



CITY OF RAPID CITY
RAPID CITY, SOUTH DAKOTA 57701-2724
OFFICE OF THE CITY ATTORNEY
300 Sixth Street

Wade E. Nyberg, Assistant City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: wade.nyberg@rcgov.org

MEMORANDUM

TO: Mayor Kooiker and Common Council

FROM: Wade Nyberg *WEN*

DATE: February 24, 2012

RE: Alcoholic Beverage Licensing Law Changes

Our office was directed to bring a list of changes made to the alcoholic beverage licensing laws to the March 1, 2012, Legal & Finance Committee meeting. I have included a list below of the changes that affect the City of Rapid City. I have not included every change made by the state legislature, as there are some that do not apply to municipalities.

Special Temporary licenses

- Now 4 types of licenses:
 1. Special malt beverage retailers license
 - a. In conjunction with special event
 - b. Issued to civic, charitable, educational, fraternal or veteran's organization or on-sale licensee or malt beverage retailer
 2. Special on-sale wine retailers license
 - a. In conjunction with special event
 - b. Issued to civic, charitable, educational, fraternal or veteran's organization or on-sale licensee or wine retailer
 3. Special on-sale liquor license
 - a. In conjunction with special event
 - b. Issued to civic, charitable, educational, fraternal or veteran's organization or on-sale licensee
 4. Special off-sale package wine dealer's (package) license
 - a. In conjunction with special event
 - b. Issued to civic, charitable, educational, fraternal or veteran's organization or off-sale licensee, wine retailer, or SD Farm Wine package dealer or retailer
- May not exceed 15 consecutive days

- No public hearing is required if issued to licensed retailer and event is held in publicly-owned facility
- City must make rules to regulate and restrict special licenses, including limiting the number of licenses issued to any one person within a calendar year

New License added

- Combination on & off sale malt beverage and SD Farm Wineries license
- \$325 fee

Staff Recommendation: The Common Council should direct the City Attorney's Office to draft ordinance changes to reflect the changes in types of licenses.

Hours/Days of sale

- Memorial Day sales can be authorized by local ordinance for all types of licenses
- Previously package liquor and on-sale liquor (including restaurant) licenses could not sell on Memorial Day
- Only day when on-sale liquor licensees are prohibited from selling by state law is Christmas.

Staff Recommendation: Staff has no position on Memorial Day sales.

Open Container law change

- It is no longer against state law to consume any alcoholic beverage in a public place
- Only a violation to consume distilled spirits in a public place
- City ordinance still prohibits possession of open containers and consumption or mixing of any alcoholic beverages in a public place

Staff Recommendation: Staff has several concerns with a similar change in the open container ordinance. The Common Council should direct the City Attorney's Office to study possible changes to the open container ordinance and report back in 30 days.

License renewals

- Licenses can be renewed w/o public hearing if licensee has no criminal penalties for violation of SDCL Title 35 (liquor laws)
- All new licenses and transfers still require a public hearing.
- Council has already adopted this (§ 5.12.025 of RCMC)

Staff Recommendation: Take no action.