

ORDINANCE NO. 48

AN ORDINANCE AMENDING ORDINANCE NO. 9 RELATING TO THE TRANSACTION OF BUSINESS IN ALCOHOLIC BEVERAGES OTHER THAN LOW POINT BEER; ALLOWING AND REGULATING ON-SALE LICENSES; AMENDING THE PROVISIONS RELATING TO OFF-SALE LICENSES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA, that ORDINANCE NO. 9 of said City is hereby amended as follows:

- A. That Section 5. of said Ordinance No. 9 is hereby amended to read as follows:

"Section 5. License classifications and fees.

The following classifications and fees are hereby established for retail dealers in alcoholic beverages other than low point beer:

- a) Off-sale dealer - any person who sells, or keeps for sale, any alcoholic beverage other than low point beer for consumption off the premises where sold.....\$ 400.00
- b) On-sale dealer - any person who sells, or keeps for sale, any alcoholic beverage other than low point beer for consumption on the premises where sold.....\$ 900.00."

- B. That Section 6 of said Ordinance No. 9 is hereby amended to read as follows:

"Section 6. Limitation of Licenses.

- a) There shall be issued not to exceed two (2) off-sale licenses for use and operation within the City.
- b) There shall be issued not to exceed three (3) on-sale licenses for use and operation within the City.
- c) No person shall be the holder of more than one (1) off-sale license.
- d) No person shall be the holder of more than one (1) on-sale license."

- C. That said Ordinance No. 9 is hereby amended by adding Section 11 to read as follows:

"Section 11. Times when on-sale service prohibited.

No on-sale licensee shall sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages, except low-point beer, between the hours of 2:00 o'clock A.M. and 7:00 o'clock A.M., or on Sunday after 2:00 A.M., or on Memorial Day after 1:00 o'clock A.M., or at any time on Christmas Day."

- D. That said Ordinance No. 9 is hereby amended by adding Section 12 to read as follows:

"Section 12. Legitimate business use required.

No person shall make application for or hold any off-sale or on-sale license unless it is associated with the actual ownership or operation of a legitimate bona fide off-sale liquor store or on-sale lounge, as the case may be. Making application for or holding any such license for mere speculation, or other violation of this Section shall subject any such license to forfeiture, revocation or nonrenewal, at the option and by action of the City Council or other appropriate governmental regulation."

- E. That those portions of Ordinance No. 9 in conflict herewith are hereby repealed and the remaining portions of Ordinance No. 9 shall remain in full force and effect.
- F. Whereas the question of whether on-sale licenses shall be permitted within the City was submitted to a vote of the City's electors at a special election held August 7, 1984, with the result being in favor of said on-sale licenses being allowed to be issued, such that it is not necessary to again subject said matter to a possible vote of the people under the referendum laws of the State of South Dakota; and whereas, the other items of this Ordinance No. 48 are in full compliance with applicable State law, and thereby not subject to referendum; and whereas, this ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government of the City of Crooks, and its existing public institutions, an emergency is hereby declared to exist, and this Ordinance shall take effect upon the passage and publication hereof.

First Reading:	August 7, 1984
Second Reading:	August 13, 1984
Passage and Adoption:	August 13, 1984

Publication:
Effective Date:

August 17, 1984
August 17, 1984

Adopted this 13th day of August, 1984.

Vern C. Erickson
Vern C. Erickson

Mayor

ATTEST:

Gloria Berndt

Gloria Berndt
Municipal Finance Officer

(SEAL)