

ORDINANCE 1441

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, BUSINESS REGULATIONS; CHAPTER 112, ALCOHOLIC BEVERAGES; SECTIONS 112.24 AND 112.25 TO ESTABLISH A MALT BEVERAGE MARK-UP FOR CONVENTION CENTER AND MUNICIPAL AIRPORT ON-SALE LICENSES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title XI, Business Regulations; Chapter 112, Alcoholic Beverages be amended as follows:

§ 112.24 WHOLESALE PURCHASE.

(A) The City does hereby impose a fee of 5% on the wholesale purchase, plus freight for all malt beverages as defined by SDCL §35-1-1, as amended, delivered to the holder of a license issued pursuant to SDCL §35-4-2(3), (4), or (16).

(B) The City does hereby impose a fee of 5% on the wholesale purchase, plus freight for all malt beverages as defined by SDCL § 35-1-1, as amended, delivered to the holder of a license issued pursuant to SDCL §35-4-2(11) or (13).

(C) All holders of a license which permits the sale of malt beverages as described herein shall purchase the malt beverages that the holder of such license sells from the city. In order to facilitate orders and delivery, in lieu of direct purchases from the city, holders of a license herein may utilize the procedures contained in §112.25 herein.

(D) The authority for the imposition of the fee for licenses issued pursuant to SDCL 35-4-2(3), (4), or (16) is contained in SDCL § 35-4-60.2.

(E) The authority for the imposition of the fee for licenses issued pursuant to SDCL § 35-4-2(11) or (13) is contained in Home Rule Charter Section 1.05 as not expressly prohibited by the statute.

§ 112.25 SUBMISSION OF INVOICES AND ASSESSMENT OF FEES.

(A) All malt beverage wholesalers, as defined by SDCL § 35-1-1, and licensed, pursuant to SDCL § 35-4-2(3), (4), (11), (13), or (16) shall provide a copy to the Finance Officer of all invoices for sales of malt beverages delivered to holders of a license as described in § 112.24 herein, within the city on, or before the 5th day of each month for all sales made in the city for the prior month.

(B) The Finance Officer shall on the 15th day of each month, or on the first working day thereafter, send a statement to each license holder permitted to sell malt beverages as described in § 112.24 herein, assessing the fee required hereunder, based upon all invoices received by the city for malt beverages delivered to the license holder for the prior calendar month. The license holder shall have a period of 10 days within to which to pay the city the fee required hereunder. In the event of the failure by the license holder to pay the required fee within said 10 day time period, the Finance Officer shall notify the malt beverage wholesalers, in writing, by first-class mail,

postage prepaid at Vermillion, South Dakota, of the fact that this fee has not been paid and that the license holder is in violation of the terms of this chapter. A copy of the notice sent to the malt beverage wholesaler shall be sent to the license holder who is in default. The wholesalers shall not deliver any malt beverage to the license holder who is in default under the terms of this chapter until such time as the wholesalers are notified by the city that all fees owing to the city have been paid in full.

Dated at Vermillion, South Dakota this 4th day of October, 2021.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY Kelsey Collier-Wise
Kelsey Collier-Wise, Mayor

ATTEST:

BY Katie E. Redden
Katie E. Redden, Finance Officer

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