



Legislation Details (With Text)

File #: ID 21-0175 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 3/30/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:** 5/25/2021
Title: Action on Annual Malt Beverage Alcohol License Renewals.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Malt License Renewals

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 5/25/2021 | 1 | City Council | approved | Pass |

Action on Annual Malt Beverage Alcohol License Renewals.

Summary:

Enclosed for Council review and action are the On-Off Sale Malt Alcohol License renewals for fiscal year 7/1/2021 to 6/30/2022. After Council action, applications will be forwarded to the State Department of Revenue for final action and issuance of licenses.

SDCL 35-2-1.2. Applications submitted to local governing body--Fee--Approval or disapproval. Any applicant for a new retail license, except as set forth in § 35-2-1.1, or the transfer of an existing license shall submit an application to the governing body of the municipality in which the applicant intends to operate, or if outside the corporate limits of a municipality, to the governing body of the county in which the applicant intends to operate. The applicant shall submit the required fee with the application. The governing body may approve the application for a new retail license or the transfer of an existing license if the governing body considers the applicant suitable to hold the license and the proposed location is suitable.

The governing body may disapprove an application for a new retail license or the transfer of an existing license issued under subdivision 35-4-2(4), (6), or (13) if:

- 1) The approval of the application permits a person, corporation, or business entity to possess more than one-third of the licenses available to be issued in the jurisdiction; and
- 2) The governing body determines that possession of more than one-third of licenses available is not in the public interest.

Any application for the reissuance of a retail license may be approved by the municipal or county governing body without a hearing unless in the past year the licensee or one or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended.

Source: SDC 1939, §§ 5.0206, 5.0305; SL 1945, ch 21, § 1; SL 1951, ch 11; SDC Supp 1960, § 5.0204 (14); SL 1961, ch 14; SL 1964, ch 9; SL 1965, ch 12; SDCL §§ 35-4-32, 35-4-33, 35-6-15; SL 1971, ch 211, § 13; SL 2008, ch 37, § 140; SL 2011, ch 171, § 1; SL 2017, ch 164, § 1; SL 2018, ch 213, § 12.

Recommendation:

Staff recommends approval.

Attachments:

License Renewals