

Upon motion made by Todd Waldera and seconded by Tim Wenande, it was moved that the following Ordinance be adopted:

ORDINANCE NO. 321  
AN ORDINANCE TO REGULATE THE CONSUMPTION OF ALCOHOLIC  
BEVERAGES WITHIN THE CITY OF ALEXANDRIA, SOUTH DAKOTA

BE IT ORDAINED by the City of Alexandria, South Dakota, that:

(1) Prohibition. No open container of any alcoholic beverage may be possessed, sold or consumed upon any public street or city property within the city limits of the City of Alexandria, except as authorized herein.

(2) Exceptions. Possession, consumption and sale of beer or malt beverage open containers only may be authorized by the City of Alexandria pursuant to the granting of a special events or street dance permit as authorized by South Dakota and under such additional terms and restrictions as the City may deem advisable and appropriate in the premises.

(3) Penalty for Violation. A violation of this Ordinance shall be subject to a maximum penalty of a fine of Two Hundred (\$200.00) Dollars or by incarceration in a county Jail for a period of up to thirty (30) days, or by both such fine and imprisonment.

(4) Repealer. Any and all ordinances, or portions of ordinances, which are in conflict with the provisions hereof, are hereby repealed. (Specifically includes, but not necessarily limited to Ordinance No. 235.

(5) Severability Provision. Any section, portion, or part of this Ordinance which is determined by any Court to be invalid shall be considered removed there from and the balance of said Ordinance shall remain in effect if the same can be done for the purpose of carrying out the intent of this Ordinance.

Justification for Ordinance:

- (a) It is in the best interests of the City of Alexandria and its taxpayers to have certain special events held within the corporate limits of the City of Alexandria;
  - (b) All such special events and activities should be conducted in accordance with state law; and
- © It is in the best interests of the residents and citizens of Alexandria for the City council to retain and maintain a certain amount of authority and control over such events.

First Reading: May 15, 2003  
Second Reading: June 2, 2003  
Published: June 12, 2003  
Effective date: July 4, 2003  
(20 days after publication)

Votes for: 5 Votes against: 0  
Ordinance Adopted.

Lyle Weber, Mayor

Janice Wolf, Finance Officer