

ORDINANCE NO. 1547

AN ORDINANCE TO AMEND CHAPTER 4 – ALCOHOLIC BEVERAGES – ARTICLE 1 – IN GENERAL BY AMENDING SECTION 4-6 REGARDING CONSUMING OR MIXING DRINKS OR POSSESSING ANY PACKAGE OR RECEPTACLE CONTAINING ALCOHOLIC BEVERAGES IN UNLICENSED PUBLIC PLACES OR MOTOR VEHICLES IN MADISON

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That a section of the Revised Ordinances of the City of Madison also known as the Code of Ordinances be amended to read as follows:

Sec. 4-6. Consuming or mixing drinks or possessing any package or receptacle containing alcoholic beverages in unlicensed public places or motor vehicles.

- (a) It shall be unlawful for any person to consume any alcoholic beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, or have a package or any receptacle containing an alcoholic beverage, unless the seal of the original package remains unbroken, in any public place or in his or her possession in a motor vehicle other than upon the premises of a licensed on-sale dealer where such an alcoholic beverage was purchased from such dealer for on-sale purposes, this subsection (a) being subject to the exceptions and provisions set forth in subsection (b) herein.
- (b) Consumption of alcoholic beverages shall be permitted in city parks, the city depot, the city armory and the city fire station as long as such consumption occurs within the following limitations and on the following conditions:
 - 1) That application for a permit to consume alcoholic beverages be made and approved by the two assigned administrative officials; and
 - 2) That compliance with all terms, conditions and limitations stated in the permit occur; and
 - 3) In the case of city parks, alcoholic beverage consumption shall only occur in the picnic or shelter area. In the case of the city depot, the city armory and the city fire station, alcoholic beverage consumption shall only occur inside the facility itself. Alcohol consumption or open containers in any other area of a city park, the city depot, the city armory or the city fire station is prohibited and is a violation of Madison City Ordinance 4-6 (a); and
 - 4) That the hours of authorized consumption shall not exceed those as indicated on the permit for alcoholic beverage consumption, and if not such time limitation is indicated

thereon, the hours of authorized consumption shall not exceed those permitted for on-sale licensees.

- (c) No alcohol consumption whatsoever shall be allowed or approved in Totland Park. No alcohol consumption shall be allowed or approved in Westside Park during the open season of the Madison Aquatic Center.
- (d) The Public Safety Commissioner and Police Chief shall serve as the administrative officials responsible for the review, approval or denial of each permit to consume alcoholic beverages as set forth in this ordinance. In the event the Public Safety Commissioner is unavailable, any police officer authorized to serve in the capacity of the Police Chief may function in such capacity. The approval of both administrative officials is required for a permit to be issued.
- (e) In the event that a permit for the consumption of alcoholic beverages is denied by the assigned administrative officials, an aggrieved person may request a hearing before the governing body of the City for a hearing to appeal such denial and request that a permit to consume alcoholic beverages be issued in accordance with the subject application.
- (f) Nothing in this ordinance authorizes any person, group or entity to engage in the sale of alcoholic beverages in any public place, including, but not limited to, city parks, the city depot, the city armory or the city fire station without obtaining the required permit or license to engage in the sale of alcohol.

Dated this 14th day of October, 2013.

CITY OF MADISON

/s/Roy Lindsay, Jr.
Mayor

ATTEST: /s/Jennifer Eimers
Finance Officer

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