

**EMERGENCY ORDINANCE NO. 1418**

**AN EMERGENCY ORDINANCE TO ALLOW FOR CURRENT LICENSEES TO BE ISSUED SPECIAL DAILY LICENSES IN CONJUNCTION WITH A SPECIAL EVENT BY AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 112, TO AMEND SECTIONS 112.01 AND 112.18 FOR SPECIAL EVENT DEFINITIONS AND TO EXPAND SPECIAL LICENSING TO INCLUDE CURRENT LICENSE HOLDERS.**

**WHEREAS**, the City Council adopted Emergency Ordinance No. 1415 effective on June 25, 2020 to provide for current license holders to be issued special daily licenses in conjunction with special events which will be expiring on August 24, 2020, and

**WHEREAS**, the special daily licenses were issued in conjunction with the Vermillion Chamber of Commerce's "Social Distance Expanded Seating" special event, and

**WHEREAS**, the University of South Dakota will be welcoming students back into the city during the month of August for the fall semester, and

**WHEREAS**, the Vermillion Chamber of Commerce to promote safety through social distancing requests on behalf of its members to continue the "Social Distance Expanded Seating" special event, and

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Sections 112.01 and 112.18 be amended to clarify special event as set forth below:

**§ 112.01 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ALCOHOLIC BEVERAGE, WINE, MALT BEVERAGE, and DISTILLED SPIRITS. These words and terms mean the same as the definitions given them by SDCL 35-1-1.

SPECIAL EVENT. For the purposes of this section, "special event" shall be defined as follows:

- (1) a location for which premises do not have an existing malt beverage and/or wine license,
- (2) The event is
  - (a) for the advancement of charitable, educational or community objectives,
  - (b) in conjunction with activities of state, national or international significance, or
  - (c) as designated by the City Council as an event of municipal significance.
- (3) The event is open to the public with, or without, payment of admission. A limitation on number of tickets sold or issued for admission where applicable must be related to size of venue and not a desire to have a private party, and

**§ 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.**

- (A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.
- (B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.
- (C) The City Council may grant a special on-sale malt beverage and/or a special on-sale wine license and/or a special on-sale liquor license to any licensee that corresponds to one or more license(s) currently issued to the licensee in conjunction with a special event pursuant to SDCL 35-4-124.
- (D) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.
- (E) The fee for such special licenses shall be set by resolution of the City Council.

**BE IT FURTHER ORDAINED**, that, pursuant to SDCL 9-19-13 this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective on August 25, 2020. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of August, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY Kelsey Collier-Wise  
Kelsey Collier-Wise, Mayor

ATTEST:

BY Michael Carlson  
Michael Carlson, Finance Officer

First Reading: August 3, 2020  
Second Reading: August 17, 2020  
Publish: August 28, 2020  
Effective: August 25, 2020

