

ORDINANCE NO. 5675

AN ORDINANCE ESTABLISHING A ONE HUNDRED FOOT BUFFER ZONE BETWEEN MALT BEVERAGE RETAILER ESTABLISHMENTS WITH VIDEO LOTTERY AND WINE RETAILER ESTABLISHMENTS WITH VIDEO LOTTERY AND RESIDENTIAL ZONED PROPERTY BY ADDING CHAPTER 5.12.095 TO THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the State of South Dakota has given municipalities the general police power to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, the State of South Dakota has given municipalities authority to regulate video lottery machine placement in malt beverage retailer licensed establishments and wine retailer licensed establishments; and

WHEREAS, the City of Rapid City has adopted Chapter 5.12 of the Rapid City Municipal Code, entitled “Alcoholic Beverages”; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City’s best interest to adopt an ordinance establishing a 100 foot buffer between malt beverage retailer licenses in video lottery establishments and wine retailer licenses in video lottery establishments and residential zoned property; and

WHEREAS, enacting such an ordinance will promote the health, safety, morals, and general welfare of the community.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, South Dakota, that Chapter 5.12 of the Rapid City Municipal Code be amended by adding Section 5.12.095 to read as follows:

5.12.095 Malt Beverage Retailer and Wine Retailer Buffer Zone

No malt beverage retailer license with video lottery license or wine retailer license with video lottery license shall be issued to any location within 100 feet of any LDR, LDR II, MDR, HDR, MHR, or OC zoned property. However, nothing herein shall preclude the issuance of a malt beverage retailer license with video lottery license or a wine retailer license with video lottery license if such a license with video lottery has been held at that location in the preceding 12 months.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: