

Ordinance No. 2023-2

An Ordinance Amending Ordinance 2022-4 Entitled “An Ordinance Regulating the Transaction of Business in Alcoholic Beverages and Repealing Ordinance No. 52 and Ordinance No. 89”

BE IT ORDAINED BY THE CITY OF COLOME:

Section 1. PURPOSE: The purpose of this Ordinance is to implement the provisions of Title 35 of the South Dakota Laws and provide for the classifications and fees for retail dealers in alcoholic beverages for purposes of license of the same.

Section 2. CLASSIFICATION AND FEES: The following classification and fees are established for retail dealers in alcoholic beverages:

- (a) On-sale Dealer: Any person, firm, or corporation who sells or keeps for sale any alcoholic beverages for consumption upon the premises where sold..... \$450.00
- (b) Off-sale Dealer: Any person, firm, or corporation who sells or keeps for sale alcoholic beverages for consumption other than on the premises where sold.....\$300.00
- (c) Wholesalers of Malt Beverage: Any person, firm, or corporation who sells malt beverages for consumption either on or off-sale..... \$400.00
- (d) Wine and Cider retailers, being both package dealers and on sale dealers.....\$500.00
- (e) Malt beverage and wine produced by a farm winery licensee, being both package dealer and on-sale dealers..... \$300.00
- (f) Retail on premises manufacturer..... \$250.00
- (g) Off-sale delivery..... \$150.00

Section 3. PURCHASE OF ALCOHOLIC BEVERAGES FROM WHOLESALERS:

- (a) Each licensee who is classified under Section 2 of this Ordinance who has been issued a license under former law as being a “club” licensee shall buy its alcoholic beverages from wholesalers and shall be subject to all provisions of S.D.C.L. Title 35 relating to the operation of an on-sale license.
- (b) All On-Sale alcoholic beverages sold by licensee shall be subject to an annual City Flat Rate at the amount of four thousand dollars and no cents (\$4000.00).
- (c) All Off-Sale alcoholic beverages sold by licensee shall be subject to an annual City Flat Rate at the amount of five hundred dollars and no cents (\$500.00).
- (d) All On-off malt beverages and wine produced by a farm winery sold by such licensee shall be subject to an annual City Flat Rate at the amount of three thousand dollars and no cents (\$3000.00).

Section 4. DELIVERY OF ALCOHOLIC BEVERAGES: Each licensee is required to purchase alcoholic beverages and/or malt beverages directly from a wholesaler.

Section 5. **NUMBER OF LICENSEES:** The number of on-sale licensee as defined in Section 2 of this Ordinance which shall be permitted to operate in the city of Colome shall be restricted and limited to three such licenses and the number of off-sale license as defined in Section 2 which shall be permitted to operate in the City of Colome shall be restricted and limited to one such license.

Section 6. **SPECIAL EVENT LICENSE:** A special liquor license issued for the sale of alcoholic beverages within the City of Colome shall be issued only to the following organization types Civic, Charitable, Educational, Fraternal, Veterans, Certain businesses with a permanent alcoholic beverage license issued by the City of Colome. A fee of thirty dollars (\$30.00) for Temp Malt Beverage and SD Farm Wine. twenty-five dollars (\$25.00) for Non-Profit Beer Garden, one hundred dollars (\$100.00) for on-sale special event. These fees may be amended by resolution.

Section 7. **HOURS OF BUSINESS:** No on-sale, off-sale, retail on-off-sale malt beverage & SD farm wine license including retailer and package dealers, restaurant license, or special events/temporary alcoholic license may sell, serve, or allow to be consumed any alcoholic beverage between the hours of 2:00 a.m. and 7:00 a.m. Sunday through Saturday. A violation of this section is a Class 2 misdemeanor (SDCL 35-4-81.2)

Section 8. **REPEAL OF INCONSISTENT ORDINANCES:** Ordinance No. 52 and Ordinance No. 89 of the City of Colome and all other Ordinances in conflict herewith are hereby repealed.

Section 9. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect 20 days after its passage, approval, and publication.

CITY OF COLOME

Brad Hill, Mayor

ATTEST:

Bobbi Harter, Finance Officer

First Reading: March 7th, 2023

Second Reading:

Passed and Approved:

Publication:

Effective Date: