

CHAPTER 4-5 ALCOHOLIC BEVERAGES

4-5-1 DEFINITIONS

As used in this chapter, the words and terms "alcoholic beverage," "Sale," "Package," "Off-Sale," "Person," "Package Dealer," "On-Sale, Off-Sale Dealer or Retailer" and other such words and terms shall be construed to have the same meaning as given them by SDCL 1967, Section 35-1-1.

4-5-2 LICENSE REQUIRED

No person shall sell, exchange, barter, distribute, or keep for sale, alcoholic beverages without first having obtained a license to do so under the provisions of SDCL Title 35, as amended.

4-5-3 HOURS OF SALE OR SERVING OF

Any on-sale or off-sale licensee shall be entitled to sell, serve or allow to be consumed, alcoholic beverages on any day of the week, including Sunday, between the hours of 7:00

A.M. and 2:00 A.M., local Central Time, except no on-sale or off-sale licensee may sell, serve or allow to be consumed, alcoholic beverage at any time on Christmas Day.

Ordinance #662, 12/6/10

4-5-4 SUNDAY SALES PERMITTED

Any on-sale or off-sale licensee shall be entitled to sell, serve or allow to be consumed, alcoholic beverages between the hours of 7:00 A.M. on Sunday and 2:00 A.M. the following day.

Ordinance #662, 12/6/10

4-5-5 VIOLATION TO CONSUME OR MIX ALCOHOLIC BEVERAGE IN PUBLIC PLACE OTHER THAN LICENSED ON-SALE PREMISES – EXCEPTION

No person shall consume any intoxicating liquor or mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale dealer where the alcoholic beverage was purchased from the dealer for on-sale purposes. For purposes of this section, "public place" means any place, whether in or out of a building, commonly and customarily open to or used by the general public and any street or highway.

However, this section does not apply if the City of Howard gives prior authorization for persons to consume or blend alcoholic beverages, but not to engage in the sale thereof, in or upon property described by the authorizing governmental subdivision, which property is publicly owned, or owned by a nonprofit corporation. The permit period shall not exceed twenty-four hours, and hours of authorized consumption shall not exceed those permitted for on-sale licensees.

The penalty for violation of the above ordinance shall be a fine of \$200.00 and/or thirty days in jail.

Ordinance #530, 9/12/94