

TITLE TWO **ALCOHOLIC BEVERAGES**

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Definitions
Municipal Liquor Store

CHAPTER 2-1 **DEFINITIONS**

2-1-1

DEFINITIONS

Terms used in this title, unless the context otherwise plainly requires, shall mean:

- A. **ALCOHOLIC BEVERAGE:** any distilled spirits, wine and malt beverages as defined in this title.
- B. **BULK CONTAINER:** any package or any container within which said container, are one or more package.
- C. **CARRIER:** a person who for hire transports passengers and who sells or furnishes to passengers for consumption alcoholic beverages by any means of conveyance.
- D. **DEPARTMENT:** the Department of Revenue of the State of South Dakota.
- E. **DISPENSER:** a duly licensed physician, dentist, veterinarian, osteopath, podiatrist, chiropractor, or pharmacist, or a druggist, sanitarium, hospital, clinic, education institution, industrial company, or industrial corporation who purchases alcohol for scientific and medicinal purposes.
- F. **DISTILLED SPIRITS:** ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use containing not less than one half of one percent of alcohol by weight.
- G. **DISTILLER:** any person who owns, or who himself or through others, directly or indirectly, operates or aids in operating any distillery or other establishment for the production, rectifying, blending or bottling of distilled spirits.
- H. **MALT BEVERAGE:** a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human consumption containing not

less than one half of one percent of alcohol by weight.

- I. **MANUFACTURER:** any person who owns or who himself or through others, directly or indirectly, operates or aids in operating any establishment for the brewing, production, bottling or blending of malt beverages or wine.
- J. **MUNICIPALITY:** any incorporated city or town, and any unincorporated platted town having a United States post office, provided that the withdrawal of a United States post office from any of the herein described municipalities shall not affect the right of established liquor licenses to be continued, renewed or transferred; and shall not prevent the owner or bona fide lessee of the licensed premises from receiving a renewal or re-issuance of such license.
- K. **OFF SALE:** the sale of any alcoholic beverage, for consumption off the premises where sold.
- L. **ON SALE:** the sale of any alcoholic beverage for consumption only upon the premises where sold.
- M. **ON SALE DEALER:** any person who sells, or keeps for sale, any alcoholic beverage for consumption on the premises where sold.
- N. **PACKAGE:** the bottle or immediate container of any alcoholic beverage.
- O. **PACKAGE DEALER:** any person other than a distiller, manufacturer, or wholesaler who sells or keeps for sale, any alcoholic beverage for consumption off the premises where sold.
- P. **POPULATION:** number of inhabitants as determined by the last preceding federal census.
- Q. **PUBLIC PLACE:** any place within or without a building, commonly and customarily open to or used by the general public; and also any street, highway, alley or sidewalk.
- R. **RESTAURANT:** a room regularly and in a bona fide manner used to keep upon for the serving of meals to the public for compensation. The area described must contain suitable table accommodations for fifty (50) guests, at one and the same time, and also contain a kitchen area connected herewith, suitable to provide means in a bona fide manner for fifty (50) patrons, at one and the same time.
- S. **RETAIL LICENSE:** an on or off sale license issued under the provisions of this title.
- T. **RETAILER OR RETAIL DEALER:** any person who sells alcoholic beverages for other than resale.
- U. **SALE:** the transfer, for a consideration of title to any alcoholic beverage.
- V. **SECRETARY:** the Secretary of Revenue of the State of South Dakota.

- W. **SOLICITOR:** any person employed by a licensed wholesaler within this state, or by any distiller or manufacturer within or without this state, who contacts a wholesaler or retail dealer within this state for the purpose of selling, promoting or advertising alcoholic beverages or for any other reason connected with the alcoholic beverage industry but shall not include employees of wholesale or transporter licenses who only deliver such beverages.
- X. **SUNDAY RETAIL DEALER:** a public facility or club on sale dealer, which licensee has facilities for serving prepared meals from a fixed restaurant with the simultaneous seating capacity of at least fifty (50) patrons.
- Y. **TRANSPORTATION COMPANY OR TRANSPORTER:** any common carrier or operator of a private vehicle transporting or accepting for transportation any alcoholic beverages except low point beer, but not including transportation by carriers in interstate commerce where the shipment originates outside of the state and is destined to a point outside of the state.
- Z. **WHOLESALER:** any person who sells alcoholic beverages to retailers for resale.
- AA. **WINE:** any liquid either commonly used, or reasonably adapted to use, for beverage purposes, and obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar and containing not less than one half of one percent of alcohol by weight but not more than twenty-four percent of alcohol by weight.

CHAPTER 2-2

MUNICIPAL LIQUOR STORE

2-2-1

MANAGER

The municipal liquor store shall be operated by a manager to be appointed by the Mayor and with the approval of the City Council at such compensation as may be fixed by the Council.

2-2-2

BOND

The manager of the municipal liquor store shall be bonded in the sum of five thousand dollars (\$5,000.00) conditioned for the faithful and prompt discharge of all duties in connection with the operation of said municipal liquor store.

2-2-3

HOURS OF OPERATION

The municipal liquor store hours of operation shall be set by the City Council. Everyone must be off the premises by 1:30 a.m. except the liquor store manager.

2-2-4

ORDERING

It shall be the duty of the manager of the municipal liquor store to order liquor from time to time to the end that the stock on hand may be kept as nearly uniform as possible and he/she shall, at the time of ordering liquor, insure that copies of the invoice be prepared in duplicate and one (1) copy mailed to him/her as manager of the liquor store and one (1) certified copy mailed the Municipal Finance Officer.

2-2-5

REPORTS TO BE FILED

It shall be the duty of the Manager of the municipal liquor store to make reports to the City Council to be filed with the Municipal Finance Officer on the first day of each calendar month showing the value of liquor on hand at wholesale prices in the beginning of the preceding month, the amount purchased at wholesale prices during the preceding month, and the amount on hand at the end of the preceding month at wholesale prices, which report shall also show the value of all liquors sold during the preceding month at the wholesale prices and the amount received therefor at retail.

2-2-6

MANAGEMENT AND OPERATIONS TO BE GOVERNED BY REGULATIONS FOR OFF-SALE LIQUOR STORES

The municipal liquor store shall be, at all times, governed by all rules and regulations governing the operation of Off-Sale liquor stores as provided by law.

2-2-7

MANAGEMENT AND OPERATION TO BE GOVERNED BY REGULATIONS FOR ON-SALE LIQUOR STORES

The municipal liquor store shall be, at all times, governed by all rules and regulations governing the operation of On-Sale liquor stores as provided by law.

2-2-8**PENALTY**

Any person or person, firm or corporation violating any of the provisions of this Chapter or failing to comply with any of the provisions thereof shall, upon conviction thereof, be punished by a fine provided for in Title 8-10-1.