall layout and setup locations of the following items: alcoholic concessions, beer gardens, food concessions, food prep areas, first aid facilities, trash containers/dumpsters, fencing/barriers/or barricades, sources of electricity/generators, canopies or tent locations; stages, platforms, seating, or related structures.\*

A large, empty rectangular box with a thin black border, intended for the applicant to provide a detailed description of facilities and equipment needed for the event. The box is currently blank.

**This event will include the use of:**

**\* Please reserve any item(s) selected below and submit fee to the respective City Department, along with the completion and submission of the application.**

- Indoor Park Shelter (\$117.15/day - Park & Rec Fee)
- Outdoor Park Shelter (\$58.58/day - Park & Rec Fee)
- City Facility or Other City Building
- Picnic Table Rentals (\$25/each/day- Park & Rec Fee)
- Bleacher Rentals (\$35/each/day- Park & Rec Fee)
- Electricity - Main Street Only (Confirm Fee with the Corn Palace)
- Water - Main Street Only (Confirm Fee with Corn Palace)

## **Safety, Security, and Accessibility.**

Please provide a detailed description of the safety, security, and parking plans for the event. Please describe your procedures for crowd control, internal security, and accessibility plans for individuals with disabilities, as well as what arrangements have been made for First Aid, and parking/shuttle plans to the special event.\*

## **Noise Permits**

Special events that cannot comply with Mitchell City Code Title 5, Chapter 5, Noise Control; are required to obtain a noise permit. MCC 5-5 can be found at: [www.cityofmitchell.org/specialevents](http://www.cityofmitchell.org/specialevents)

**Will Sound Amplification be used?\***

- Yes  
 No

**What time will sound amplification be used?**

—

Please list the start time and finish time.

**Will sound checks be conducted prior to the event?**

- Yes  
 No

**When will sound checks be preformed?**

## **Fireworks Permits**

If any fireworks, rockets, or other pyrotechnics will be used, you must complete the information below.

Fireworks permits require that the applicant acquire and provide a copy of a Certificate of Liability Insurance coverage with a \$1,000,000 General Liability per occurrence coverage with the City of Mitchell must be listed as an additional insured.

**Contact information for the person(s) in charge of firing the display:**

**Name**

**Address**

**City**

**State**

**Zip Code**

**Phone Number**

**Email Address**

**Date of Display**

**Time of Display**

—

### Type of Fireworks

- Class B Explosive (special fireworks)
- Class C Common Fireworks

### Exact Location of Display:

### What are the width perimeter requirements?

## Insurance Requirements

Insurance for your event is **REQUIRED** before final permit approval.

Special Events: you will need \$1,000,000 Commercial General Liability Insurance per occurrence. Liquor Liability Insurance is required if you are planning to sell alcoholic beverages at your event or facilities rental. A minimum of \$500,000 Liquor Liability Insurance is required per occurrence. Fireworks Permits require \$1,000,000 of General Liability Insurance per occurrence.

All required insurance must name the **"City of Mitchell, its officers, employees, and agents"** as an additional insured. Insurance coverage must be maintained for the duration of this event.

### **I have the following coverage(s) and attached a copy of the Certificate(s) showing the City of Mitchell as an additional insured as REQUIRED above.\***

- Special Event Permit: \$1,000,000 Commercial General Liability per occurrence
- Special Event Liquor License: \$500,000 Liquor Liability per occurrence
- Fireworks Permit: \$1,000,000 General Liability per occurrence

**Name of Insurance Company\***

**Agent's Name**

**Policy Number**

**Phone Number**

## Affidavit of Applicant

By typing your name by each of the items below, you are providing your acknowledgement of the requirements listed.

I understand that this application is subject to Mitchell City Council approval. Any violations of the approved permits will be grounds for law enforcement to require the immediate termination of the event.\*

I acknowledge and agree to allow the City of Mitchell to publish the Contact Person and media referral telephone numbers on the internet in conjunction with the public notices and calendar of upcoming events in the City of Mitchell.\*

I certify that the information in the foregoing application is true and correct to the best of my knowledge and belief and that I have read, understand and agree to abide by the rules and regulations governing the proposed special event and I understand that this application is made subject to the rules and regulations established by the City Council of Mitchell. I agree to abide by these rules and further certify that I, on behalf of the organization, am also authorized to commit that organization, and therefore agree to be financially responsible for any cost and fees that may be incurred by or on behalf of the Event to the City of Mitchell.\*

**I am attaching the following items:**

- Parade Route Map
- Street or Parking Lot Closure Map
- Event Map
- Certificate of Liability Insurance
- Certificate of Liquor Liability Insurance
- Additional Document(s)

**Parade Route Map Attachment**

Choose File No file chosen

**Street or Parking Lot Closure Map Attachment**

Choose File No file chosen

**Event Map Attachment**

Choose File No file chosen

**Certificate of Liability Insurance Attachment**

Choose File No file chosen

**Certificate of Liquor Liability Insurance Attachment**

Choose File No file chosen

**Additional Document**

No file chosen

**Additional Document**

No file chosen

Action of City Council \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Finance Officer

\_\_\_\_\_

Mayor

(Seal)

Date Approved: \_\_\_\_\_

Amount of Fees Paid: \_\_\_\_\_

protected by reCAPTCHA

[Privacy](#) - [Terms](#)

Receive an email copy of this form.

**Email address**

This field is not part of the form submission.

\* indicates a required field

(B) Residents of the town are responsible for picking up trash and garbage from tipped containers.

(C) If a collection container becomes unusable due to damages resulting from causes other than the collection truck, the resident shall be responsible for purchasing a new container from the service provider.

(Ord. passed 6-19-2018)

#### § 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to persons who have garbage service with the town. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

#### § 52.04 COLLECTION CHARGES.

(A) The town shall make a charge for each month for the collection of refuse from each family domestic unit. The charge shall be billed on the monthly water bill to each family domestic unit and shall be immediately due and payable upon the billing date. It shall be payable with, and in addition to, the water bill.

(B) In the event refuse collection is provided by the town under the provisions of this chapter to a family domestic unit within the garbage service district not independently served by the town water service and billed therefor, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same rate that the water users are billed. The refuse collection charge shall be forthwith payable to the town by either the owner or occupant of the dwelling unit.

(C) Bills shall be payable at the Town Finance Office or at the authorized bank depository by automatic withdrawal upon enrollment.

(D) The rates for any and all charges the town shall make under this provision shall be prescribed by resolution of the Common Council.

(E) In addition to the foregoing methods of billing and collecting the charges for refuse collection, the Finance Officer, with the approval of the Board of Trustees, may from time to time adopt, use, and enforce such other methods of billing and collection of the charges as may be reasonably efficient, feasible, and appropriate, to the end that in every case all collection charges provided by this section shall be paid.

(Ord. passed 6-19-2018)

**NEW**

**AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.**

**BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:**

CHAPTER 52: GARBAGE AND REFUSE

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to residents who live within municipal town limits. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 20th day of December 2022

BOARD OF TRUSTEES:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Finance Officer

First Reading: 12/06/2022  
Second Reading: 12/20/2022  
Publication: 12/28/2022  
Effective Date: 01/17/2023

Proposed

AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.

BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:

CHAPTER 52: GARBAGE AND REFUSE

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to those customers (lots/homes) paying for garbage service through the Town of Hermosa's Garbage and Refuse contract. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 23rd day of January 2024

BOARD OF TRUSTEES:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Finance Officer

First Reading:  
Second Reading:  
Publication:  
Effective Date: