

Ordinance No. 6075

AN ORDINANCE TO AMEND PROVISIONS CONCERNING SPECIAL EVENT ALCOHOL BEVERAGE LICENSES TO ALLOW CHARITABLE ORGANIZATIONS TO SELL DONATED ALCOHOL BY AMENDING SECTION 5.12.035 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted regulations concerning alcoholic beverages in Chapter 5.12 of the Rapid City Municipal Code; and

WHEREAS, R.C.M.C. 5.12.035 sets forth regulations permitting special event alcoholic beverage licenses for civic, charitable, educational, fraternal, or veterans organizations and for other licensees; and

WHEREAS, R.C.M.C. 5.12.035 mirrors the provisions in state law found in SDCL 35-4-124 concerning special alcoholic beverage licenses issued in conjunction with special events; and

WHEREAS, in 2015, Senate Bill 120 passed by the South Dakota legislature amended SDCL 35-4-124 to allow the issuance of special event off-sale permits for wine, malt beverages, and alcohol beverages when members of the public purchase the alcohol from South Dakota retailers and donate it to be sold at the special event held by the charitable organization; and

WHEREAS, prior to Senate Bill 120, the only off-sale alcohol permit available for special events was for the sale of manufactured by a farm winery licensed under state law; and

WHEREAS, the City wishes to amend its ordinances to adopt the provisions in Senate Bill 120 to allow for issuance of special event off-sale permits to charitable organizations when the alcohol is donated by members of the public to be sold at a charitable event; and

WHEREAS, the Common Council believes it to be in the best interests of the health, safety, and general welfare of its citizens to amend R.C.M.C. 5.12.035 to allow for special event off-sale alcoholic beverage permits for civic, charitable, educational, fraternal, or veterans organizations when the alcohol is donated by the public to be sold at a special event.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 5.12.035 of the Rapid City Municipal Code is hereby amended to read in its entirety 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 § 5.12.030A.1.

4. *Special event off-sale package wine dealer.* Special off-sale package wine dealers licenses are available ~~to~~in the following situations:

a. 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 under this section may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL ch. 35-12.; or

b. Any civic, charitable, educational, fraternal, or veterans organization in conjunction with a special event conducted pursuant to Section E.

5. *Special event off-sale package malt beverage dealer.* Special off-sale package malt beverage dealer licenses are available to any civic, charitable, educational, fraternal, or veterans organization in conjunction with a special event conducted pursuant to Section E.

6. *Special event off-sale package dealer.* Special off-sale package dealers licenses are available to any civic, charitable, educational, fraternal, or veterans organization in conjunction with a special event conducted pursuant to Section E.

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. A civic, charitable, educational, fraternal, or veterans organization holding a special event license pursuant to Sections B.4.b, B.5, or B.6 shall only sell wine, malt beverages, or alcoholic beverages, as applicable to the license, that have been donated by members of the public. Any donated alcoholic beverage must have been purchased by the donor from a licensed South Dakota retailer.

EF. 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.
5. Special event off-sale package malt beverage dealer - \$50.
6. Special event off-sale package dealer - \$150.

FG. 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.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: