

## CHAPTER 3.

### ALCOHOLIC BEVERAGES.

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## **Article I. In General.**

### **Sec. 3-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alcoholic beverage permit. The authority under which the sale of alcoholic beverages is authorized to hospitals, religious organizations, physicians and dentists.

Alcoholic liquor. "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 (.5%) of alcohol by volume. As used in this paragraph, "beverage" does not include liquid filled candies containing less than six and one-quarter percent (6.25%) of alcohol by volume;

Building. A roofed and walled structure built or set in place for permanent use.

Club. "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 commission, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the commission 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.

Drugstore. Space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.

Intoxicating liquor; alcoholic liquor; alcoholic beverages; spirituous liquor. These terms shall be construed as synonymous in meaning and definition.

Licensee. A person holding a:

- (a) Retail liquor license;
- (b) Limited retail liquor license;
- (c) Resort liquor license;
- (c) Malt beverage permit; or Catering Permit;
- (d) Restaurant liquor license
- (e) Catering permit; or
- (f) Bar and grill liquor license;
- (g) Winery Permit;
- (h) Winery satellite permit;
- (i) Microbrewery permit;

**"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 title.

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

"Microbrewery" means a commercial enterprise producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage.

"Winery" means a commercial enterprise manufacturing wine at a single location in

Wyoming;

Licensing authority. The governing body of an incorporated city, town or county in Wyoming with the responsibility to issue, control and administer a particular license, or the division.

Limited retail liquor license. The authority under which clubs, as defined in this section, shall be permitted to sell alcoholic or malt beverages.

Malt beverage. Any fluid, substance or compound intended for beverage purposes, manufactured from malt, wholly or in part, or from any substitute therefore and containing more than one half of one percent (0.5%) of alcohol by volume.

Operational. Offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title.

Original package. Any receptacle or container used or labeled by the manufacturer or the substance, containing any alcoholic liquors or malt beverages.

Restaurant. 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-premises 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. This means that the building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for preparing, cooking, and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. "Full-service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fried orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

Retailer. A person who sells or offers for sale any alcoholic or malt beverages for use or consumption and not for resale.

Retail liquor license. The authority under which a retailer shall be permitted to sell alcoholic or malt beverages for use or consumption, but not for resale.

Room. An enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from the floor to the ceiling.

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

*For state law as to definitions, see W. S., 1977, § 12-1-101.*

**Sec. 3-2. Penalties.**

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) and not more than seven hundred fifty dollars (\$750.00), to which court costs shall be added. (Ord. No. 37, § 37-16, Ord. No. 1983-1, § 4.)

(b) Any holder of a liquor license or his employee, while acting in the course of his employment, who is found guilty of violating any provision of this chapter shall have his liquor license suspended for not less than ten (10) days not more than thirty (30) days and, upon a second conviction, may have his liquor license suspended in accordance with state law. (Ord. No. 74-, § 8; Ord. No. 1983-1, § 4.)

*As to the general penalty for violations of Code, see § 1-6 of this Code.*

*As to actions for penalties or fines see § 1-7.*

**Article II. Operation of Businesses.**

**Sec. 3-3. Compliance with chapter and state law.**

For the protection of the welfare, health, peace, morals and safety of the people of the town, it shall be a public policy in the town that the traffic in spirituous, fermented and malt liquors shall be regulated to the extent of prohibiting all traffic therein except as provided in this chapter, and no sale at retail of such liquors may be consummated in the town except in compliance with the provisions of this chapter and the provisions of Wyoming Statutes, 1977, sections 12-1-101 to 12-7-201. (Ord. No. 37, § 1.)

**Sec. 3-4. Operating hours.**

(a) All licensees under this chapter shall be controlled by the following schedule for operating hours:

(1) A licensee may open the licensed building at 6:00 A.M. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 A.M. the following day and shall clear the licensed building of all persons other than employees by 2:30 A.M.; and (Ord. No. 98-3, § (a)(1))

(b) No persons under the age of twenty of (21) years shall enter or remain in the licensed building where alcoholic beverages are sold except in a dining area or eating area while accompanied by an adult and in that event not later than 10:00 P.M. (Ord. No. 98-3, § (b))

(c) Hours of operation may be modified on no more than four days each calendar year where all license holders may sell alcoholic or malt beverages for up to twenty-four

(24) hours as approved by the governing body. All license holders shall have the same dates. These four days that may be modified each year shall be designated by the Town Council no later than the regular May council meeting date. (Ord. No. 37, § 37-3; Ord. No. 84-1, § 1; Ord. No. 86-5, §§ 1, 2; Ord. No. 87-3, § 1; Ord. No. 89-1, § 1, Ord. No. 98-3, § (c))

*For state law as to hours of sale, see W. S., 1977, § 12-5-101.*

### **Sec. 3-5. Regulations and restrictions as to place of sale.**

A. 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 10:00 p.m.

3. Limited Retail Licenses (Clubs) are exempt from the age restriction 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. Any other establishment approved by the governing body.

5. Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale of alcoholic or malt beverages. The principal place in which alcoholic and malt beverages are sold under a license shall be located in the licensed building, which the license is issued and as approved by the Town Council. Alcoholic beverages secured in the licensed building may be served only in the building. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee, bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose product the item is advertising, may be sold and served in the licensed room. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption without payment of an additional fee. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition.

*For similar state law, see W. S., 1977, § 12-5-201.*

**Sec. 3-6. Drive-in areas.**

(a) Upon approval of the Town Council, a drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders for, making delivery of and receiving payment for alcoholic liquor or malt beverages under the following conditions:

(1) 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.

(2) No part of the area used for orders, delivery and making payment shall be more than forty feet (40) distant from the licensed room.

(3) The area shall be well lighted and subject to inspection by the Town Council at all times.

(4) No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment.

(5) No order shall be received from, nor delivery made to a person under twenty-one (21) years of age or an intoxicated person in the area;

(6) No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and

(7) 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) The Town Council 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. If, by resolution of the Town Council, the right of a licensee to use certain drive-in areas is forbidden or restricted, that resolution shall be complied with by the licensee.

*For state law as to drive-in areas for sale, etc., of alcoholic beverages,  
see W. S., 1977, §§ 12-5-301, 12-5-302.*

**Sec. 3-7. Inspections.**

The Town Council shall, as often as may be deemed necessary, cause inspections to be made of rooms licensed under this chapter and adjoining rooms where alcoholic beverages are served, to determine whether or not requirements as to sanitation and fire hazards are being complied with.

*For state law as to inspections, see W. S., 1977, § 12-5-201.*

### **Article III. Sales and Possession Generally.**

#### **Sec. 3-8. Sales by drugstores.**

All sales of alcoholic or malt beverages by drugstores holding a retail liquor license under the provisions of the chapter shall be sold only in the original container received by the druggist. No container or original package shall be opened upon the premises where sold or in any room or building in connection with the drugstore. Any sale shall be made only by a licensed pharmacist or by an adult clerk. The drugstore shall be limited in its sales to the amount that may be sold by holders of other retail licenses. (Ord. No. 37, § 37-7.)

#### **Sec. 3-9. Possession, etc., by minors; public intoxication.**

(a) No person under the age of twenty-one (21) years shall have any alcoholic liquor or malt beverages in his possession or shall be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. This section shall not apply to possession by a person under the age of twenty-one (21) years making a delivery of such alcoholic liquor or malt beverages pursuant to his employment, or to any such person who is in the physical presence of his parent or legal guardian.

(b) It shall be unlawful for any person to be upon any of the streets or alleys of the town or in any store, hotel, rooming house or other place open to the public within the town limits in an intoxicated condition. An "intoxicated condition" is hereby defined as the mental and/or physical condition induced by the drinking of alcoholic liquors or introduction into the body of any substance which causes mental or physical disorientation, so as to make the person so affected a danger to himself or others. (Ord. No. 74, § 2, Ord. No. 88-1, § 1.)

*For state law as to possession, etc., of alcoholic or malt beverages by minors generally, see W. S., 1977, § 12-6-101.*

#### **Sec. 3-10. Minors generally--Sale, etc., to.**

No person shall sell, furnish, give or cause to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) who is not his legal ward, medical patient or member of his own immediate family. (Ord. No. 74, §3; Ord. No. 88-1, § 1.)

*For state law as to regulations concerning alcoholic or malt beverages and minors generally, see W. S., 1977, § 12-5-203. As to liability for sale of alcoholic or malt beverages to child, ward or habitual drunkard when notice given to licensee, see W. S., 1977, § 12-5-502.*

#### **Sec. 3-11. Same--Identification of persons over twenty-one years of age on**

### **licensed premises.**

No person shall be in a bar, saloon, liquor store or cocktail lounge unless such person shall have in his possession reasonable means of proof or identification showing that such person is not under twenty-one (21) years of age and unless he shall display such proof or identification upon request of any police officer or the licensee or employee of such establishment. No person who lacks such proof or identification or who refuses to display the same shall be deemed guilty of a violation of this section if such person shall leave the establishment promptly upon request of a police officer or owner or employee of such establishment. (Ord. No. 88-1, § 1.)

*For state law as to permitting minors in dispensing rooms, see W. S., 1977, § 12-5-203.*

Any person attempting to purchase alcoholic or malt beverages about whom there is any reasonable doubt of their having reached twenty-one (21) years of age, shall be required to produce proof of age as follows:

### **Sec. 3-12. Same—Licensees to request proof of age in cases of reasonable doubt.**

A motor vehicle driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or by an official governmental agency of Canada or Mexico, a permanent resident card issued by the United States citizenship and immigration services, an identification card issued to a member of the armed forces, an internationally accepted passport document with a discernible date of birth and photograph or an identification card issued by the department of transportation is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license. (Ord. No. 2009-06)

### **Sec. 3-13. Same--Using false identification.**

No person under the age of twenty-one shall falsify any identification or use any false identification in order to obtain alcoholic or malt beverages. (Ord. No. 37, § 37-12; Ord. No. 88-1, § 1.)

## **Article IV. Licenses and Permits.**

*For state law as to local retail alcoholic and malt beverage licenses generally, see W. S., 1977, § 12-4-101 et seq. As to licenses generally, see Ch. 7 of this Code.*

### **Sec. 3-15. Licensing to comply with state law.**

The issuance of licenses for the sale of alcoholic and malt beverages in the town shall be in compliance with the provisions of Wyoming Statutes 1977, sections 12-4-101

to 12-4-702, and subsequent state laws or amendments thereto as the same shall apply to the town. A retail liquor licensee or malt beverage permittee shall purchase all malt beverages for retail sale only from a Wyoming wholesale malt beverage licensee.

**Sec. 3-16. Application.**

(a) Any person desiring a license or permit authorized by this chapter shall apply to the Town Council. The application shall be made under oath upon a form to be furnished by the Town Clerk Treasurer. The application shall be filed in the office of the clerk-treasurer and shall contain the following provisions:

(1) The location and a description of the room 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 room and premises to be licensed.

(2) The age and residence of the applicant, and of each applicant or 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 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 percent or more of the outstanding and issued capital stock of the corporation; and

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

(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 under paragraph (a)(iii) of this subsection.

(6) A statement indicating the financial condition and financial stability of a new applicant; and

(7) The site and the zoning of the site where the applicant will sell under the license.

(b) No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and verify upon their oaths as individuals that the statement and provisions are true.

*For similar state law see W. S., 1977, § 12-4-102.*

**Sec. 3-17. Publication of notice of application for issuance, renewal or transfer hearing; renewal preference.**

(a) When an application for a license, permit, renewal, or any transfer of location or ownership thereof, has been filed with the office of the town clerk-treasurer, the clerk-treasurer shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two consecutive weeks. The notice shall state that a named applicant has applied for a license, permit or 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 Town Council. 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 (permit), in the office of the clerk-treasurer of the Town of Meeteetse for the following described place (and room) (insert description) and protests, if any there be against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of \_\_\_\_ P.M., on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at the (meeting place of the Town Council).

Dated \_\_\_\_\_ Signed \_\_\_\_\_”

(b) No license or permit authorized under this chapter shall 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 days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the Town Council finds, from evidence presented at the hearing:

(1) That the welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected.

(2) That the purposes of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit:

(3) That the number, type and location of existing licenses or permits meet the needs of the vicinity under consideration.

(4) That the desires of the residents of the town will not be met or satisfied by the issuance, renewal or transfer of the license or permit.

(5) That any other reasonable restrictions or standards which may be imposed by the Town Council shall not be carried out by the issuance, renewal or transfer of the license or permit.

(c) The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the Town Council.

*For similar state law, see W. S., 1977, § 12-4-104.*

**Sec. 3-18. Liquor License Fees and Refunds.**

a) The liquor license fees for all local liquor licenses shall be as follows:

4)	Bar and Grill License.....	\$	\$1500.00
9)	Transfer Fee.....	\$	100.00

b) The license fees for having a limited malt beverage permit and/or a limited catering permit shall be as follows:

1)	Malt Beverage Permit.....	\$	10.00/day
2)	Catering Permit.....	\$	10.00/day

c) For purpose of this section, designation of a nonprofit club shall include any entity formed and in good standing under the provisions of Wyoming Statute known as the “Wyoming Non-Profit Corporation Act” (W.S. § 17-19-101 to 17-19-1807, as amended) (1992) or any entity recognized under the provisions of the Internal Revenue Code as being a non-profit entity.

d) No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

d) The Town Council will review the fees for liquor licenses annually and any changes will be adopted at their first meeting in January of each year.

**Sec. 3-19. License deemed personal privilege; terms; use by executors or administrators; transfer; attachment, garnishment, etc.**

(a) A license issued under this article shall be a personal privilege, good for one year unless sooner revoked.

(b) However, the annual date for consideration by the Town Council of license and permit issuance, renewals and transfers shall be the first regular Town Council meeting in April. Accordingly, the term of any licenses or permits issued prior to that time shall be less than one year to coincide with the annual date, and the annual fee shall be prorated accordingly. Any licensee not attempting to renew a newly issued prorated license or permit shall not be eligible for any license or permit authorized under this chapter for a period of two years after the expiration date of the prorated license or permit. 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. (Ord. No. 37, § 6)

(c) After public hearing and with the approval of the Town Council, a license or permit may be transferred to or renewed on different premises on the same basis as the original application; except, that no additional license fee is required during the term of the license or permit. A transferred license or permit shall expire on the same date as the original license or permit. The owner of a license or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale made in good faith may, if proceedings are not pending to suspend, revoke or otherwise penalize under this chapter the license holder, assign and transfer such license. The assignee or transferee thereof, subject to the condition and approval stated in this section, may exercise the privilege of continuing the business authorized by such license without the payment of any additional license fee until the expiration of the same; provided, 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 as required by section 3-16, and subject to the approval of the Town Council first had and obtained; provided, that the Town Council shall notify in writing the state liquor commission at least ten days prior to the approval of such transfer or sale. (Ord. No. 37, § 6)

Except as provided in this section, 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. (Ord. No. 37, § 6)

*For state law as to term of license or permit, see W. S., 1977, § 12-4-106. As to sale assignment and transfer of license and permits generally, see W. S., 1977, §§ 12-4-601 to 12-4-604.*

### **Sec. 3-20. Sales by clubs.**

A club holding a limited retail 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 guest 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. (W. S., 1977, § 12-4-301)

*For similar state law, see W. S., 1977, § 12-3-301(c).  
As to special club licenses generally, see W. S., 1977, §§ 12-3-301 to 12-3-303.*

**Sec. 3-21. Restaurant liquor licenses.**

(a) Restaurants may be licensed by the Town Council under a restaurant liquor license. In addition to the other application requirements of this chapter, the license applicant shall submit a valid food service permit upon application.

(b) An applicant for a restaurant liquor license shall satisfy the Town Council 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 or malt beverages. (W. S., 12-4-408(a))

(c) When renewing a restaurant liquor license, the Town Council shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months' operation of a licensed restaurant be derived from food services. (W. S., 12-4-408(b))

(d) Upon application for license renewal, a license holder shall submit an annual report to the Town Council 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 the following two categories:

- (1) Food service sales; and
  - (2) Alcoholic and malt beverage sales.
- (W. S., 12-4-408(c))

(e) No restaurant liquor license shall be transferred to another location. License ownership may be transferred to the purchaser or lessee of the licensed premises with the approval of the Town Council. (W. S., 12-4-409)

(f) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. (W. S., 12-4-410(a))

(g) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over twenty-one years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979, for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over twenty-one years of age is permitted to enter the separate dispensing room. (W. S., 12-4-410(b))

(h) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease, or at the hours specified by section 3-4 if food sales and services extend beyond the hours specified therein. (W. S., 12-4-410(b))

*For state law as to restaurant liquor licenses, see W. S., 1977, §§ 12-4-407 to 12-4-411.*

**Sec. 3-22. Revocation of licenses.**

The violation of any of the provisions of this chapter or the violation of any of the provisions of Wyoming Statutes, by any licensee shall be sufficient cause for the Town Council to institute revocation proceedings as provided by state law.

**Sec. 3-23. Malt beverage permits.**

- (a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. W.S. 12-5-201 does not apply to this subsection.
- (b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the appropriate licensing authority to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.
- (c) The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided by W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and thirty-six (36) catering permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises, or to catering permits for events at the facilities of the University of Wyoming in Laramie, including the Marian H. Rochelle Gateway Center.
- (d) The malt beverage permit and the catering permit shall be issued on application to the appropriate licensing authority without public notice or

hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made, shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.

- (e) Public Auditoriums, Civics Centers or Event Centers.  
The governing body may issue a special malt beverage permit to any reasonable person or organization for sales of malt beverages at public auditoriums, civic centers or event centers.
1. To qualify for a special malt beverage permit, the governing body shall require that:
    - a. The public auditorium, civic center, or events center shall be an enclosed building owned by the county, city, or town containing meeting rooms, kitchen facilities and an auditorium which seats at least 25 persons and is used for public gatherings.
    - b. A stadium utilized for a public event.
    - c. The person or organization holding the special malt beverage permit holds a written agreement with the building owner giving said person the right to sell malt beverages within the building for which the permit will be effective.
  2. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor or wine other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the permit holder to see that no sales are made to any person under the age of twenty-one (21) years.
  3. Special malt beverage permits authorized by this section shall be issued after a hearing on application for each event unless sooner revoked and the license fee shall be thirty-one dollars and twenty-five cents (\$31.25) payable when filing application.

(Ord. No.2008-07, No.2016-08., No. 2017-03.)

*For similar state law, see W. S., 1977, § 12-4-502.*

### **Sec. 3-24. Microbrewery Permit.**

(a) Microbrewery Permits may be issued by the Town Council authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption. Notwithstanding W.S. 12-5-

201 and for the purposes of this subsection, “on-premises” may include a fenced or enclosed area immediately adjacent to the licensed brewing site as approved by the local licensing authority. The dispensing of malt beverages in an immediately adjacent area authorized by this paragraph shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101. Any microbrewery permit holder shall:

**(i)** File a monthly report of brewed malt beverage the permit holder produced on a form provided by the liquor division. The report shall be filed with the liquor division not later than the tenth day of each month following the month in which the brewed malt beverage was produced. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00);

**(ii)** Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee’s records upon reasonable request.

**(b)** The local licensing authority:

**(i)** May allow the sale of malt beverage obtained through a contract brewing arrangement and other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors.

**(ii)** May allow the microbrewery to sell on site its brewed product and its malt beverage obtained through a contract brewing arrangement for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale.

**(iii)** In accordance with the process established under article 1 of this chapter, may allow the transfer of a microbrewery permit to another location and ownership of the microbrewery may be transferred upon approval by the local licensing authority; and

**(iv)** Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each microbrewery permit. When dual ownership of a microbrewery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

**(c)** W.S. 12-4-410 shall apply to any person holding a microbrewery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a microbrewery permit and a bar and grill liquor license, except that either dual holder:

**(i)** May sell the brewed malt beverage for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section.

**(ii)** May upon cessation of full-service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit;

**(iii)** Shall not include sales of malt beverages authorized under the microbrewery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

**(d)** A local licensing authority may authorize a microbrewery to operate at more than one (1) location. The local licensing authority may require the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of locations authorized for the microbrewery. All locations shall be subject to all provisions of this title related to the operation of a microbrewery.

**(e)** The holder of a microbrewery permit under this section may also hold a manufacturer’s license under W.S. 12-2-203(a).

**Sec. 3-25. Winery Permit, Satellite Winery Permits, Off-Premises Permits.**

(a) Winery Permits may be issued by the Town Council authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption. (W.S., 12-4-103 excluding W.S. 12-4-103(a)(vi))

May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division.

(ii) May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale.

(iii) In accordance with the process established under article 1 of this chapter, may allow the transfer of a winery permit to another location and ownership of the winery may be transferred upon approval by the local licensing authority.

(iv) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each winery permit. When dual ownership of a winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

(b) W.S. 12-4-410 shall apply to any person holding a winery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a winery permit and a bar and grill liquor license, except that either dual holder:

(i) May sell the manufactured wine for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section.

(ii) May upon cessation of full-service restaurant operations, serve a limited menu and continue to serve wines authorized under the winery permit.

(iii) Shall not include sales of wines authorized under the winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

(c) A local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the

appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions of W.S. 12-5-201.

**(d)** Notwithstanding paragraph (b)(ii) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

**(e)** Any licensed winery holding a winery permit pursuant to this section shall:

**(i)** Not ship more than a total of one hundred eight (108) liters of its manufactured wine to anyone (1) household in this state during any twelve (12) month period.

**(ii)** Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactured wine to any combination of households or licensed retailers in this state.

**(iii)** Ship its 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.

**(iv)** Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

**(v)** Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature.

**(vi)** File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their own manufactured wine subject to the following:

**(A)** The report shall be filed with the liquor division not later than the tenth day of each month following the month in which the shipment was made.

**(B)** Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00).

**(vii)** Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

(f) The local licensing authority may issue to a winery permit holder an off-premises wine permit for the purpose of selling its own manufactured wine at meetings, conventions, private parties, dinners, and other similar gatherings to promote the holder's product. No permittee holding an off-premises wine permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises wine permit shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No holder of a wine permit shall receive more than twelve (12) off-premises wine permits in anyone (1) calendar year. An off-premises wine permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of an additional permit fee of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) per twenty-four (24) hour period.

(g) The holder of a winery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

**Sec. 3-26. Number of licenses issued; Town Council to issue authorized licenses and permits.**

The Town Council may issue less than the total number of liquor licenses allowed by state statutes and may issue any license or permit authorized by this chapter. (W. S., 12-4-101)