

Chapter 5.08

ALCOHOLIC BEVERAGES

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Repealed – Effective December 15, 2009
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(Added July 20, 2010)

5.08.010 **Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Alcoholic beverages," "wine," "malt beverage," and "distilled spirits" and other such words and terms mean the same as definitions given them by SDCL 35-1-1. (Ord. 383 § 1, 2002: Ord. 362 § 1, 2002)

5.08.020 **Minors.**

No person under the age of twenty-one (21) years shall purchase or attempt to purchase alcoholic beverages, nor shall any person under the age of twenty-one (21) years drink any alcoholic beverage in a public place or have any alcoholic beverage in his or her possession in a public place, except as may be permitted by state law.

No licensee of any class shall sell or give for use as a beverage any alcoholic beverage to any person under the age of twenty-one (21) years. (Ord. 383 §§ 2, 3, 2002: Ord. 362 §§ 2, 3, 2002)

5.08.030 **Sunday sales permitted by certain on-sale dealers and off-sale package dealers. Memorial Day sales permitted.**

Notwithstanding any of the other provisions of this chapter, any on-sale liquor dealer that applies, qualifies and receives a Sunday retail dealer classification may sell, serve, and allow to be consumed, on the premises covered by their license, alcoholic beverages between the hours of seven a.m. on Sunday with the serving of food through two a.m. on the following Monday.

Any licenced off-sale package dealer may sell alcoholic beverages on Sunday between the hours of seven a.m. through two a.m. on the following Monday.

Any on-sale liquor dealer or off-sale package dealer may sell, serve and allow to be served (as applicable) on Memorial Day from seven a.m. through two a.m. on the following day. (Ord. 383 § 4, 2002: Ord. 362 § 4, 2002) **(Amended - Effective: July 20, 2010)**

5.08.040 Hours of sale for light wine dealers.

(Ord. 383 § 5, 2002; Ord. 362 § 5, 2002)
(REPEALED – Effective: July 20, 2010)

5.08.050 Sunday hours of sale of malt beverages.

Any licensed on-sale or off-sale dealer of alcoholic beverages may sell or allow to be sold malt beverages on Sunday between the hours of seven a.m. through two a.m. on the following Monday. (Ord. 383 § 6, 2002; Ord. 362 § 6, 2002)
(Amended – Effective: July 20, 2010)

5.08.060 Indecent exposure, sexual conduct or simulation in or upon premises and duty of licensee to prevent said act.

A. Indecent exposure, certain sexual conduct or simulation thereof, licensee's duty to prevent.

1. It is unlawful for any person on premises licensed for the sale of alcoholic beverages knowingly or intentionally while in the presence of any other person:

a. To fail to conceal with a fully opaque (not transparent) covering, the sexual parts of his or her body, to include the genitals, pubic hair and anus of any person, or the nipple and areola of the female breast, or to depict covered male genitals in a discernibly turgid state; such failure to conceal shall include the use of body paint;

b. To expose any device, costume or covering which gives the appearance of or simulates the genitals or pubic area of the male or female body, or the nipple or areola of the female breast;

c. To simulate or engage in any sexual act, including sexual intercourse, deviate sexual conduct, masturbation, flagellation, bestiality or any sexual acts prohibited by law; or

d. To touch, caress or fondle the buttocks, anus, or genitals of himself or any person or a female breast, provided however this subdivision shall not proscribe such conduct by patrons using urinals and toilets in premise's restrooms.

2. It is unlawful for any licensee of alcoholic beverages to cause, allow or permit any person on said licensed premises to violate any portion of this chapter.

B. Any licensee, its agents, servants, or employees who violate any part of the foregoing ordinance may have its alcoholic beverage license suspended or revoked and/or fined for each violation, fine not to exceed five hundred dollars (\$500.00). (Ord. 383 § 11, 2002; Ord. 362 § 11, 2002)
(Amended – Effective: July 20, 2010)

**5.08.65 On Sale Licenses – Full Service Restaurants
REPEALED**

(REPEALED – Effective Dec. 15, 2009)

5.08.070

A. Any person or entity convicted of a violation of any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of up to Five Hundred Dollars (\$500.00). Each violation or continuing violation shall be considered a separate offense subject to the maximum fine of Five Hundred Dollars (\$500.00) .

(ADDED – Effective: July 20, 2010).