

## TITLE 8

### ALCOHOLIC BEVERAGES

#### Chapters:

8-5 Regulation of Alcoholic Beverages

#### Chapter 5

### REGULATION OF ALCOHOLIC BEVERAGES

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**8-5-100. Definitions.** As uses in this Ordinance, the following definitions shall apply:

(a) "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.

(b) "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.

(c) "Licensee" means a person holding a:

- (1) Retail liquor license;
- (2) Malt beverage permit;
- (3) Catering license; or
- (4) Restaurant liquor license.

(c) "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent (.5%) of alcohol by volume.

(d) "Malt beverage permit" is the authority under which the licensee is permitted to sell malt beverages only.

(e) "Person" includes an individual person, partnership, corporation, limited liability company or association.

(f) "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. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the 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 fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section. A retail liquor license is the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(g) "Retail liquor license" is the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(h) "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 by gift constitutes a sale. (Ord. 199 §2, 1999; Ord. 5, 1911)

**8-5-110. License Required; Exceptions.** It is unlawful for any person or persons in the town to vend, sell, barter or dispose of for pecuniary benefit or advantage, either directly or indirectly, in person or by agent or employee, at retail, any alcoholic liquor or malt beverage without first having obtained a license; provided, however, that this Chapter does not apply to drugstores selling liquors under special permit issued by the Wyoming Liquor Commission for the purpose of filling bona fide prescriptions written by duly licensed physicians and dentists. (Ord. 199 §3, 1999; Ord. 5, 1911)

**8-5-120. Application for License.** Any person or persons desiring to obtain a license to vend, sell, barter or dispose of for any purpose, or in any way, at retail, any alcoholic liquor or malt beverage, shall before vending, selling, bartering or disposing of such make written application for the license to the mayor and town council upon forms and in the manner provided by the laws of the State of Wyoming, and shall pay a license fee in the amount set forth in this Chapter. (Ord. 199 §4, 1999; Ord. 5, 1911)

**8-5-130. Public Notice of Application.** When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with the Town, the clerk 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 four consecutive weeks. 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 Town Council. Each applicant shall, at the time of filing the application, pay the clerk an amount sufficient to cover the costs of publishing notice. (Ord. 199 §5, 1999; Ord. 5, 1911)

**8-5-140. Retail Liquor License Fee.** The license fee for a retail liquor license is \$500.00 per year, which fee shall be paid annually in advance by cash or a certified check. (Ord. 199 §6, 1999; Ord. 5, 1911)

**8-5-150. Restaurant Liquor License.** Restaurants as defined by Section 8-5-100 of this Chapter may be licensed by the Town under a restaurant liquor license. In addition to the application requirements required by Wyoming Statutes, the license applicant shall submit a valid food service permit upon application. (Ord. 199 §7, 1999)

**8-5-160. Restaurant Liquor License Fee.** Every person granted a restaurant liquor license shall pay in advance for such license the sum of \$500.00 annually by cash or a certified check. (Ord. 199 §8, 1999)

**8-5-170. Malt Beverage Permit.** A malt beverage permit authorizing the sale of malt beverages only may be issued by the Town Council 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. (Ord. 199 §9, 1999; Ord. 5, 1911)

**8-5-180. Catering Permit.** A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the Town Council to any person holding a 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 Section, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises. (Ord. 199 §10, 1999)

**8-5-190. Permit Limitations.** The permits authorized by Sections 8-5-170 and 8-5-180 shall be issued for one 24-hour period, subject to the schedule of operating hours provided by Wyoming Statutes. No person or organization shall receive more than a total of six malt beverage and catering permits for sales at the same premises in any one-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. (Ord. 199 §11, 1999)

**8-5-200. Hearing Exceptions.** Malt beverage permits and catering permits shall be issued on application to the Town Council without public notice or hearing. Any applicant applying for such a permit and having licensed premises located outside the corporate limits of the Town 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. (Ord. 199 §12, 1999)

**8-5-210. Malt Beverage and Catering Fees.** The fee for the malt beverage permit and the catering permit shall be \$10.00 per 24-hour period. (Ord. 199 §13, 1999)

**8-5-220. Wyoming Statutes to be Followed.** All licenses and permits provided by this Chapter shall be issued, maintained, used, renewed, and transferred in accordance with all applicable provisions of Wyoming Statutes, and all sales made and facilities used pursuant to any license or permit shall be in accordance with all applicable provisions of Wyoming Statutes. If any provision of this ordinance is, or subsequently becomes, in conflict with any Wyoming statutory law, the statutory law shall take precedence and the requirements of such law shall be a prerequisite to the issuance of any permit or license under this ordinance. (Ord. 199 §14, 1999; Ord. 5, 1911)

**8-5-230. Penalties.** Any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor. (Ord. 199 §15, 1999; Ord. 5, 1911)

