

ORDINANCE NO. 2025-02

AN ORDINANCE REGARDING THE CLASSIFICATION, REGULATION, AND  
LICENSING OF ALCOHOLIC BEVERAGE ESTABLISHMENTS

ALCOHOLIC BEVERAGE ESTABLISHMENTS, CLASSIFICATION,  
REGULATION, AND LICENSING

BE IT ORDAINED by the trustees of the Town of Gayville, County of Yankton, State of South Dakota that:

**Section 1. Purpose** - The purpose of this Ordinance is to implement the provisions of SDCL Title 35, as amended, and to provide for the classification, regulation, and licensure of alcoholic beverage establishments, including the fees to be charged for each such license.

**Section 2. License Limitations** – The Town of Gayville shall not approve more than \_\_ on-sale alcoholic beverage license(s), and shall not approve more than \_\_ off-sale alcoholic beverage license(s). These limitations in no way limit the number of special event alcoholic beverage licenses the Town may issue.

**Section 3. License classification and fees** - The following classifications and fees are established for issuance and renewal of alcohol licenses in the Town of Gayville:

- a) Initial Application ..... \$400.00
- b) Renewal of on-sale license issued under SDCL 35-4-2(4) ..... \$400.00
- c) Renewal of off-sale license issued under SDCL 35-4-2(3) ..... \$400.00

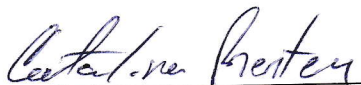
**Section 4. Regulation of licensees** - All holders of alcoholic beverage licenses shall be regulated by the provisions of SDCL Title 35, as amended.

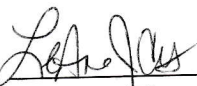
**Section 5. Application for Alcoholic Beverage License** – All applications for any alcoholic beverage license under this ordinance shall be submitted on a form prescribed by the South Dakota Department of Revenue and signed by the applicant. Any renewal application for the subsequent calendar year must be received on or before November 15th. Renewal applications received after this deadline will be denied.

**Section 6. Times when on- and off-sale service is prohibited** - No on-sale or off-sale licensee shall sell, serve, or allow to be consumed, on the premises covered by the license, any alcoholic beverage between the hours of 2:00 a.m. and 7:00 a.m. daily, except that no on-sale sales shall be permitted on Sundays prior to 9:00 a.m. or between the hours of 12:00 a.m and 7:00 a.m Mondays.

**Section 7. Sale or consumption of alcoholic beverages on sidewalk abutting licensed premises** – In accordance with SDCL 35-4-77.1, the sale and consumption of alcoholic beverages is permitted on the sidewalk or walkway immediately adjacent to and abutting the licensed premises of an on-sale alcoholic beverage licensee. The sidewalk or walkway where the sale and consumption of alcoholic beverages is permitted does not constitute a public place as defined in SDCL § 35-1-5.3. The hours of authorized sale and consumption on the sidewalk or walkway shall be consistent with the hours permitted for the on-sale license under Section 6 of this ordinance.

**Section 8. Inconsistent laws superseded** – Town of Gayville Ordinances 3, 3b, and D are specifically repealed with the enactment of this ordinance. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are superseded.

  
Catalina Renteria, Chairperson

Attest:   
LeAnne Cutts, Finance Officer  
First Reading: April 15, 2025  
Second Reading: May 20, 2025