

ORDINANCE 25-011

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6-8 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKINGS PERTAINING TO SIDEWALK CAFÉ ALCOHOLIC BEVERAGE SALES AND CONSUMPTION GUIDELINES

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BROOKINGS, STATE OF SOUTH DAKOTA, AS FOLLOWS:

I.

That Section 6-8 of the Code of Ordinances and pertaining to Sidewalk Café Alcoholic Beverage and Consumption Guidelines is hereby amended to read as follows:

Chapter 6 – Alcoholic Beverages

Article I – In General

Section 6-8 – Sidewalk Café Alcoholic Beverage Sales and Consumption Guidelines.

(a) General Provisions

- (1) Any holder of an operating agreement, on-sale malt beverage license or on-sale wine or farm wine license may apply for a sidewalk café permit for the sale and consumption of alcoholic beverages which the licensee is authorized to sell on a sidewalk or walkway subject to a public right-of-way immediately adjacent to and abutting a licensed premises, ~~provided that the license holder derives more than 50 percent of its gross receipts from the sale of prepared food for consumption on the licensed premises.~~
- (2) The sidewalk or walkway subject to a public right-of-way shall be immediately adjacent to and abutting the licensed premises.
- (3) This section does not apply to any federal-aid eligible highway unless approved in accordance with the applicable requirements for the receipt of federal aid.
- (4) The hours of authorized sale and consumption on the sidewalk or walkway subject to a public right-of-way as provided by this section shall be consistent with the hours permitted for the license held by the sidewalk café permittee.
- (5) A violation of any provision of [SDCL] Title 35 by an alcoholic beverage license holder conducting business on a sidewalk or walkway subject to a public right-of-way pursuant to this section constitutes a violation of [SDCL] Title 35 as if the violation had occurred in or on the licensed premises.

II.

Any or all ordinances in conflict herewith are hereby repealed.

FIRST READING: April XX, 2025

SECOND READING: April XX, 2025

PUBLISHED:

CITY OF BROOKINGS, SD

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk