

PREPARED BY:  
CITY OF LEAD  
801 W. MAIN ST.  
LEAD, SD 57754  
(605) 584-1401

**ORDINANCE #1126-26**  
**AN ORDINANCE MODIFYING**  
**ALCOHOLIC BEVERAGES**

***BE IT ORDAINED*** by the City Commission of the City of Lead that, pursuant to SDCL 9-19, the City of Lead Ordinances listed below be amended to read as follows:

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

General Provisions

112.01 Definitions

112.02 Hours and sales of alcoholic beverages

112.03 Consuming, possessing and the like, alcoholic beverages in public places; disposal of containers

License

112.20 Purpose

112.21 Classification and fees

112.22 Action by Council

112.23 Area limited

112.24 Suspension of license

GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

For the purposes of this chapter, the terms ALCOHOLIC BEVERAGE, WINE, MALT BEVERAGE, LOW-POINT BEER, SALE, PACKAGE, PACKAGE DEALER, BULK CONTAINER, OFF-SALE, ON-SALE, RETAILER OR RETAIL DEALER, ON-SALE DEALER, MUNICIPALITY, POPULATION, DISTILLED SPIRITS AND RETAIL LICENSE shall be construed to have the same meaning as given them by state law.

(Prior Code, § 12-100)

## § 112.02 HOURS AND SALES OF ALCOHOLIC BEVERAGES.

All hours and sales of alcoholic beverages will be regulated by the state of South Dakota.

Penalty, see § 10.99

## § 112.03 CONSUMING, POSSESSING AND THE LIKE, ALCOHOLIC BEVERAGES IN PUBLIC PLACES; DISPOSAL OF CONTAINERS.

(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 the beverage is an alcoholic beverage, in any public place, except with a valid permit issued by the city to do so, other than upon the premises of a licensed on-sale dealer, where the alcoholic beverages were purchased from the dealer for on-sale purposes.

(B) It shall be unlawful for any person to possess in any public place other than upon the premises of a licensed on-sale dealer, any glass, can, bottle or other container, containing an alcoholic beverage on which the seal has been broken.

(C) It shall be unlawful for any person to throw, cast or otherwise put in motion, any bottle, can, glass or any other container, at any person or vehicle, whether moving or parked or to dispose of or deposit any bottle, can, glass or other container upon any street, alley, highway, sidewalk or park.

(D) For the purposes of this section, PUBLIC PLACE shall mean any place whether within or without a building, commonly and customarily open to or used by the general public and any street, highway, alley or sidewalk.

(E) Any person violating the provisions of this section is guilty of a misdemeanor.

(Prior Code, § 12-108) Penalty, see § 10.99

Cross-reference:

Consumption or possession in vehicle, see § 71.58

## LICENSE

## § 112.20 PURPOSE.

The purpose of this subchapter is to provide for the classification of on-sale, off-sale alcoholic beverage establishments and the regulation thereof, and to provide for the establishment and regulation of special alcoholic beverage retail licenses as authorized by state law.

(Prior Code, § 12-200)

## § 112.21 CLASSIFICATION AND FEES.

(A) The classification and fees for on-sale, off-sale of alcoholic beverages and special alcoholic beverage retail licenses are established by the state of South Dakota.

(B) These fees may be amended by resolution of the Lead City Commission.

(C) No person or entity may be issued more than 20 special licenses per calendar year.

(Prior Code, § 12-201)

#### § 112.22 ACTION BY COUNCIL.

The city may require any applicant to appear personally, at any meeting of the City Council, and to answer any questions which may be asked pertaining to himself or herself or his or her place of business, which may, in any way, pertain to the carrying on of the business applied for.

(Prior Code, § 12-203)

#### § 112.23 AREA LIMITED.

The governing body of the city shall not approve any application for “on-sale” or “off-sale” license to sell any alcoholic beverages in the city at any place of business unless that place of business is located in an area described as a commercial area on the zoning use district map of the city unless a conditional use permit is issued.

(Prior Code, § 12-204) (Ord. 1007-12, passed 1-30-2012)

#### § 112.24 SUSPENSION OF LICENSE.

The city may, upon good cause shown, suspend a license issued hereunder for a period not to exceed 180 days.

(Prior Code, § 12-205)

Those voting aye:

Those voting nay:

ATTEST:

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Dustin Heupel

City of Lead, Mayor

(Seal)

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Robin Lucero

City of Lead, City Administrator

First Reading: 1/20/2026

Second Reading:

Published:

Enacted: