

ORDINANCE NO. 5544

AN ORDINANCE TO UPDATE ALCOHOLIC BEVERAGE LICENSING REQUIREMENTS TO REFLECT CHANGES IN STATE LAW BY AMENDING SECTIONS 5.12.030 AND 5.12.060 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, license fees set by the state legislature have been changed on certain malt beverage licenses; and

WHEREAS, the restrictions placed on the sale of alcoholic beverages on Sundays have been changed by the state legislature; and

WHEREAS, the Common Council of the City of Rapid City wishes to update Sections 5.12.030 and 5.12.060 of the Rapid City Municipal Code to reflect these changes in state law.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 5.12.030 of the Rapid City Municipal Code is hereby amended to read 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. Sunday retail dealer: Any on-sale dealer licensed under subsection A.1. of this section, if license meets the requirements of § 5.12.030B.	\$200	\$200
43. 4. Off-sale dealer: Any person who sells or keeps for sale any alcoholic beverage for consumption off the premises where sold	\$500 (not less according to SDCL 35-4-2)	\$500
54. 5. Malt beverage retailer: Any person who sells or keeps for sale, other than resale, malt beverages as both package dealers and on-sale dealers	\$250 <u>\$300</u>	\$250 <u>\$300</u>

65. Off-sale malt beverage package dealer: Any person who keeps for sale or sells malt beverages for consumption off the premises where sold	\$250 \$200	\$250 \$200
6. 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
7. Wine retailers, being both package dealers and on-sale dealers	\$500	\$500
8. Special malt beverage or on- sale wine license (non-profit, civic, charitable or fraternal organizations only)	\$50 per day <u>per type of beverage</u> up to 15 consecutive days	N/A
9. Special off-sale wine dealers license (Fair Board, public, civic, charitable, educational or fraternal organization in conjunction with special event within city, selling licensed South Dakota wines only)	\$50 per day <u>per type of beverage</u> up to 15 consecutive days	N/A
10. Special malt beverage retailer and/or on-sale wine retailer license (community playhouse for non-profit organization in conjunction with a theatrical production only)	\$50 per day <u>per type of beverage</u> up to 15 consecutive days	N/A

~~B. The Common Council may, in its discretion, provide in any on-sale license the right to sell, serve or allow to be consumed alcoholic beverages between the hours of 11:00 a.m. and 12:00 midnight on Sunday with the serving of food from a fixed restaurant, where the licensee has the facilities for the serving of prepared meals from a fixed restaurant with a simultaneous seating capacity of at least 50 patrons.~~

CB. 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 Section 5.12.060 of the Rapid City Municipal Code is hereby amended to read as follows:

5.12.060 Hours of operation.

—A. 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 <u>7:00 a.m. to 12 midnight</u>	Monday through Sunday	No Christmas Day Sales or after 1:00 <u>2:00</u> 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
2. On-sale dealer (full restaurant licensee)	12 midnight to 2:00 a.m. and <u>7:00 a.m. to 12 midnight</u>	Monday through Sunday	No Christmas Day sales or after 1:00 <u>2:00</u> 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
3. Sunday retail dealer	11:00 a.m. to 12 midnight	Sunday	No Christmas Day sales
43. Off-sale dealer	7:00 a.m. to 12 midnight	Monday through Sunday	No Christmas Day sales or Memorial Day sales
54. Malt beverage retailer	12 m Midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight	Monday through Sunday	N/A
65. 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
6. Off-sale malt beverage and off-sale South Dakota wine package dealer	<u>12 midnight to 2:00 a.m. and 7:00 a.m. to 12 midnight</u>	<u>Monday through Sunday</u>	<u>N/A</u>

7. 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
8. Special malt beverage or on-sale wine license	Set by Council, not to exceed times for on-sale licensee		N/A
9. Special off-sale package wine dealers license (SD farm winery)	Set by Council, not to exceed times for on-sale licensee		N/A
10. Special malt beverage retailer and/or on-sale wine retailer license (community playhouse for non-profit organization in conjunction with a theatrical production only)	Not more than one hour prior to commencement of a performance or at any time after performance is concluded		N/A

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: