

## **TITLE V - ADVERTISING AND MERCHANT SALES**

### **Chapter 1**

#### **ADVERTISING AND BILL POSTING**

##### **SECTION:**

**5-1-1: No Bill Posting Without Authorization**

**5-1-2: Littering Streets and Alleys with Posters**

**5-1-3: No Posting on Fences/Utility Poles**

**5-1-4: Requirements for Billboards**

**5-1-1: NO BILL POSTING WITHOUT AUTHORIZATION:** No person, persons or corporation shall engage in the distribution, posting, painting, pasting or tacking of signs, bills, pictures or advertising matter announcing the business or place of meeting of any entertainment, opera, theater, menagerie or other exhibition of whatsoever nature or kind, or any other advertising matter in any manner in the Town except as hereinafter specified, unless the said person, persons, or corporation shall first have been authorized by the land owner.

**5-1-2: LITTERING STREETS AND ALLEYS WITH POSTERS:** No person shall scatter or throw upon the streets, sidewalks or alleys of the Town, handbills, posters, advertisements or papers. Nothing herein shall be construed to authorize any person or persons to obstruct the streets, sidewalks and alleys of the Town or create any nuisance therein. The provisions of this Chapter do not interfere or prevent the posting of notices required by law to be posted.

**5-1-3: NO POSTING ON FENCES OR UTILITY POLES:** No person, persons, or corporations shall post, paint, tack or otherwise attach any notice or other advertising matter to any of the fences, walls or buildings or other property in the Town. The person, persons or corporation shall first obtain the consent of the owner of such property or his authorized agent or tenant. No person, persons or corporation shall post, paint, tack or otherwise attach any notices or advertising matter to any of the utility poles in Town.

**5-1-4: REQUIREMENTS FOR BILLBOARDS:** All billboards or signboards in the Town shall conform to the following requirements, to-wit:

(A) There shall be maintained on every bill or signboard in printed letters the name of the person or corporation owning or in charge thereof.

(B) Every bill or signboard, whether now or hereafter erected shall be securely built, firmly anchored and maintained in a safe condition.

**Title V Advertising and Merchant Sales  
Chapter 2**

**TRANSIENT MERCHANTS**

**SECTION:**

- 5-2-1: Definition of Transient Merchant**
- 5-2-2: Transient Merchant License**
- 5-2-3: Exceptions**
- 5-2-4: License Fee**
- 5-2-5: Application For License**
- 5-2-6: Issuance of License**
- 5-2-7: Exhibition Of License Upon Demand**

**5-2-1: DEFINITION OF TRANSIENT MERCHANT:** A transient merchant, otherwise called itinerant vendor or peddler, is defined as any person, whether acting as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in temporary business of selling, delivering, or offering for sale, goods, wares and merchandise and subscriptions within the Town and who, in furtherance of such purpose, uses, or occupies the streets or alleys or sidewalks of the Town or any structure, motor vehicle, or other place within the Town for the exhibition and sale of such goods, wares and merchandise..

**5-2-2: TRANSIENT MERCHANT LICENSE:** It shall be unlawful for any person, firm or corporation to engage in the business, trade or calling of the itinerant merchant within the corporate limits of the Town, without first having obtained a license to do so.

**5-2-3: EXCEPTIONS:** The provisions of this chapter shall not apply to nonprofit groups and bonafide merchants having regularly established places of business within the Town, or to any regularly licensed auctioneer, or to any person distributing by sale, or otherwise, produce, produced by him on owned or leased premises; provided such premises are located within one hundred fifty miles of the Town. **Furthermore, this chapter shall not apply to transient merchants who are in the Town of Hysham for sales on the 4<sup>th</sup> of July (excluding firework sales - see section 7-3-2), Holidays in Hysham, Street Festival, or other similar public, community-oriented events.**

**5-2-4: LICENSE FEE:** The fee for a Town license to engage in the business of a transient merchant is seventy-five (\$75.00) dollars a year.

**5-2-5: APPLICATION FOR LICENSE:**

(a) Every transient merchant desiring to do business in the Town must, before commencing such business, file with the Town Clerk, an application in writing. The application shall provide the following information:

- (1) Give the name, address, and phone number for the transient merchant;

- (2) Give a brief descriptive list of articles to be offered for sale, or services to be performed;
- (3) State whether payments or deposits of money are collected when orders are taken, or in advance of final delivery.

(b) At the time of filing the application, such transient merchant must accompany the application with the sum specified in the preceding section as a license fee.

**5-2-6: ISSUANCE OF LICENSE:** Upon filing of the application prescribed in Section 5-2-5, in proper form, and upon the payment to the Town Clerk of the sum required by Section 5-2-4 of this chapter, the Town clerk shall issue and deliver to the applicant a license to carry on the business described in such application. Such license shall be non-transferable and shall have printed on the face thereof in bold type, the words, “non-transferable”

The Town Clerk shall endorse upon each application the date of issuance of the license and shall file such application.

**5-2-7: EXHIBITION OF LICENSE UPON DEMAND:** Every transient merchant doing business under the provisions of this chapter must, upon demand of any official of the Town, exhibit his license and permit the same to be read by the official making such demand.

**5-2-8: PENALTY:** Any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).