

ORDINANCE NO. 520

AN ORDINANCE ESTABLISHING FEES AND REQUIREMENTS FOR ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE LICENSES WITHIN PENNINGTON AND MEADE COUNTIES IN THE CITY OF BOX ELDER, SOUTH DAKOTA, AS AUTHORIZED IN TITLE 35 OF THE SOUTH DAKOTA CODIFIED LAWS.

WHEREAS, the City of Box Elder believes that alcoholic beverage licenses are a privilege and not a right, and the City reserves the right to refuse the approval, renewal or transfer of any license in the event that an applicant refuses or fails to comply with the requirements of this Ordinance or other applicable local, State or Federal laws: and

WHEREAS, that the number of licenses that were available were raised by the 2010 census, and

WHEREAS, more businesses are requesting such licenses now,

WHEREAS, the City desires to increase the fees payable to the City for retail on-sale licenses;

THEREFORE, BE IT ORDAINED by the Common Council of the City of Box Elder, Pennington and Meade Counties, South Dakota as follows:

SECTION I: The license application fee for retail on-sale liquor license located in the City of Box Elder shall be \$50,000.

SECTION II: The license application fee for retail on-sale liquor license located in the City of Box Elder and wishing to have sales on SUNDAY - Sunday sales shall be an additional \$500.00

SECTION III: The license application fee for retail on-sale liquor license called a Convention License located in the City of Box Elder shall follow the SECTION I fees.

SECTION IV: The license application fee for an off-sale Package liquor license located in the City of Box Elder shall be \$700.00.

SECTION V: The applicants shall have a sufficient structure or plan for structure, in which to conduct the operation of an on-sale liquor business. Proof of such structure may include, but not necessarily be limited to, pictures (inside and out) of any existing structures, or plans and specifications of proposed structures along with proof of ownership or a valid lease of the premises. Under no circumstances will an alcoholic beverage license of any kind be approved, renewed or transferred to any premises upon which a zoning ordinance violation

has been identified until such time as the premises is brought into full compliance with all applicable provisions of the City of Box Elder Planning and Zoning Ordinance.

SECTION VI. A retail on-sale liquor license shall not be issued to any premise or parcel of land where there is not an approved structure or plan for structure, located. Conditional approval may be given to an applicant and the license will be held by the City for up to one year to allow for the construction of an approved structure. The license will be then issued to the applicant upon the completion of such structure. Conditional approval may also be granted if the applicant needs additional time to rezone the premises for compliance with City zoning requirements. If the license has not been issued within one year due to the applicant failing to comply with this Ordinance, the City may, upon request of the applicant, extend the conditional approval for up to six additional months if it finds that the delay is not the fault of the applicant. Under no circumstance shall a license be held on conditional approval in excess of eighteen (18) months. License application fees will not be refunded once the license is approved by the City Commission and issued by the State.

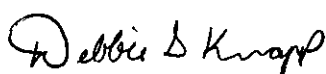
SECTION VII. Sunday Sales: No off-sale licensee shall sell, or allow to be sold, alcoholic beverages between the hours of 12:00 midnight and 7:00 a.m. of the following day, or sell or allow to be sold distilled spirits or wine as defined in SDCL 35-1-1 on Memorial Day or Christmas Day.

Therefore, be it ordained by the Common Council of the City of Box Elder that

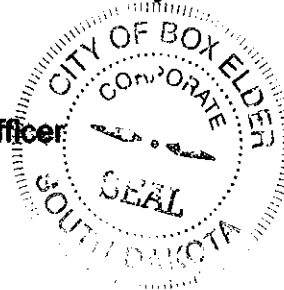
Dated this 7th day of February, 2012.



Alfred Dial, Mayor
City of Box Elder, South Dakota

(SEAL) 

ATTEST: Debbie S. Knapp, Finance Officer



First Reading: Feb 7, 2012

Second Reading: Feb 21, 2012

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Effective