

## **CHAPTER 2-3 LICENSING**

### **2-3-1**

#### **LICENSE REQUIRED**

It shall be unlawful for any person(s) to sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend or otherwise concoct, within the City of Brandon and within one mile of its territorial limits, any alcoholic beverages without having a license therefor as required by Title 35 of South Dakota Codified Laws or as authorized by such title, and as required by Federal law.

**Legislative History:**

Ordinance No. 205, §2.a, 6/3/91.

### **2-3-2**

#### **ON-SALE OR OFF-SALE LICENSES: DISTANCE FROM SCHOOL OR CHURCH**

Except as otherwise permitted by the City related to a Farmer's Market under 6-3-8.1, no applicant for any "on-sale" or "off-sale" license of alcoholic beverages shall be approved by the City where the applicant's place of business is within one hundred (100) yards, measured by the regular and usual path of travel, of any door or exit of any existing school or church within the jurisdiction of the City of Brandon.

**Legislative History:**

Ordinance No. 205, §2.b, 6/3/91.

Ordinance No. 654, 6/1/22.

### **2-3-3**

#### **APPLICATIONS FOR LICENSE**

Any person desiring to enter into the liquor business within the City of Brandon shall make application for a license as provided in the SDCL Title 35 and as required by the City of Brandon. Such application shall be presented to the City Auditor of the City of Brandon, and should the license applied for be granted, such licensee shall furnish a surety bond if the same be required for the purpose provided for, and in the amounts specified. The following documents and information provided by the applicant in connection with the application is confidential and shall not be made public: financial statements, profit and loss statements, balance sheets, and business plans.

**Legislative History:**

Ordinance No. 503, 3/5/13.

**Authority:**

SDCL §9-29-7; 1-27-1.1.

**Cross Reference:**

Brandon City Code, §2-3-4.

### **2-3-4**

#### **CITY POWER TO REGULATE SALE AND USE OF ALCOHOLIC BEVERAGES**

The City of Brandon shall have the power to engage in retailing alcoholic beverages. They shall have the power to regulate the transaction of business in alcoholic beverages, the use and consumption thereof, and to establish the number of on and off sale licenses which may be issued, and the fees to be charged therefor, provide for reasonable

classification of on-sale and off-sale licenses and for the issuance of beverage on and off sale licenses to licenses

holding malt beverage licenses for which the fees to be charged for the various classifications shall be uniform within each class, consistent with the provisions of the SDCL Title 35.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Title 35 generally  
and §9-29-7.

**Collateral References:**  
Cumulative statutory penalties  
for intoxicating liquor offenses;  
recovery of, 71 ALR2d 1012.

## **2-3-4.1**

### **FEE FOR RETAIL ON/OFF LIQUOR LICENSE**

The fee for any Retail (on-sale) Liquor License is set at \$6.00 times the population as determined by the last decennial federal census. Said amount to apply to licenses issued for any application submitted after May 1, 2018.

The fee for any Package off-sale Liquor License is set at \$0.50 times the population as determined by the last decennial federal census. Said amount to apply to licenses issued for any application submitted after September 20, 2021.

**Legislative History:**  
Ordinance No. 494, 8-1-12.  
Ordinance No. 562, 4-17-18.  
Ordinance No. 642, 11-03-21