

ORDINANCE NO. 5776

AN ORDINANCE ESTABLISHING A MINIMUM SEPARATION BETWEEN CERTAIN VIDEO LOTTERY CASINOS AND RESIDENTIALLY ZONED PROPERTY BY ADDING SECTION 5.64.030 TO THE RAPID CITY MUNICIPAL CODE.

WHEREAS, SDCL 42-7A-64 authorizes municipalities to regulate the placement of video lottery machines in establishments with on-sale alcohol licenses authorized pursuant to SDCL subdivisions 35-4-2(12) and (16); and

WHEREAS, the statutory authorization in SDCL 42-7A-64 allows the City of Rapid City to regulate the location of such video lottery casinos in relation to residential areas; and

WHEREAS, The City Council finds that regulations providing sufficient separation between video lottery casinos and residential areas are necessary and appropriate to promote the general health, safety and welfare of the community and provide for orderly growth of the community; and

WHEREAS, the City Council of Rapid City finds that it is in the best interests of the community to exercise the statutory authority granted to it and establish minimum distances between certain video lottery casinos and residentially zoned areas by adding Section 5.64.030 to the Rapid City Municipal Code (RCMC).

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 5.64.030 be added to the RCMC to read as follows:

5.64.030 Required separation between certain video lottery casinos and residentially zoned areas.

Placement and licensing of video lottery machines authorized in conjunction with an on-sale alcohol license issued pursuant to SDCL 35-4-2(12) and (16) within 250 feet of any property which is zoned park forest, or is zoned light, medium or heavy density residential, or is otherwise zoned primarily for residential land uses, is prohibited. This prohibition only applies to video lottery placement in conjunction with issuance of a license to a new casino location and does not apply to the transfer of additional licenses to an existing casino location by the owner of that casino. The purpose of this exception is to allow existing business the opportunity to expand, but prohibit new businesses from encroaching on residential areas. This prohibition is in addition to any other review or approval which is required for authorization of an on-sale liquor establishment. Nothing in this section should be construed as altering the City's authority to determine the appropriateness of the proposed location of an establishment seeking an on-sale alcohol license. For purposes of this section, the distance shall be measured from the closest point of the outside wall of such buildings or structures, or if the use only occupies a portion of such building or structure from closest point of the tenant

space. An existing video lottery license may not be denied renewal, or transfer of ownership, based on the criteria set forth in this section.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: