

ENROLLED ORDINANCE NO. 21-006

AN ORDINANCE AMENDING TITLE 5 “BUSINESS LICENSES AND REGULATIONS”, REPEALING AND REPLACING CHAPTER 5.04 “ALCOHOLIC BEVERAGES”, OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. 5.04 “Alcoholic beverages.” is hereby replaced to read as follows:

Chapter 5.04 ALCOHOLIC BEVERAGES

5.04.010 Definitions.

For the purposes of this chapter the words and terms defined in this section have the meaning ascribed to them, unless the context otherwise requires:

“Alcoholic liquor” means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes which contains at least one-half of one percent of alcohol by volume.

“Barrel” is a unit of liquid measure equal to thirty-one (31) U.S. gallons.

“Brewery” means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year of malt beverage.

“Building” means a roofed and walled structure built or set in place for permanent use.

“Club” means any of the following organizations:

- a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
- b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subparagraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;
- c. A hall or building association of a local unit specified in subparagraphs (A) and (B) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
- d. A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
- e. A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one (1) year. The club shall have had during this one (1) year period a bona fide membership paying dues of at least twenty-five dollars (\$25.00) per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to W.S. 12-4-301, shall be in good standing by having paid at least one (1) full year in dues;
- f. Club does not mean college fraternities or labor unions;
- g. A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse.

“Intoxicating liquor,” “alcoholic liquor,” “alcoholic beverage” and “spirituous liquor” are synonymous in meaning and definition.

“Licensee” means a person holding a: retail liquor license; limited retail liquor license; resort liquor license; twenty-four (24) hour malt beverage permit; restaurant liquor license; catering permit; bar and grill liquor license; malt beverage wholesale license; limited transportation liquor license; manufacturer’s license; manufacturer’s satellite permit; winery permit; winery satellite permit; out-of-state shipper’s license; microbrewery permit; or special malt beverage permit issued under W.S. 12-4-504.

“Licensing authority” means the governing body of the City of Riverton, Wyoming, with the responsibility to issue, control, and administer a particular license; or staff designee.

“Malt beverage” means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute thereof, containing at least one-half of one percent of alcohol by volume.

“Microbrewery” means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifty thousand (50,000) barrels per year and not less than fifty (50) barrels per year.

“Operational” means offering alcoholic liquor and/or malt beverages for sale on an ongoing weekly basis to the general public under a license.

“Original package” means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

“Person” means and includes an individual person, partnership, corporation, joint venture, proprietorship, limited liability company and any other entity or organization which is recognized as a person by the law.

“Resident” means a domiciled resident and citizen of Wyoming for a period of not less than one (1) year who has not claimed residency elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this chapter.

“Restaurant” means space in a building maintained, advertised, and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages.

“Sell” or “sale” includes offering for sale, trafficking in, bartering, delivering or dispensing, and pouring for value, exchanging for goods, services, or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than my gift constitutes a sale.

“Wholesaler” means any person except the Wyoming Liquor Division, who sells any alcoholic or malt beverage to a retailer for resale.

“Winery” means a commercial enterprise manufacturing wine in a single location in Wyoming.

5.04.020 Sales establishments generally.

A. Location. The place in which alcoholic liquors and malt beverages are sold under a liquor license or permit shall be located in the licensed building, at such location upon the premises for which the liquor license or permit is issued as shall be approved by the licensing authority. Alcoholic beverages secured in the licensed building or dispensing area(s) may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the licensing authority. This adjacent area shall not be in another building.

B. Limitation on Items Sold. Only alcoholic liquors and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed building.

C. Gambling. No gambling shall be permitted in a licensed building or dispensing area(s).

D. Inspection. The governing body which issued the license shall as often as may be deemed necessary inspect the licensed building, dispensing area(s) or adjoining area(s) where alcoholic beverages are served to determine whether or not the requirements of this chapter, as amended, and requirements as to sanitation and fire hazards are being complied with.

E. Separation of Facility for On- and Off-Premises Consumption. The retail licensee shall maintain a separate area for the sale of alcoholic liquors and malt beverages for off-premises consumption from the area used to serve customers for on-premises consumption. In such case:

1. The facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption and shall be designed to comply with the provisions of Section 5.04.120;

2. Except as otherwise restricted in Section 5.04.120, the facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two facilities; and

3. No additional fee as described in subsection A of this section shall be assessed against a licensee who separates the licensed building in this manner.

F. Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on-premises consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

1. The establishment is operating a restaurant with a commercial kitchen where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages;

2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of ten p.m.;

3. Limited retail licenses (clubs) are exempt from the age restrictions listed above;

a. Limited retail license holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.

4. Establishments that operate primarily for off-premises sales shall maintain a separate area for the sale of alcoholic or malt beverages.

5.04.030 Sale, etc., to or by persons under the age of twenty-one years or intoxicated individual.

A. It is unlawful for any person under the age of twenty-one (21) years to purchase, sell, possess or solicit the purchase or sale of intoxicating or malt liquors in the city.

B. It is unlawful for any person to sell, give or deliver intoxicating or malt liquors to any person under the age of twenty-one (21) years.

C. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in an establishment that is primarily for off-premises sales of alcoholic liquor and/or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

D. It is unlawful for any person regardless of age to sell, give or otherwise deliver any alcoholic or malt beverage to any intoxicated individual.

E. Any person who violates this section shall be deemed guilty of a misdemeanor, punishable by a fine of up to seven hundred fifty dollars (\$750.00), up to six months in jail, or both.

5.04.040 Hours of sale.

Except as otherwise restricted by Section 5.04.120, all persons licensed under this chapter shall close the licensed building and cease the sale of both alcoholic liquors and malt beverages promptly at the hour of two a.m. each day, and shall clear the licensed building of all persons other than employees by two-thirty a.m., and shall keep the same closed until six a.m. each day; except, that on Sundays not occurring on December 31, such places may only open the licensed building between the hours of twelve noon and ten p.m., and shall clear the licensed building of all persons other than employees by ten-thirty p.m. Holders of restaurant liquor licenses shall operate the dispensing area(s) with the foregoing hours of operation, and additionally shall cease all sales of alcoholic liquors and malt beverages at the time food sales and services cease. Clubs holding special club licenses are exempt from all provisions concerning hours of operation.

5.04.050 Possession or consumption of alcohol in public places or on private property.

A. It is unlawful for any person to consume any alcoholic liquor or malt beverage or to possess an open container of any alcoholic liquor or malt beverage in or upon any property

owned by the city, within the city's jurisdiction, or its public streets, alleys, schools and parks without a duly issued permit.

B. It is unlawful for any person to drink, consume or exhibit alcoholic liquors or malt beverages in or upon any property owned by any person other than the city, whether such person is in a private vehicle or not, unless such drinking or exhibition is with the express permission of the owner of the property.

C. "Open container" is any container of alcoholic liquor or malt beverage that is not:

1. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.

Notwithstanding this section, a resealed bottle of wine may be transported as provided in Wyoming Statutes Section 12-4-410(e);

2. In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;

3. In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;

4. In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or

5. Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

D. Violation of this section is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six months, or both.

5.04.100 Liquor license or permit required, term, transfer—exception.

A. It is unlawful for any person to sell, offer for sale, traffic in, barter, deliver for value, exchange for goods, services or patronage, or exchange in any way other than purely gratuitously, any alcoholic or malt beverage in the city without first obtaining a retail liquor license, limited retail (club) license, restaurant license, resort license, bar & grill license, special malt beverage permit, microbrewery permit, winery permit, satellite winery permit, satellite manufacturer's permit, 24 hour catering permit, 24 hour malt beverage permit, or manufacturer's off-premise permit from the licensing authority; provided, however, that this section shall not apply to wholesale sales of malt beverages by persons holding a license therefor issued by the state liquor division.

B. Each liquor license issued by the licensing authority under this article shall be signed by the mayor and attested by the clerk. The following shall be shown in each license: (1) the name of the licensee; (2) a description of the place in which alcoholic or malt beverages may be sold; (3) the date of issuance; (4) the amount of the fee; and (5) that the fee has been paid.

C. Each person holding a license or permit under this article shall display the license or permit in a conspicuous place at the licensed premises.

D. A liquor license issued under this article shall be a personal privilege, good for one year, unless sooner revoked; provided, that the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic or malt beverages under a license, may exercise the privilege of the deceased licensee under such license until the expiration of the same; and provided further, that in the event of a major loss or damage to the licensed premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of even date as the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale made in good faith, may assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license, and all subject to the approval of the licensing authority.

E. Except as herein provided, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance, nor shall it be subject to

attachment, garnishment or execution. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

5.04.110 Issuance of liquor licenses and permits by category.

A. Liquor licenses and permits issued by the licensing authority shall be categorized as follows:

1. Retail liquor license;
2. Limited retail (club) license;
3. Resort license;
4. Restaurant license;
5. Bar & grill license;
6. Manufacturer's off-premises permit;
7. Microbrewery permit;
8. Winery permit;
9. One-day malt beverage permit;
10. One-day open container permit;
11. One-day Catering permit;
12. Special Malt Beverage Permit.

5.04.120 Liquor license requirements – restrictions by category, delivery.

A. Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within their respective category:

1. Retail License. Licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption on premise, off premise, or both but not for resale without the express approval from the liquor division.

a. Drive-in Area – Requirements. A drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license from six a.m. each day and shall cease all sales transactions and close the conduct of all business in the drive-in area promptly at the hour of twelve a.m. each day, and shall keep the same closed until six a.m. each day; except, that on Sundays such places may only open the drive-in area between the hours of twelve noon and ten p.m. The licensing authority which issued the retail liquor license shall determine whether traffic conditions; or physical circumstances, hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. Upon approval of the governing body which issued the retail license, a drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages, or other goods as allowed under the following conditions:

- i. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;
- ii. No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distant from the licensed building;
- iii. The area shall be well-lighted and subject to inspection by the governing body which issued the license at any and all times;
- iv. No walls or screens may be positioned or situated so as to interfere with observing and checking the part of the area used for orders, delivery and payment;
- v. No order shall be accepted from nor delivery made to a person under twenty-one (21) years of age or a person who is visibly intoxicated to any extent, in the area;
- vi. No part of a publicly owned sidewalk, highway, street or alley may be used for taking orders, delivery and payment; and
- vii. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package, and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

b. Shipping of manufactured wine. A retail liquor licensee may ship not more than a total of twelve cases of manufactured wine directly to any one (1) household in any twelve (12) month period provided the licensee:

i. Ships the manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

ii. Ensures that all shipping containers of manufactured wine shipped pursuant to this subsection are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVER"; and

iii. Ensures that all of its shipments within the state are made by a licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.

2. Limited Retail (Club) License. The applicant must be a bona fide club as defined by Wyoming Statutes, Section 12-1-101(a)(iii). At least fifty-one (51) percent of the membership of a social club as defined by Wyoming Statutes, Section 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the Wyoming State Liquor Division, indicating a desire to secure a special club license. A club holding a special club license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to ensure that all alcoholic or malt beverages sold are consumed within the building, space or premises.

3. Resort License. Applicants must be owners or lessees of a resort complex which has an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land. The complex must include a restaurant and convention facility which facility seats not less than one hundred (100) persons and include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. No resort license may be transferred to another location but license ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the licensing authority. Resort license shall not sell alcoholic or malt beverages for consumption off the premises.

4. Restaurant License. Applicants must submit a valid food service permit upon application. The applicant must satisfy the licensing authority that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories: (1) food service sales; and (2) alcoholic and malt beverage sales, showing a breakdown of gross sales indicating that not less than sixty (60) percent of gross sales from the preceding twelve (12) months of operation was derived from food services. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in the licensed building areas approved by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted in the dispensing areas, nor shall any person, other than employees over eighteen (18) years of age, be permitted to enter the dispensing areas. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge. A restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee. Wine which is resealed shall not be deemed an open container.

5. Bar & Grill License. Subject to availability, restaurants, as defined by W.S. 12-1-101(a)(xiv), may be licensed by the licensing authority under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. An applicant for a bar and grill liquor license shall satisfy the licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages. When renewing a bar and grill liquor license, the licensing authority shall condition renewal upon a requirement that not less than sixty (60) percent of gross sales from the preceding twelve (12) months' operation of a licensed restaurant be derived from food services. Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories: food service sales; and alcoholic liquor and

malt beverage sales. The annual report shall be submitted upon a form approved by the licensing authority. All sales of alcoholic or malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder. Bar and grill liquor licenses shall automatically terminate and revert back to the city if the holder of the license ceases to do business.

6. Manufacture's Off-Premises Permit. Applicants for a manufacturer's off-premises permit shall complete and submit an application no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a manufacturer's license. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. A manufacturer's off-premises permit shall be issued for one twenty-four (24) hour period. No holder of a manufacturer's license shall receive more than twelve (12) manufacturer's off-premises permits in any one calendar year. The cost of such permits shall be fifty dollars (\$50.00) per twenty-four (24) hour period within city limits and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

7. Microbrewery Permit. The licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premise consumption. The licensing authority will follow the provisions of W.S. 12-4-415.

8. Winery Permit. The licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premise and limited off-premise personal consumption. The licensing authority will follow the provisions of W.S. 12-4-414.

9. One-day Malt Beverage Permit. Applicants for a malt beverage permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any responsible person, organization, or microbrewery for the onsite sale and consumption of malt liquors only at a picnic, bazaar, fair, rodeo, or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt liquors, and no microbrewery holding such permit shall sell any other malt liquors other than their own manufactured product on the premises described on the permit. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquors for more than twelve (12) days by any one person or organization in any one calendar year with the exception of a picnic, bazaar, fair, rodeo, or similar public gathering. The licensing authority may attach rules and regulations and other stipulations they deem appropriate to this permit. The cost of such permit shall be fifty dollars (\$50.00) for any responsible individual, organization, or microbrewery or such amount as the council may set from time to time by resolution.

10. One-day Open Container Permit. A twenty-four (24) hour open container permit may be granted or denied at the sole discretion of the licensing authority without public notice or hearing. The licensing authority may attach rules and regulations, hours, and such other stipulations as they deem appropriate to such permit. The permit shall be issued only for the day or days named therein and it shall not authorize open containers for more than twelve (12) days by any one person or organization in any one calendar year. The cost of such permit shall be twenty-five dollars (\$25.00) or such amount as the council may set from time to time by resolution. Nothing in this section shall be construed to substitute the permit granted herein for retail licenses for resale, permits for resale or similar provisions of this code.

11. One-day Catering Permit. Applicants for a catering permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a retail liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises at meetings, conventions, private parties and dinners or similar gatherings not capable of being

held within the licensed premises. The permit holder shall abide by all rules and regulations associated with his/her retail liquor license and shall not be permitted to sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for twenty-four (24) hours and the hours of sale must conform to Section 5.04.050. No retail liquor license holder shall receive more than a total of twenty-four (24) catering permits for sales at the same premises within the normal term of the retail liquor license, April 1st through March 31st of each year. The cost of such permit shall be fifty dollars (\$50.00) for such permits within city limits, and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

12. Special Malt Beverage Permit. The licensing authority may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers, or events centers. The licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The licensing authority may provide additional rules and regulations dependent upon the event.

B. Delivery of alcoholic liquors and malt beverages. Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

1. All sales of alcoholic liquors and malt beverages shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online, or through a mobile application. All deliveries shall be completed during the licensee’s remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licenses premise.

2. No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older.

3. All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, “sealed” means a product enclosed in its original package and unopened; in a plastic bag and heat sealed closed; or in a container that has a breakable seal incorporated in the container cap.

4. Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages.

5. Microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

5.04.130 Fees.

All licensees shall pay, in advance for such license and advertising cost, the established fees for the liquor licenses and permits that are set herein. The advertising cost for applications requiring public notice shall be \$75 per application, unless determined to be less due to combined advertising opportunities such as renewals. The licensing fees may be adjusted from time to time by resolution of the governing body.

1. Retail liquor license	\$1,500
2. Limited retail (club) license	\$750
3. Resort license	\$500
4. Restaurant license	\$500
5. Bar & grill license	\$1,500
6. Manufacturer’s off-premises permit	\$50
7. Microbrewery permit	\$300
8. Winery permit	<u>\$300</u>
9. One-day malt beverage permit	\$50
10. One-day open container permit	\$25
11. One-day Catering permit	\$50
12. Special Malt Beverage Permit	<u>\$500</u>

5.04.140 Liquor License Applications generally.

A. Any person desiring a liquor license authorized by this code shall apply to the licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the city clerk and shall contain the following provisions:

1. The location and a description of the licensed building in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the building and premises to be licensed;

2. The age, and residence, and of each applicant and each partner, if the application is made by more than one individual or by a partnership;

3. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under state law and of any conviction for a violation of state law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;

4. If the applicant is a corporation:

a. The name, age, and residence of each officer, director and stockholder holding, either jointly or severally, ten (10) percent or more of the outstanding and issued capital stock of the corporation, and

b. Whether any officer, director or stockholder with ten (10) percent or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section;

5. If the applicant is a limited liability company:

a. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company; and

b. If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section.

6. A statement indicating the financial condition and financial stability of the applicant; and

B. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he or she signs and verifies the application for the license or permit.

C. No corporation shall be granted a license unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions are true.

D. No limited liability company shall be granted a license or permit unless at least one (1) of the officer, managers, or member signs and verifies the application on behalf of the company and also verifies upon their oath that the statements and provisions contained therein are true.

E. Corporate and limited liability company licensees and permittees shall advise the licensing authority within thirty (30) days in writing of any change in the information in the application required by paragraph 5 or 6 of this section. The licensing authority shall provide the liquor division a copy of the notification of change.

F. Any person desiring a liquor permit authorized by this code shall apply to the licensing authority. The application shall be made upon a form furnished by the licensing authority. The permit application shall be filed in the office of the city clerk and shall contain the following provisions:

1. The name, address and contact information of applicant or the responsible party.

2. The location and description of event purpose, date(s) and time(s) of event, and the number of attendees and if minors will be present.

3. A detailed explanation of the applicants security plan, how the applicant will enforce the prohibition of underage access and consumption, the restricted permitted area plan, and the designated driver plan.

5.04.150 Notice of application.

When an application for a license, renewal, or any transfer of location or ownership thereof has been filed in the office of the city clerk under this article, it shall be the duty of the clerk to publish, once a week for two consecutive weeks, in a newspaper of general circulation in the city. The city clerk shall also post the notice on the city or town's official website ~~if one exists~~. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing their application, pay an amount sufficient to cover the cost of publishing notice provided for in this section. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the _____ day of _____, 20____, _____ (name of applicant) filed an application for a _____ license, in the office of the Clerk of the City of Riverton for the following described building (insert address)

and protests, if any there be, against the issuance of such license will be heard at the hours of _____M, on the _____ day of _____, 20____, in the City Hall.

Date _____

Signed _____

5.04.160 Issuance or denial.

A. Any license or permit authorized under this code shall not be issued, renewed or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;
3. The number, type and location of existing licenses or premises meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be set or satisfied by the issuance, renewal or transfer of the license or permit; or
5. Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

B. When any application is filed with the licensing authority, the city clerk shall immediately forward a copy of the application to the liquor division. Upon approval or denial of an application, the city clerk shall promptly notify the liquor division.

C. An applicant for a renewal license or permit may appeal to the district court from an adverse decision by the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

5.04.170 Restrictions on issuance.

A. A license authorized by this code shall not be held by, issued or transferred to:

1. Any person who does not own the licensed building or does not holds a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by subsection (A)(4) of this section;
2. Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within one year after a license or permit has been issued;

3. A retail liquor license shall not be renewed if the licensee did not, during the previous one-year term of the license, meet the definition of operational;
4. A manufacturer of alcoholic beverages or wholesaler of malt beverages;
5. A minor;
6. A college fraternity or organization created by one or more college fraternities;
7. A chamber of commerce;
8. A corporation which is not qualified to do business in Wyoming;
9. An individual who is not a resident;
10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

5.04.180 Revocation/suspension of a license or permit, violations, and penalties.

A. If the licensee fails to adhere to the provisions of this chapter or applicable laws of the state, the liquor licensee shall be subject to the provisions herein. To provide for an orderly administration of this chapter, and the maintenance of existing liquor licenses or permits, the city establishes a system for suspension and/or revocation of a liquor license or permit. Violations of this chapter by any licensee or employee or agent of a liquor licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section.

B. All liquor licensees, their agents, and employees must conduct the licensed liquor building and/or premises in compliance with provision of the laws of Wyoming related to liquor and city code related to liquor.

C. Proof of violation of any provisions of this chapter or applicable laws of the state by a licensee or the licensee’s agent or employee is sufficient grounds for suspension or recommendation of revocation of the license and licensees and permittees may be reprimanded or assessed a civil penalty at the discretion of the governing body, as outlined in subsection F.

D. The governing body may impose progressive penalties for multiple violations of any laws, city codes and rules within the preceding three-year period as specified unless mitigating circumstances indicate the penalty should be reduced, or aggravating circumstances indicate the penalty should be increased. The governing body shall consider the licensee’s prior violation history, the licensee’s good faith effort to prevent a violation, and the existence of written policies governing the licensee’s employee conduct as mitigating circumstances before taking an action against a licensee who is not in compliance with the provisions of this chapter.

E. Violation Chart:

	Type of Violation	Code
1.	Making a false statement on a liquor license or one-day liquor permit application	W.S. 12-4-102
2.	Failure to notify city of changes in application information for liquor license within thirty (30) days	W.S. 12-4-102(c)
3.	Sale or transfer of liquor license without permission of the city	RMC 5.04.100(e) W.S. 12-4-601(a)
4.	Failure to post liquor license or one-day liquor permit	RMC 5.04.100(c) W.S. 12-5-702(c)
5.	Open after hours; sales or dispensing after hours	RMC 5.04.040 W.S. 12-5-101
6.	Refusal to permit entry or inspection	RMC 5.04.020(d) W.S. 12-5-201(a)
7.	Drive-in area conditions	RMC 5.04.120 W.S. 12-5-301
8.	Sale of alcoholic liquor or malt beverage to underage person	RMC 5.04.030 W.S. 12-6-101

	Type of Violation	Code
9.	Unauthorized minors in licensed building or dispensing area(s)	RMC 5.04.030(c) W.S. 12-5-201(a)
10.	Gambling or other prohibited acts	RMC 5.04.020(c)
11.	Failing to obtain a limited use permit for sexually oriented events	RMC 9.08.210
12.	Limited retail liquor license: selling alcoholic liquor or malt beverages to non-members unless they are an accompanied guest of a member	W.S. 12-4-301(c)
13.	Failure to pay sales tax	RMC 5.04.180 W.S. 12-7-103
14.	All liquor licenses other than full retail or resort: selling alcoholic liquor or malt beverages for consumption off premises	W.S. 12-4-401; 12-5-201(e)(h)(j)
15.	Sale to an intoxicated person	RMC 5.04.030; 9.08.110 W.S. 12-5-301(v)
16.	Manufacturing, rectifying, or sale of alcoholic beverages without a license or permit	RMC 5.04.100 W.S. 12-8-102
17.	Furnishing to a minor by allowing an employee under the age of eighteen (18) years to serve alcohol to customers	W.S. 12-6-101(a); 12-6-101(e)
18.	Failing to comply with regulations pertaining to out-of-jurisdiction catered events	RMC 5.04.120
19.	Failure to maintain operational status	W.S. 12-4-103 RMC 5.04.170

F. Notification of Liquor Violation.

1. Municipal Court. Not later than thirty (30) days following disposition of a charge which results in a conviction to a liquor licensee, agent, or employee for a liquor violation in municipal court, the court shall report the following information to the city clerk:

- a. The fact that a licensee, permittee, or employees and/or agents of a licensee or permittee have been convicted of a violation of the city code; and
- b. The date of the alleged violation; and
- c. Whether the municipal court disposition has been appealed. For purposes of this section, a conviction includes a finding of guilt after trial, a plea of guilty, or a plea of nolo contendere.

2. Notice of Violation to Liquor Licensee. Upon notice to the city clerk of a proof of violation of any one or more violation(s) as outlined in subsection E, the city clerk shall notify the liquor licensee of the violation(s) via regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city. The notice shall include the description of the violation and provide for a reasonable timeframe to mitigate the violation. If the licensee fails to correct the violation within a reasonable timeframe, the clerk shall submit the violation to the governing body and the governing body may hold a hearing as outlined in subsection (F)(3).

3. Notice of Hearing before Governing Body. If the governing body chooses to hold a hearing regarding violation(s), all evidence will be admitted and considered prima facie evidence of the liquor licensee's violation(s). The purpose of the hearing is to allow the liquor licensee the opportunity to offer corrections to the information and action taken by liquor licensee to mitigate the violation(s), and for the governing body to determine whether the liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:

- a. That the city received proof of violation(s), and that a fine, suspension and/or revocation of the licensee's license is possible; and
- b. Summarizing the nature and date(s) of the incidents resulting in the violation(s).

ATTEST:

Kristin S. Watson
City Clerk/Human Resource Director

ATTESTATION

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance No. 21-006 was passed, adopted, and approved by the Governing Body of the City of Riverton on the 6th day of July 2021. I further certify that the above proclamation ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being *July 13, 2021*.

Kristin S. Watson
City Clerk/Human Resource Director