

**ORDINANCE NO. 5400**

**AN ORDINANCE TO CREATE AN ON-SALE FULL-SERVICE RESTAURANT ALCOHOL LICENSE BY AMENDING SECTION 5.12.040 AND SUBSECTIONS 5.12.030(A)(2) AND 5.12.060(A)(2) OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has adopted ordinances that create a comprehensive regulatory scheme for the sale and consumption of alcoholic beverages; and

WHEREAS, the City of Rapid City has been subject to an artificial, state imposed cap on the number of on-sale liquor licenses that may be issued by the City; and

WHEREAS, the City of Rapid City has experienced a period of growth during which the City has annexed contiguous lands, many of which included premises licenses to sell on-sale liquor; and

WHEREAS, as a result of the annexation of contiguous land the City currently has more outstanding on sale liquor licenses than is permitted by the state imposed artificial cap; and

WHEREAS, the South Legislature recently enacted Senate Bill 126 which will authorize the issuance of additional on-sale license to full service restaurants subject to certain conditions; and

WHEREAS, the City of Rapid City deems it in the best interest of the City of Rapid City to adopt an ordinance to implement the provisions of Senate Bill 126.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that subsection 5.12.030(A)(2) of the Rapid City Municipal Code is hereby amended to read as follows:

Class of License	Initial Fee	Renewal Fee
2. On-Sale Dealer (Full Service Restaurant)	Market Price as set by City Council	<b>\$1,500</b>

BE IT FURTHER ORDAINED by the City of Rapid City that section 5.12.060(A)(2) of the Rapid City Municipal Code is hereby amended to read as follows:

2. On-Sale Dealer (Full Restaurant Licensee)RESERVED	12 Midnight to 2:00 a.m.	Monday through Sunday	No Christmas Day Sales or after 1:00 a.m. on Memorial Day
	& 7:00 a.m. to 12 Midnight	Monday through Saturday	No Christmas Day Sales or after 1:00 a.m. on Memorial Day

BE IT FURTHER ORDAINED by the City of Rapid City that section 5.12.040 of the Rapid City Municipal Code is hereby amended to read as follows:

**5.12.040 Requirements for On-Sale Full-Service Restaurant Licenses**

A. An applicant for an On-Sale Full-Service Restaurant License shall provide documentation to the Finance officer that the applicant meets all requirements of state law for an On-Sale Full-Service Restaurant License.

B. The renewal of an On-Sale Full-Service Restaurant License is conditioned upon the applicant satisfying all state requirements for renewal.

C. Each licensee who owns an on-sale license as of January 1, 2008 and purchased or had the license transferred to such licensee at any time between January 1, 2003 and January 1, 2008 shall provide to the Finance Officer the information required by state law by August 15, 2008.

D. The Common Council shall set the On-Sale Full-Service Restaurant License fee within 90 days of adopting this ordinance.

E. Upon determining the fair market value of on-sale licenses the City shall adopt a resolution establishing the fee for On-Sale Full-Service Restaurant Licenses at or above the fair market value as required by Senate Bill 126.

F. The City will maintain a registry of each on-sale license that is being offered for sale and will provide a copy of the registry to anyone who requests a new On-Sale Full-Service Restaurant License. Prior to the issuance of a new license, the applicant shall submit an affidavit showing that there is no on-sale license on the registry or that the applicant is unable to purchase the on-sale license at fair market value and on terms satisfactory to both the potential buyer and seller.

G. Any existing on-sale license holder who wishes to sell their on-sale license at the fair market value established by the Common Council may register the on-sale license with the City.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: