



Agenda Item: Original Ordinance, Third Reading

Title: Original Ordinance No. 2028, Amending Laramie Municipal Code (LMC) Sections 5.08, 5.09 and 12.60 Related to Alcoholic Beverages

Third and Final Reading. (Introduced by O'Doherty)

Recommended Council MOTION:

That Council move to approve Original Ordinance No. 2028, amending Laramie Municipal Code Sections 5.08, 5.09, and 12.60 related to alcoholic beverages on third and final reading, and authorize the Mayor and City Clerk to sign.

Administrative or Policy Goal:

To maintain our municipal code and keep it current with legislative changes that effect our code. Correct typographical and grammatical errors within the document.

Background:

The Legislature passed House Bill No. 0013 and House Bill No. 0156 during this year’s session that will affect Title 12 of Wyoming State Statutes. These bills had several changes that will affect our local municipal code and will be effective July 1, 2021. Revisions are proposed to Laramie Municipal Code (LMC) Sections 5.08, 5.09, and 12.60 to reflect changes from this legislative session, past sessions, correct typographical and grammatical errors, as well as reorder our code to be more effective and efficient as members of our community look for information pertaining to alcoholic beverages and licensing.

Some of the significant changes made were to the following:

Definitions:

“Delivery” means any 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 at a local address.

"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-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. ~~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 chapter.~~

“Sealed” means a product enclosed:

- (i) In its original package and unopened;
- (ii) In a plastic bag and heat sealed closed; or
- (iii) In a container that has a breakable seal incorporated in the container cap.

HB0013 also separated microbrewery and winery into their own sections to provide clarity for each.

The following Sections of LMC were reordered for effectiveness and efficiency (W.S. references and formatting updated throughout chapters):

- ~~LMC 5.09.345~~ / LMC 5.08.645- Special Malt Beverage permit for the University of Wyoming Union.
- ~~LMC 5.09.100~~ / LMC 5.09.050- License-Required.
- ~~LMC 5.09.105~~ / LMC 5.09.060 – Application for licenses and permits.
- ~~LMC 5.09.125~~ / LMC 5.09.070 – Liquor license and permit application information.
- ~~LMC 5.09.130~~ / LMC 5.09.080 – License application—Change of ownership and other information.
- ~~LMC 5.09.160~~ / LMC 5.09.090 – Fees.
- ~~LMC 5.09.145~~ / LMC 5.09.100 – License—Application—Notice of hearing—Fee.
- ~~LMC 5.09.150~~ / LMC 5.09.110 – License—No action permitted until after hearing.
- ~~LMC 5.09.160~~ / LMC 5.09.120 – License—Consideration date.
- ~~LMC 5.09.165~~ / LMC 5.09.130 – License—Personal privilege—Annual renewal.
- ~~LMC 5.09.185~~ / LMC 5.09.140 – License– Transferability—Generally.
- ~~LMC 5.09.180~~ / LMC 5.09.150 – License—Transferability—When permitted.
- ~~LMC 5.09.390~~ / LMC 5.09.170 – Off-Premise Sales.
- ~~LMC 5.09.450~~ / LMC 5.09.180 – Regulations—Sale on premises.
- ~~LMC 5.09.400~~ / LMC 5.09.190 – Right of Entry—Inspection.
- ~~LMC 5.09.405~~ / LMC 5.09.200 – License—Display required.
- ~~LMC 5.09.415~~ / LMC 5.09.210 – Occupancy loads—Sign.
- ~~LMC 5.09.420~~ / LMC 5.09.220 – Habitual violation of occupancy limits.
- ~~LMC 5.09.425~~ / LMC 5.09.230 – Hours of operation—Generally.
- ~~LMC 5.09.440~~ / LMC 5.09.240 – Hours of operation—Modification.
- ~~LMC 5.09.445~~ / LMC 5.09.250 – Gambling on licensed premises.
- ~~LMC 5.09.465~~ / LMC 5.09.260 – Persons eighteen years of age or more permitted to serve beverages.
- ~~LMC 5.09.600~~ / LMC 5.09.280 – Persons under twenty-one years of age—Furnishing to—Prohibited.
- ~~LMC 5.09.605~~ / LMC 5.09.290 – Persons under twenty-one years of age—Intoxication or possession of alcoholic beverages.
- ~~LMC 5.09.610~~ / LMC 5.09.300 – Persons under twenty-one years of age – Prohibited on licensed premises—Exceptions for Retail Liquor Licenses.
- ~~LMC 5.09.615~~ / LMC 5.09.310 – Prohibited on licensed premises—General Exceptions.
- ~~LMC 5.09.620~~ / LMC 5.09.320 – Person under twenty-one years of age—Purchase—Prohibited.
- ~~LMC 5.09.630~~ / LMC 5.09.330 – Proof of age—Written statement.
- ~~LMC 5.09.635~~ / LMC 5.09.340 – Compliance check—Sale of alcoholic liquor or malt beverage to a person under the age of twenty-one years of age.
- ~~LMC 5.09.640~~ / LMC 5.09.350 – Proof of age—Falsification.
- ~~LMC 5.09.645~~ / LMC 5.09.360 – Licensee’s defense when false identification used.
- ~~LMC 5.09.050~~ / LMC 5.09.370- Manufacturing and rectifying.
- ~~LMC 5.09.500~~ / LMC 5.09.405 – Drive-in—Conditions.
- ~~LMC 5.09.505~~ / LMC 5.09.410 – Drive-ins—Determination of Restrictions.
- ~~LMC 5.09.315~~ / LMC 5.09.420 – Restaurant license—Generally.
- ~~LMC 5.09.110~~ / LMC 5.09.425 – Restaurant license—Application—Renewal—Annual report.
- ~~LMC 5.09.340~~ / LMC 5.09.470 – Bar and grill license.

- ~~LMC 5.09.300~~ / LMC 5.09.500 – Limited retail license—Club—Generally.
- ~~LMC 5.09.120~~ / LMC 5.09.505 – Limited retail license—Clubs—Application.
- ~~LMC 5.09.320~~ / LMC 5.09.510 – Classes of Microbrewery permits—Generally.
- ~~LMC 5.09.155~~ / LMC 5.09.515 – Microbrewery permit—Additional council findings and action.
- ~~LMC 5.09.115~~ / LMC 5.09.520 – Microbrewery permit—Application.
- ~~LMC 5.09.810~~ / LMC 5.09.530 – Microbrewery or winery—Loss or transfer of liquor license or permit by holder of dual permit and license.
- ~~LMC 5.09.305~~ / LMC 5.09.535 – Resort retail license—Generally.
- ~~LMC 5.09.310~~ / LMC 5.09.540 – Limited retail—Club, resort or restaurant license—Restrictions.
- ~~LMC 5.09.350~~ / LMC 5.09.600 – Malt beverage permits for special events.
- ~~LMC 5.09.355~~ / LMC 5.09.605 – Catering permits for special events.
- ~~LMC 5.09.360~~ / LMC 5.09.610 – Open containers—Permit.
- ~~LMC 5.09.410~~ / LMC 5.09.615 – Posted sign.

The following changes were made to correct typographical and grammatical errors:

- LMC 5.09.010 – Definitions. (Ex. -Adding numerical values, spaces, and quotes.)
- LMC 5.09.020 – State laws applicable. (Changed subsection points; adjusted reference.)
- ~~LMC 5.09.390~~ / LMC 5.09.170 – Off-Premise Sales. (Moved period in title.)
- ~~LMC 5.09.445~~ / LMC 5.09.250 – Gambling on licensed premises. (Adjusted Wyoming Statute Reference for uniformity.)
- ~~LMC 5.09.605~~ / LMC 5.09.290 – Persons under twenty-one years of age—Intoxication or possession of alcoholic beverages. (Adjusted Wyoming Statute Reference for uniformity; adjusted subsections; corrected wording.)
- ~~LMC 5.09.050~~ / LMC 5.09.370 – Manufacturing and rectifying. (Added hyphen; Adjusted Wyoming Statute Reference for uniformity; added subsection to W.S. reference.)

The following up were made in accordance with Wyoming State Statutes (Effective July 1st, 2021):

Added/Updated:

- LMC 5.08.650 – Special malt beverage permit—Applicability of state law.
- LMC 5.08.690 – Special malt beverage permit—Term—Revocation.
- LMC 5.09.010 – Definitions. (i.e. -Updated Brewery, catering permit, licensed building, malt beverage, restaurant, and winery.)
- LMC 5.09.010 -Definitions. (i.e.- Added Delivery, shipping, & winery off-premise permits)
- ~~LMC 5.09.405~~/ LMC 5.09.200 – License—Display required.
- LMC 5.09.270 – Delivery of alcoholic liquors and malt beverages.
- ~~LMC 5.09.315~~/ LMC 5.09.420 (F) – Restaurant license—Generally.
- ~~LMC 5.09.320~~/ LMC 5.09.510 – Classes of Microbrewery permits
- LMC 5.09.400 – Retail liquor license – Generally.
- LMC 5.09.525 – Winery permits—Generally.

Removed:

- LMC 5.09.010 – Definitions. (Room definition was removed.)
- ~~LMC 5.09.315 (C)~~ / ~~LMC 5.09.420 (C)~~ – Restaurant license—Generally. (Subsection deleted, subsections reordered. Out of date information and recommended by Wyoming Liquor Division.)
- ~~LMC 5.09.320 (A)(2)~~ / ~~LMC 5.09.510 (A)(2)~~ – Classes of Microbrewery permits—Generally. (Deleted Subsection (A) (2)- Replaced in 5.09.525 – Winery.)_

- ~~LMC 5.09.455 (A)~~ – Restaurant license—Dispensation regulations. (Subsection A sentences deleted. No longer applicable since they are now dispensing areas and licensed buildings.)
- ~~LMC 5.09.460~~ – Sale to habitual users or incompetent persons. (Repealed by Laws 2014.)
- ~~LMC 5.09.625~~ – Persons under the age of twenty-one years—Aiding and abetting violations. (Repealed by Laws 2017.)

Sections below repealed in HB0013. (The program was expensive and under utilized according to the Wyoming Liquor Division.)

- ~~LMC 5.09.700~~ – Keg defined.
- ~~LMC 5.09.705~~ – Sale of beer kegs.
- ~~LMC 5.09.710~~ – Removal of identification stamp from kegs.
- ~~LMC 5.09.715~~ – Consumption of alcohol by persons under the age of twenty-one years.
- ~~LMC 5.09.720~~ – Inspection of returned kegs.
- ~~LMC 5.09.725~~ – Unlawful possession of a keg.

The following changes were made for Restaurant Licenses:

- LMC 5.09.010 – Definition change. (Removed requirement for full service. Restaurants must still meet the requirement of 60% food sales and no more than 40% alcohol sales to qualify.)
- Removal of ~~LMC 5.09.315 (C)~~ / LMC 5.09.420 (C) (Recommended by staff- keeping tickets and receipts has not been a practice or practical for restaurant license holders. Wyoming Liquor Division recommended the removal when asked.)
- Addition of LMC 5.09.420 (F) – Restaurants shall not promote or operate restaurant as bar & lounge. (This has been in Wyoming State Statutes already, but they wanted to more clearly define it.)

The following suggestions were recommended by staff:

- LMC 5.08.645 (Issuing up to one year in accordance with Wyoming State Statutes and removed requirement of meeting rooms, kitchen facilities and an auditorium which seats at least 800 persons, or (2) a stadium or outdoor arena.)
- LMC 5.08.690 (Issuing up to a year and prorating accordingly similar to all other liquor licenses that are received for partial license terms.)
- LMC 5.09.220 (Removed outdated LMC reference.)
- LMC 5.09.270 – (Require alcohol delivery drivers to complete alcohol server training within 90-days of employment to align with current requirement in LMC 5.09.060.G.)
- ~~LMC 5.09.385~~ (Removed due to being duplicate information of ~~LMC 5.09.320~~/LMC 5.09.510)

The following sections of LMC for Microbrewery and Winery were separated:

- ~~LMC 5.09.320~~ / LMC 5.09.510 (Retitled to specifically address Microbrewery permits.)
- LMC 5.09.525 (Created to specifically address Winery permits.)

The following sections were added for Resort Retail License- Generally:

- ~~LMC 5.09.305~~/LMC 5.09.535 (A) and (B) (Added information to describe license.)

The following changes were made to the Point System:

- Code References were adjusted to fit with reordering.

The following changes were made to Chapter 12.60- Special Events:

- LMC 12.60.030 (Adjusted definitions for specified permits under.)
- LMC 12.60.050 (Updated references within to fit reordering.)

Other notable changes from HB0013 to statutes is the allowance of multiple licenses to be held by the same entity. Removal of requirement for posting notice of application at the business location and removal of legal description of location from the application.

Legal/Statutory Authority:

Responsible Staff:

Nancy Bartholomew, City Clerk

Attachments:

Original Ordinance No. 2028

HB0013 and HB0156

PowerPoint Overview Presentation

Wyoming Liquor Division Presentation

Wyoming Liquor Division Brief Explanation of HB0013