

SPECIAL MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
MITCHELL, SOUTH DAKOTA

April 9, 2018  
6:00 P.M.

**PRESENT:** Dan Allen, Marty Barington, Kevin McCardle, Mel Olson, Steve Rice,  
Jeffrey Smith, Susan Tjarks

**ABSENT:** John Doescher

**PRESIDING** Mayor Jerry Toomey

**ORDINANCE:**

Moved by Olson, seconded by Tjarks, to place Ordinance #O2018-04, An Ordinance Amending and Repealing Certain Liquor Control Provisions on second reading. Motion carried. Moved by Smith, seconded by Rice, to adopt Ordinance #O2018-04 as follows:

**ORDINANCE NO. O2018-04**

**AN ORDINANCE AMENDING AND REPEALING CERTAIN  
LIQUOR CONTROL PROVISIONS.**

WHEREAS the legislature of the State of South Dakota during its 2018 session did pass certain laws relating to the licensure and sale of alcoholic beverages; and

WHEREAS certain changes to the ordinances of the City of Mitchell are necessary in response to the changes to State law.

**BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

Section 1.

That the following sections of Mitchell City Code (MCC) Title 4, Chapter 2: Liquor Control be REPEALED:

- Section 4-2-1 and all subsections;
- Section 4-2-2; and
- Subsections (B), (C), and (D) of Section 4-2-3.

Section 2.

That Subsection (A) of MCC Section 4-2-3 be AMENDED in its entirety so as to read as follows:

- A. Securing Of Alcoholic Beverages During Nonlegal Operating Hours:

1. Definitions: As used in this subsection the following terms shall have the following meanings:

LICENSEE: The holder of any license within the city for the on-sale or off-sale of any alcoholic beverage, including malt beverages.

NONLEGAL OPERATING HOURS: The hours of each day and the holidays or other days during which a licensee is prohibited by state law from selling alcoholic beverages.

PREMISES: The location defined under a licensee's license.

2. Security Required: Every licensee shall secure all alcoholic beverages located, stored, or displayed on the licensee's premises during all nonlegal operating hours. For premises which remain open to the public during nonlegal operating hours, secure shall mean to place in a separate container or room or a separately sealed or divided portion of a container or room in such a manner that unauthorized persons cannot gain access. For premises that are closed to the public during nonlegal operating hours, secure shall mean to ensure that all non-staff persons have vacated the premises and lock all entrance and exit points in a manner which prohibits non-staff persons from entering the premises.

### Section 3.

That MCC Section 4-2-6 be AMENDED by adding a new subsection to read as follows:

B. On-off sale malt beverage (RB) licenses issued with video lottery are limited to those licenses that were issued as of April 1, 2018, or were applied for on or before April 1, 2018; otherwise no on-off sale malt beverage (RB) licenses will be issued with video lottery. Any previously issued on-off sale malt beverage (RB) license that did not request its issuance with video lottery will not be authorized to request video lottery with said license.

### Section 4.

That Subsections (C) (2) and (C)(4)(a) of MCC Section 4-2-7 be AMENDED to read as follows:

"2. Special on-sale wine retailer's license: Available to any civic, charitable, educational, fraternal, or veterans' organization or any licensee licensed pursuant to South Dakota Codified Laws 35-4-2(4), (6), or (12) or any farm winery license."

and;

"a. Any civic, charitable, educational, fraternal, or veterans' organization or any licensee licensed pursuant to South Dakota Codified Laws 35-4-2(3), (5), or (12), or

any farm winery license. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery license; or”

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6.

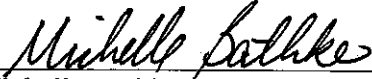
The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Allen, Barington, McCardle, Olson, Rice, Smith, Tjarks.

Members present voting nay: none. Motion carried and ordinance declared duly adopted.

**ADJOURN:**

There being no further business to come before the meeting, it was moved by Olson and seconded by Barington to adjourn the meeting. Motion carried.

  
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Michelle Bathke  
Finance Officer

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