

**TITLE 10 ALCOHOLIC BEVERAGES**

- CHAPTER 10.01 RETAIL SALES OR BEER IN CONTAINERS HAVING A LIQUID CAPACITY OF GREATER THAN TWO GALLONS**
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**CHAPTER 10.01      RETAIL SALE OF BEER IN CONTAINERS HAVING A LIQUID  
CAPACITY OF GREATER THAN TWO GALLONS**

- 10.0101      Purpose and Intent. As authorized by SDCL 7-8-20(8) this Ordinance is enacted for the purpose of preventing the consumption of alcohol by persons under the age of twenty-one (21) years.
- 10.0102      Jurisdiction. This Ordinance shall apply to all retail sales of beer in containers having a liquid capacity of greater than two (2) gallons.
- 10.0103      Regulation.
- a. A retail licensee selling beer in a container having a liquid capacity of greater than two (2) gallons shall place a distinctive symbol, notation, or mark on the container which uniquely identifies him and moreover, shall mark such container in such a manner, and maintain such business records, that in the event that the container is returned to him, he can establish the following information with respect to his most recent sale involving the container within the last six (6) months, to-wit: the date of the sale and the name, address, driver's license and social security number of the person to whom it was sold.
  - b. Each retail licensee shall register his unique identification symbol, notation, or mark with the Brown County Sheriff and shall provide the Brown County Sheriff with the information gathered pursuant to subsection (a) as the Sheriff from time to time may require.
  - c. This section shall not apply to the sale of containers by a retail licensee if he intends and requires that the contents of the container will be consumed on the licensed premises where the sale occurs.
- 10.0104      Penalty. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a Class II Misdemeanor.

**CHAPTER 10.02      ALLOWING OFF SALE LICENSEES TO SELL ALCOHOLIC BEVERAGES ON SUNDAY**

10.0201      No on-sale or off-sale licensee, licensed under SDCL 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 at any time on Christmas Day.

The sale, service, and consumption of alcoholic beverages shall be permitted on Sundays and Memorial Day, except between the hours of two a.m. and seven a.m.

A violation of this section is a Class 2 misdemeanor punishable by thirty (30) days imprisonment in a county jail or a five hundred dollar (\$500.00) fine, or both.

**CHAPTER 10.03 LICENSING FEE OF VIDEO LOTTERY MACHINES**

10.0301 Purpose and Intent. As authorized by SDCL 35-4-103, this Ordinance is enacted to provide for licensing of video lottery machines and collecting a fee for both.

10.0302 Regulation. It is hereby imposed on any person, corporation or business who is licensed pursuant to subdivisions 4, 11, 14, or 17 of SDCL 35-4-2 and who is issued a video lottery establishment license pursuant to SDCL 42-7A-41 an annual license fee for the privilege of locating video lottery machines on the licensed premises. The fee for each video lottery machine shall be fifty dollars (\$50.00) per year at the time that said license application is submitted to the Brown County Auditor's Office as an initial or renewal application. Once paid, said fees are non-refundable except if said license applied for or renewal is not granted. Any increase in the number of video lottery machines, during the license period, shall cause the fee to be paid to the Brown County Auditor's Office within ten (10) days of the activation of the video lottery machine.

**CHAPTER 10.04      CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY  
PROPERTY**

- 10.0401      The consumption of alcoholic beverages upon property owned, leased or rented by Brown County shall be prohibited except under such conditions and at such locations as is authorized by the Fairgrounds/Youth Camp Superintendent. Such restrictions shall be posted in a conspicuous place.
- 10.0402      Persons who wish to dispense alcoholic beverages upon county property must submit an application to the Brown County Commission, who shall thereafter advise the applicant of the applicable restrictions, locations or activities permitted for the possession, sale or consumption of alcoholic beverages applicable to such location and/or function. The applicant is thereafter required to post written notice of such restriction in a conspicuous manner, at each location where alcoholic beverages are dispensed.
- 10.0403      Violations of this County Ordinance shall be deemed a Class 2 Misdemeanor.