ORDINANCE NO. 5813

AN ORDINANCE TO UPDATE ALCOHOLIC BEVERAGE LICENSE REGULATIONS BY AMENDING CHAPTER 5.12 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City licenses those who sell alcoholic beverages; and

WHEREAS, the alcoholic beverage license regulations are codified in Chapter 5.12 of the Rapid City Municipal Code; and

WHEREAS, amendments are needed to update the City's alcoholic beverages license regulations to comply with changes in state law; and

WHEREAS, the Common Council finds it is in the best interests of the City of Rapid City to make said changes.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 5.12.030 of the Rapid City Municipal Code be amended to read in its entirety as follows:

5.12.030 Alcoholic beverages, malt beverages and wine license requirements and fees.

A. The following classifications and fees are established for on-sale dealers in distilled spirits, wines, and malt beverages:

Class of License	**Initial Fee**	**Renewal Fee**
1. On-sale dealer: Any person who sells or keeps for sale any alcoholic beverage, other than pursuant to another license under this chapter, for consumption on the premises where sold	$100,000	$1,500
2. On-sale dealer (full-service restaurant)	Market price as set by City Council	$1,500
3. Convention facility on-sale dealer: A hotel or motel convention facility used and kept open for the hosting of large groups of guests for compensation with at least one hundred lodging rooms and convention facilities seating at least four hundred persons	$100,000	$ 1,500
4. Municipal auditorium on-sale dealer: A municipal auditorium operated pursuant to SDCL ch. 9-52	$100,000	$ 1,500

5. Off-sale dealer: Any person who sells or keeps for sale any alcoholic beverage for consumption off the premises where sold	$500	$500
6. Malt beverage retailer: Any person who sells or keeps for sale, other than resale, malt beverages as both package dealers and on-sale dealers	$300	$300
7. Off-sale malt beverage package dealer: Any person who keeps for sale or sells malt beverages for consumption off the premises where sold	$200	$200
8. Off-sale malt beverage and off-sale South Dakota wine package dealer: an off-sale malt beverage package dealer who also keeps for sale or sells wines produced pursuant to SDCL chapter 35-12 for consumption off the premises where sold	$225	$225
9. Wine retailers, being both package dealers and on-sale dealers	$500	$500
10. Malt beverage retailer and South Dakota wine retailers: Any person who sells or keeps for sale malt beverages and wines produced pursuant to SDCL chapter 35-12 as both package dealers and on-sale dealers	$325	$325

B. An off-sale license may be authorized for premises where the sale of liquor constitutes less than 40% of the gross business transacted on the premises, provided that:

1. The area in which liquor is displayed for sale is located within a building located on the premises and is separated from the remaining premises by partitions or walls at least 7 feet in height, and that the liquor area shall be physically closed during times when off-sale service is prohibited by the South Dakota Liquor Control Law;

2. Store personnel shall be physically present within the confines of the Liquor Sales Department at all times it is open to the public; and

3. The licensee shall not permit any person less than 21 years old to loiter in the liquor display and sale area.

BE IT FURTHER ORDAINED by the City of Rapid City that a new Section 5.12.035 be added to Chapter 5.12 of the Rapid City Municipal Code to read as follows:

5.12.035 Special Event Alcoholic Beverage Licenses.

A. Special event alcoholic beverage licenses may be issued by the Common Council in conjunction with special events held within the City of Rapid City. Any license issued pursuant to this section may be issued for a period of time established by the Common Council, not to exceed fifteen consecutive days. The license shall be issued to a person at a specific place in the same manner as licenses issued pursuant to § 5.12.030.

B. The special alcoholic beverage licenses available are as follows:

1. *Special event malt beverage retailer*. Special event malt beverage retailers licenses are available to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 5.12.030A subsections 1 and 6.

2. *Special event on-sale wine retailer*. Special on-sale wine retailers licenses are available to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 5.12.030A subsections 1, or 9, or to a person licensed by the Department of Revenue under SDCL ch. 35-12.

3. *Special event on-sale dealer*. Special on-sale dealer licenses are available to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 5.12.030A1.

4. *Special event off-sale package wine dealer*. Special off-sale package wine dealers licenses are available to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 5.12.030A subsections 5, 8, 9, or licensed pursuant to SDCL 35-4-2(19) or SDCL ch. 35-12. A special off-sale package wine dealer licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL ch. 35-12.

C. Persons requesting a special event alcoholic beverage license shall make application on forms available from the Finance Office, and shall be subject to the same background check, notice and public hearing requirements as an applicant for a license under § 5.12.030. No public hearing is required for the issuance of a special event license pursuant to this section if the person applying for the special event license holds an eligible permanent license and the special event license is to be used on publicly-owned property.

D. The hours of operation of each special event alcoholic beverage license shall be as set by the Common Council, but in no event shall the special event license hours exceed those for an on-sale dealer provided by § 5.12.060.

E. Persons applying for a special event alcoholic beverage license shall pay a non-refundable application fee as follows:

1. Special event malt beverage retailer - $50.

2. Special event on-sale wine retailer - $50.

3. Special event on-sale dealer - $150.

4. Special event off-sale package wine dealer - $50.

F. No person may be issued more than twenty (20) special event alcoholic beverage licenses within any calendar year. Notwithstanding the foregoing, any combination of licenses issued to the same person, at the same place, for the same time, and for the same special event, shall be counted only as one (1) license for purposes of the twenty-license limit.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.12.060 of the Rapid City Municipal Code be amended to read as follows:

5.12.060 Hours of operation.

The following table establishes the hours during which alcoholic beverages may be sold and the holidays when alcoholic beverages may not be sold for each class of license:

Type of License	Hours	Days	Holidays
1. On-sale dealer	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	No Christmas Day sales
2. On-sale dealer (full restaurant licensee)	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	No Christmas Day sales
3. Convention facility on-sale dealer	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	No Christmas Day sales
4. Municipal auditorium on-sale dealer	1 hour prior to event until end of event; not outside hours of 5.12.060(1) on-sale dealer	Monday through Sunday	No Christmas Day sales
5. Off-sale dealer	7:00 a.m. to 12 midnight	Monday through Sunday	No Christmas Day sales
6. Malt beverage retailer	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A

7. Off-sale malt beverage package dealer	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A
8. Off-sale malt beverage and off-sale South Dakota wine package dealer	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A
9. Wine retailers, being both package dealers and on-sale dealers	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A
10. Malt beverage retailer and South Dakota wine retailers	12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(seal)

First Reading: April 2, 2012
Second Reading: April 16, 2012
Published: April 21, 2012
Effective: May 11, 2012