

**ORDINANCE NO. 548**

**AN ORDINANCE AMENDING ORDINANCE 520 SECTION VII RELATED TO AND PERMITTING OF THE ON AND OFF SALE OF ALCOHOLIC BEVERAGES ON SUNDAY AND MEMORIAL DAY WITHIN CITY OF BOX ELDER, PENNINGTON AND MEADE COUNTIES, SOUTH DAKOTA, AS AUTHORIZED IN TITLE 35 OF THE SOUTH DAKOTA CODIFIED LAW.**

**WHEREAS**, South Dakota Codified Law 35-4-81 reads as follows. Times when on- and off-sale service prohibited--Violation as misdemeanor. No on-sale or off-sale licensee, licensed under subdivisions 35-4-2(3), (4), (5), (6), (9), (11), (13), or (18), may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or on Sunday after two a.m., on Memorial Day after two a.m., or at any time on Christmas Day. However, any municipality or county may, by ordinance, allow the sale, service, and consumption of alcoholic beverages on Sundays and Memorial Day. A violation of this section is a Class 2 misdemeanor.

**Source:** SDC 1939, § 5.0226 (3), (4); SL 1961, ch 16; SL 1963, ch 14; SDCL § 35-4-80; SL 1971, ch 211, § 72; SL 1987, ch 261, § 32; SL 1992, ch 158, § 60; SL 2009, ch 173, § 2; SL 2010, ch 183, § 1.

**WHEREAS**, The City of Box Elder desires to revise and amend Section II of Ordinance 520 passed 2-21-2012, to change the annual retail-on-sale license fee related to Sunday sales, from five (\$500) dollars to two-hundred (\$200) dollars

**WHEREAS:** The City of Box Elder desires to revise and amend Section VII of Ordinance 520 passed 2-21-2012, to allow for the sale of alcoholic beverages on Sunday and Memorial Day as permitted by SDCL 35-4-81 above.

**THEREFORE BE IT RESOLVED**, The Common Council of the City of Box Elder, South Dakota hereby revises and amends Section II and VII of Ordinance 520 to read as follows:

**SECTION II:** The license application fee for retail-on-sale liquor license located in the City of Box Elder and wishing to have sales on SUNDAY - Sunday sales shall be an additional two-hundred (\$200) dollars annually.

**SECTION VII: OFF OR ON SALE SALES ON SUNDAY OR MEMORIAL DAY PURSUANT TO STATUE**

Off -sale or on -sale Licensees holding such valid licenses within the City may, pursuant to SDCL 35-4-81 sell alcoholic beverages, distilled spirits or wine as defined in SDCL 35-1-1 on Sunday and on Memorial Day within the municipality during hours otherwise allowed by South Dakota statute.

Dated at Box Elder, South Dakota, this 17th day of June, 2014.

BOX ELDER COMMON COUNCIL

Seal:

Attest:

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Mystee Lashwood, Finance Officer

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William Griffiths, Mayor

First Reading: June 3, 2014

Second Reading: June 17, 2014

Publication: June 21, 2014

Effective: July 9, 2014