

ORIGINAL ORDINANCE NO: 1998
ENROLLED ORDINANCE NO: 1763

INTRODUCED BY: O'DOHERTY

AN ORDINANCE AMENDING LMC 5.09- ALCOHOLIC BEVERAGES TO ALIGN MUNICIPAL CODE WITH STATE STATUTE, MAKE CLARIFICATIONS, AND CLEAN UP CODE.

WHEREAS, clarity and consistency in Laramie Municipal Code is desired;

WHEREAS, it is important to remain current with Wyoming State Statutes;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1: Amend Chapter 5.09 - ALCOHOLIC BEVERAGES as follows:

Chapter 5.09 - ALCOHOLIC BEVERAGES

Sections:

5.09.010 - Definitions. (W.S. Section 12-1-101)

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

"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. As used in this definition, "beverage" does not include liquid-filled candies containing less than six and one-quarter percent of alcohol by volume.

"Barrel" is a unit of liquid measure equal to thirty-one U.S. gallons.

"Brewfest" means an event where attendees can sample a variety of malt beverages provided by multiple brewers/vendors for a single fee in trial sized portions. The fee to participate in the brewfest is collected at a single station. Individual brewers maintain separate tables or tents within a single location. The location may be a designated area outside or in a building. No other merchandise, beverages for off-premise consumption or any other items may be purchased directly from the brewers/vendors.

"Brewery" means a commercial enterprise at a single location producing malt beverage in quantities to exceed fifteen thousand barrels per year.

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

"Catering permits for special events" means the authority under which the sale of alcoholic beverages is authorized for specifically limited periods or as otherwise provided in this chapter and issued under Chapter 12.60.

"Club" means any of the following organizations:

1. 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, operating an establishment for these purposes within the state;
2. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operating an establishment for fraternal purposes within the state. As used in this chapter, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;
3. A hall or building association of a local unit specified in subsections 1 and 2 of this definition, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
4. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with clubhouse;
5. A social club with more than one hundred 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 year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club;
6. Club does not mean college fraternities or labor unions.

“Dispensing area” means the location from which alcoholic beverages and/or malt beverages are poured, dispensed or prepared. In the case of special event permits, the dispensing area means the physical bar or table used for the same.

"Intoxicating liquor," "alcoholic liquor," "alcoholic beverage," "spirituous liquor" shall be synonymous in meaning and definition.

“Licensed building” means a building or portion of a building with a single address. In the case that a multi-unit or multi-use building contains an establishment with a liquor license, the City Manager or designee may define a portion of the building as the licensed building.

"Licensee" means a person holding a:

1. Retail liquor license;
2. Limited retail liquor license;
3. Resort liquor license;
4. Malt beverage permit for special events;
5. Restaurant liquor license;
6. Catering permit for special events;
7. Open container permit;
8. Twenty-four-hour permit;
9. Special malt beverage license;
10. Microbrewery or winery permit; and

11. Bar and grill license.

"Limited retail liquor license" means the authority under which clubs as defined in this chapter shall be permitted to sell alcoholic or malt beverages.

"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.

"Malt beverage permit for special events" means the authority under which the sale of malt beverages is authorized for specifically limited periods or as otherwise provided in this chapter and issued under Chapter 12.60.

"Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand barrels per year and no less than one hundred barrels per year.

"Open container permit" means the authority under which the consumption of malt beverages is authorized for a specifically limited period of time in and upon a street, alley, sidewalk, public park, public building, or parking lot open to unrestricted use by the public as provided in this chapter and issued under Chapter 12.60.

"Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and/or malt beverages.

"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 an individual person, partnership, corporation, limited liability company, any other association or entity public or private.

"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.

"Retail liquor dealer" means any licensee who sells alcoholic or malt liquors under authority granted by this chapter to the holder of a retail liquor license.

"Retail liquor license" means the authority under which a retailer shall be permitted to sell alcoholic or malt beverages for use or consumption, but not for resale, except as otherwise provided for by W.S. 12-4-201(j).

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

"Room" means 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 floor to ceiling.

"Sell or sale" means 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.

"Wholesaler" means any person, except the state liquor commission, who sells any alcoholic or malt beverage to a retailer for resale.

"Winefest" means an event where attendees can sample a variety of wines provided by multiple vendors for a single fee in trial sized portions. The fee to participate in the winefest is collected at a single station. Individual vendors maintain separate tables or tents within a single location. The location may be a designated area outside or in a building. No other merchandise, beverages for off-premise consumption or any other items may be purchased directly from the vendors.

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

5.09.015 - Purpose.

The purpose of the provisions of this chapter generally is to regulate and control the sale, possession, and use of alcoholic beverages within the city for the public health, safety and welfare, and to minimize abuse by minimizing litter and disturbances, preventing purchase by persons under the age of twenty-one years, preventing speculation in licenses, and preventing the accumulation of licenses in families or business organization, with a view to permitting the regulated sale and use of alcoholic beverages in the city with the minimum possible harmful impact on the health, safety and welfare of the people.

5.09.020 - State laws applicable.

All licenses issued pursuant to this chapter, and all use, possession, sales, and purchases of alcoholic beverages shall be subject to all requirements, regulations and limitations prescribed by the laws of the state relating to alcoholic beverages, specifically W.S. Chapters 1, 2, 4, 5, 6 and 7 of Title 12, and are adopted by reference and amendments thereto except as is otherwise expressly set forth in this chapter. If this chapter is silent, then state statute is applicable. If there is a conflict between the state statute and this chapter, then the stricter will apply. The catchlines of the sections of this chapter, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is reference to a state statute.

A. The Wyoming Liquor Division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless as authorized pursuant to W.S. 12-4-201(j) or as otherwise expressly authorized by state law. Any

out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

1. Licensees authorized to sell alcoholic liquors at retail may purchase for resale not more than nine (9) liters of alcoholic liquors per week from a retail licensee authorized pursuant to this section. Purchases of alcoholic liquors authorized pursuant to this subsection shall be conducted in accordance with the following:

(i) The seller shall record on a form furnished by the division all of the following:

(A) The name and signature of the licensee making the purchase;

(B) The date and time of the purchase;

(C) The purchaser's Wyoming state tax resale number.

(ii) The form collected pursuant to paragraph (i) of this subsection shall be provided to the Wyoming state liquor division within thirty (30) days of the sale and shall be maintained by the seller of the alcoholic liquor for not less than one (1) year after the date of the sale. The form shall be available upon request for the division to inspect.

B. The holder of a manufacturer's license under W.S. 12-2-203(a) that sells alcoholic liquor not obtained through the division as provided in W.S. 12-2-203(g) shall, before the transfer of the product to the satellite location, remit to the division an assessment in an amount equal to the profit allowed under subsection (a) of this section and the associated excise tax assessed under W.S. 12-3-101 that would have been received by the division had the holder of a manufacturer's license first obtained the alcoholic liquor from the division as provided in subsection (a) of this section. The department shall by rule define the procedure under which a holder of a manufacturer's license shall report and remit the assessment in accordance to W.S. 12-2-303.d.

5.09.025 - Ethyl alcohol—Uses exempt from chapter.

The provisions of this chapter shall not apply to ethyl alcohol intended for use or used for the following purposes:

- A. Scientific, chemical, mechanical, industrial, medicinal and culinary purposes;
- B. By those authorized to procure ethyl alcohol tax free, as provided by the acts of congress and regulations promulgated thereunder;
- C. The manufacturer of denatured alcohol produced and used as provided by the acts of congress and regulations promulgated thereunder;
- D. The manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit for beverage purposes;
- E. The manufacture of flavoring extracts and syrups, unfit for beverage purposes.

5.09.030 - Compliance with other laws.

All provisions of law, including but not limited to this chapter and all health and sanitary laws and regulations of the city, the state of Wyoming and the United States apply to microbrewery permits and microbreweries.

5.09.035 - Violations.

Any person convicted of a violation of this chapter shall be fined as provided in the general penalty section of the Laramie Municipal Code.

5.09.040 - Severability.

If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

5.09.100 - License—Required.

No person shall sell, offer for sale, traffic in or deliver for value, or in any other way than purely gratuitously, any alcoholic or malt liquor in the city without a license therefor.

5.09.105 - Application for licenses and permits.

A. Each applicant for a license under this chapter shall, at the time of filing his application, pay the city clerk a sum sufficient to cover the costs of publishing notice. Any person desiring to sell, keep for sale or offer for sale alcoholic or malt beverages shall make application to the city council, which application shall be made upon the form furnished by the city and the applicant must comply with the provisions of W.S. 12-4-102. The application shall be filed with the city clerk. All statements made in the application shall be sworn to by the applicant and shall meet the requirements set forth by state law and applicable city ordinances.

B. Applicants for a new retail, limited retail, restaurant, or resort license or for the transfer of location of an existing retail or limited retail license, shall provide the city council, as part of the application, with a map of the city showing the proposed location and zoning of location, a site plan of the proposed construction, a proposed floor plan and a rendering or architect's drawing of the front elevation, or if the building in which the licensed room is located is in existence, a photograph of the building, an existing and proposed site plan, and an existing and proposed floor plan.

C. No license shall be issued to any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one year after the license issuance or transfer. Upon a showing of good cause by the licensee, the city council may extend the period in which the business of the licensee is required to become operational, not to exceed one additional year. Any license issued under this chapter shall not be renewed without the required demonstration, nor shall any such license be renewed to extend past the time limits.

D. No person or entity is eligible to apply for or hold a liquor license in the city when that person, or his or her spouse, or entity already holds any interest (except a security interest under the Wyoming Uniform Commercial Code) in a license within the city. No person or entity may hold a license hereunder in the interest of or for the benefit of another person or entity, and the person or entity applying for the license must intend to be the true and beneficial owner thereof and may not be acting for or on behalf of another undisclosed person or entity. This provision is to be construed liberally so as to prevent evasions and subterfuges of the intent of the ordinance codified herein. The lawful ownership of a liquor license at the time of enactment of this provision may be continued even though the ownership does not conform to the requirements of this section.

E. The city council may in its discretion permit a commercial lending institution to have rights in more than one liquor license if those rights were obtained pursuant to the Uniform Commercial Code and the institution holds the licenses for resale. No such institution may sell alcoholic beverages under a license so held.

F. All applications for liquor license renewals shall be filed between February 1 and February 15 with the city clerk on a date set each year by the city clerk. The city clerk shall give each licensee at least two weeks' written notice of the due date. If the due date falls on a weekend or city holiday, renewal applications must be filed on the next business day. Renewal applications not filed on or before the due date shall be accompanied by payment of a fifteen-dollar per day late processing charge for each day they are late. The city clerk shall collect the late processing charge before accepting any late renewal application. Renewal applications received after March 1 may be processed in the normal course of business, but shall not be considered by the city council until after the annual consideration date in April.

G. Each licensee and all managers and supervisory personnel employed at the licensed premises who are in charge of selling or serving alcohol shall complete an alcohol server training program certified by the Wyoming liquor division. Licensees shall maintain, upon the premises, a current list of applicable employees/participants with their date of hire/service, dates of orientation training and successful completion of the division's approved training program including any required continuing training. The list shall be available for inspection by law enforcement personnel within a reasonable time period. Upon application for liquor license or renewal of a liquor license, a license holder shall submit an annual report to the city clerk on completion orientation training or of an alcohol server training program by the licensee or persons who will be selling, serving or managing the sale of alcoholic beverages.

5.09.110 - Restaurant license—Application—Renewal—Annual report. (W.S. Section 12-4-407 and W.S. Section 12-4-408)

A. Upon application for license renewal, a license holder shall submit an annual report to the city 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 two categories:

1. Food service sales; and
2. Alcoholic and malt beverage sales.

B. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit upon application.

C. All applicants for new restaurant liquor licenses shall satisfy the city 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. Applicants for new restaurant liquor licenses shall provide the city clerk with a copy of the menu, or proposed menu, of all food and beverage items for sale or proposed for sale during full-food service hours and a list of the hours or proposed hours of full-food service for weekdays and weekends.

5.09.115 - Microbrewery or winery permit—Application. (W.S. Section 12-4-412 and W.S. Section 12-4-102)

Each person who wishes to apply for a micro-brewery or winery permit shall:

- A. Submit two completed and notarized applications together with the processing fee set by resolution to the city clerk. The provisions of this chapter relating to liquor licenses shall apply to microbrewery and winery permit applications. The city clerk shall reject any application which is not completed, signed, and accompanied by the appropriate documentation.
- B. If the application is for dual ownership of a microbrewery or winery permit and a liquor license, the annual fee for both permit and liquor license shall be equal to the annual fee for the liquor license held or to be held by the applicant.

5.09.120 - Limited retail license—Clubs—Application.

A social club shall, upon applying for a license, file with the city clerk and the state liquor division a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the city clerk and the state liquor 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 full year in dues.

5.09.125 - Liquor license and permit application information.

All applicants for liquor licenses or permits shall provide accurate information in conjunction with their applications. Providing false information is declared to be a violation of law and may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.130 - License application—Change of ownership and other information. (W.S. Section 12-4-102)

- A. Business entity licensees and permittees shall advise city council within thirty days in writing of any change in the information in any application required under this chapter. The city clerk shall provide the council a copy of the notification of change.
- B. Failure to update application as required under this section is declared to be a violation of law and may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.140 - Fees.

- A. License fees shall be payable upon renewal of an existing license or upon application for a new license and shall be prorated on a daily basis. All license fees paid under this chapter shall be deposited into the general fund of the city. No refund of all or any part of any license fee shall be made at any time following the issuance thereof. Refunds of application fees for alcohol catering and malt beverage permits may be made before issuance of those permits at the discretion of the City Manager or designee.
- B. Any person applying for the issuance, renewal or transfer of any liquor license or permit shall pay to the city a nonrefundable administrative processing fee at the time of filing the application.

C. Fees shall be set by Resolution in accordance with W.S. Section 12.

5.09.145 - License—Application—Notice of hearing—Fee.

The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-104.

5.09.150 - License—No action permitted until after hearing. (W.S. Section 12-4-104)

A. The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-104.

B. If the applicant for a renewal of liquor license meets the standards of the point system in Section 5.09.800, it is presumed that the liquor license holder meets the findings in subsection A of this section.

5.09.155 - Microbrewery or winery permit—Additional council findings and action. (W.S. Section 12-4-412)

A. Following receipt of a completed application, publication, and a public hearing as required by law, the city council shall issue the applicant a microbrewery or winery permit (or renew the applicant's permit) if it finds:

1. That the issuance of the permit would not cause the city to exceed the number of microbreweries or wineries allowed by W.S. 1977, 12-4-201(d), as amended.

2. That the issuance of the permit would not violate the provisions of W.S. 12-4-103, except subsection (a)(vi)

3. A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as provided in W.S. 12-4-412(j) and W.S. 12-2-203(g).

1. In addition to the one (1) additional license or permit authorized under paragraph (b)(iii) of this section, the holder of a microbrewery or winery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

~~43.~~ That the issuance of the permit will not adversely affect the health, safety, and general welfare of the citizens of the city. Issuance is subject to the same findings as city council must make for liquor licenses.

5.09.160 - License—Consideration date. (W.S. Section 12-4-106)

The annual date for consideration by the city council of license and permit renewals shall be the first regular city 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. If a license holder has any outstanding bills or obligations to the City of Laramie, city council has the authority to not renew the license.

5.09.165 - License—Personal privilege—Annual renewal. (W.S. Section 12-4-106)

A license issued under this chapter shall be a personal privilege, good for one year unless sooner revoked pursuant to Article VIII of Chapter 5.09 and state statute.

5.09.175 - License—Transferability—Generally. (W.S. Section 12-4-604)

Except as provided in this chapter, 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.

5.09.180 - License—Transferability—When permitted.

A. A person seeking to transfer a license or permit shall submit a new application form and shall pay to the city clerk at the time the application is filed a nonrefundable additional license fee as outlined in 5.09.140. After public hearing and with the approval of the city council, a license or permit may be transferred to different premises, a different licensee, or both. A transferred license or permit shall expire on the same date as the original license or permit.

B. No license transfer shall be approved if the license is suspended, or if proceedings to suspend or revoke the license are pending.

C. No license may be transferred unless the city council makes the findings required in Section 5.09.150 herein and Wyoming Statutes Section 12-4-104(b).

5.09.185 - License—Transferability—Generally. (W.S. Section 12-4-604)

Except as provided in this chapter, 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. Any transfer or sale of license contrary to the city code is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.300 - Limited retail license—Club—Generally. (W.S. Section 12-4-301)

A. A club holding a limited retail license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises 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 insure that all alcoholic or malt beverages sold are consumed on the licensed premises.

B. Limited Retail License holders may dispense alcoholic or malt beverage from locations outside of their licensed building as approved by the city for special events.

5.09.305 - Resort retail license generally. See

The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-401.

5.09.310 - Limited retail—Club, resort or restaurant license—Restrictions. (W.S. Section 12-4-404)

Limited retail, resort, bar and grill, and restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Any sale of alcoholic or malt beverages by a club retail liquor license holder or resort or bar and grill or restaurant liquor license holder for consumption off the premises is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.315 - Restaurant license—Generally. (W.S. Section 12-4-407)

A. Restaurants as defined by Section 5.09.010 herein may be licensed by the city council under a restaurant liquor license. An applicant for a restaurant liquor license shall satisfy the city 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.

B. Sales of intoxicating liquors and malt beverages shall be limited to those hours wherein a complete food menu service is available to all customers. Service of intoxicating liquor and malt beverages will not be permitted in any area other than that where complete menu service is provided.

C. No sale of food or intoxicating beverages is to be made by a restaurant licensee unless a ticket or receipt is made out concurrently with the sale accurately reflecting the items sold and the actual amount paid for the items. The ticket or receipt presented to a customer for payment shall reflect the total amount of the sale of food and beverages including intoxicating beverages and the amount for food items and the amount for intoxicating beverages items shall be shown as separate subtotal amounts on the ticket or receipt. Licensees shall keep a copy of all food and intoxicating beverages sale tickets for a period of one year after the date of the sale, and shall keep the tickets available for inspection at any time by the city council or its designate.

D. All restaurant licensees shall provide annually or upon request of the city manager, a copy of the monthly sales tax returns required to be filed by the Wyoming Department of Revenue and Taxation.

E. When renewing a restaurant liquor license, the city council shall condition renewal upon a requirement that not less than sixty percent of gross sales from the preceding twelve months operation of a licensed restaurant be derived from food services.

F. Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.

5.09.320 - Classes of microbrewery and winery permits—Attributes of each. (W.S. Section 12-4-412)

A. The city council may issue microbrewery and winery permits in any of the following classes:

1. A Microbrewery Permit. The licensee holding a microbrewery permit (and not a liquor license too) may sell its products and other malt beverages for on-premises consumption. Other malt beverages must be obtained from a licensed wholesale malt beverage distributor. All sales shall be made on the site described in the permit. All sales shall be for personal consumption, not for resale. All products sold for off-premises consumption must be in sealed packaging when delivered to the buyer. No sale may exceed an aggregate volume of two thousand ounces.

2. A Winery Permit. The licensee holding a winery permit (and not a liquor license too) may sell its products and other wines for on-premises consumption. Other wines must be obtained

from the Wyoming liquor division. A winery shall not sell other alcoholic liquor or malt beverages. All sales shall be made on the site described in the permit. All sales shall be for personal consumption, not for resale. All products sold for off-premises consumption must be in sealed packaging when delivered to the buyer. No sale may exceed an aggregate volume of two thousand twenty-eight ounces.

B. A microbrewery or winery permit to be held jointly with a retail liquor license. The licensee holding a liquor license may sell its product together with other alcoholic beverages, as allowed by the law governing retail liquor licenses.

C. A dual microbrewery or winery permit and restaurant liquor license. The licensee holding a restaurant/bar and grill liquor license may sell its product together with other alcoholic beverages as allowed by the law governing restaurant/bar and grill licenses.

1. The dual holder may, upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages or wines authorized under the permit.

2. The dual holder shall not include the sales of malt beverages or wines authorized under the permit or sales other than food service and alcoholic beverages, in the required annual gross sales report.

D. A dual microbrewery or winery permit and resort liquor license. The licensee holding a resort liquor license may sell its product together with other alcoholic beverages as allowed by the law governing resort liquor licenses.

E. In addition to the one (1) additional license or permit authorized the holder of a microbrewery permit under this section may also hold a malt beverage permit under W.S. 12-4-502(a) for the purpose of selling its own brewed malt beverages.

1. A manufacturer's off-premises permit (malt beverage permit) authorizing 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. An off-premises 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 manufacturer's license shall receive more than twelve (12) off-premises permits in any one (1) calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The fee is set by Resolution in accordance to W.S. Section 12.

5.09.340 - Bar and grill license.

A. Restaurants may apply for one of the bar and grill licenses authorized by the state by filing an application for such license with the city clerk, together with a valid food permit and all required documentation.

B. The application will be considered by the city council following the required publication of notice of application found in LMC 5.09.145 and a public hearing on the application. The license may be authorized for issuance by the council if the applicant meets the requirements of the license and has paid the required license fee.

C. The annual fee for a bar and grill license shall be set by resolution, with the fee being assessed on a pro rata basis for the year of application based upon the date of approval and the renewal date. Renewals shall only be for a full year, with no refund in the event of nonuse, relinquishment or forfeiture.

D. A bar and grill license shall not be sold, transferred or assigned by the licensee.

E. The bar and grill licensee shall be subject to the terms and conditions of W.S. 12-4-413 for restaurant liquor licenses, in addition to the provision of the Laramie Municipal Code.

5.09.345 - Special malt beverage permit for the University of Wyoming Union. (W.S. Section 12-4-501)

Pursuant to the authority vested in cities and towns of the state by Article 13, Section 1, of the Wyoming Constitution, the city adopted by Charter Ordinance Sections 5.08.640 through 5.08.710 of the city code and the issuance of a special malt beverage permit to the board of trustees of the University of Wyoming shall be in accordance with the provisions of Sections 5.08.640 through 5.08.710 of the city code.

5.09.350 - Malt beverage permits for special events.

A. The city manager or designee may issue a malt beverage permit for special events, authorizing the sale of malt beverages only, to any responsible person, ~~or organization,~~ or microbrewery permit holders for sales at special events such as a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the malt beverage permit for special events 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 which are authorized by the permit.

B. A malt beverage permit for special events shall not be held by or issued to any manufacturer of alcoholic beverages or wholesaler of malt beverages except in accordance with LMC 5.09.320.E.; any minor; any college fraternity or organization created by one or more college fraternities; any corporation, limited liability company, limited partnership, or limited liability partnership which is not qualified to do business in Wyoming; any individual who is not a resident of the state; or any general partnership or group of two or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in the state.

1. A manufacturer's off-premises permit (malt beverage permit) authorizing 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. An off-premises 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 manufacturer's license shall receive more than twelve (12) off-premises permits in any one (1) calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The fee is set by Resolution in accordance to W.S. Section 12.

C. A malt beverage permit for special events may be issued for one twenty-four-hour period, subject to the schedule of operating hours for retail liquor licensees established by law and to any operating hours requirements made by the city manager or designee or city council.

D. One malt beverage permit is required for each dispensing area/bar located within the permitted premise. Multiple dispensing areas/bars at an event requires multiple malt beverage permits. Exception:

- i. In the case of a brewfest where tickets/wristbands/tokens for the brewfest are being sold at a single location and no other transactions occur elsewhere at the brewfest for

merchandise, beer, silent auction items, or like items determined by the city, only one malt beverage permit is required.

- ii. In the case where 2 or fewer dispensing areas/bars exist in a single room with an event of 300 or fewer attendees and the entire room can be viewed from any location in the room, only one permit is required. Events with more than 300 attendees will be charged for each bar/dispensing area.

E. No person or organization shall receive more than a total of twelve malt beverage permits for special events sales at the same premises in any one calendar 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. A person or organization may make application for a malt beverage permit for special events in accordance with the procedures outlined in Chapter 12.60. An applicant applying for a malt beverage permit for special events and having licensed premises located within a jurisdiction other than the city 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 malt beverage permit for special events.

F. The city manager or designee may issue, place conditions on the malt beverage permit for special events or deny a malt beverage permit for special events as outlined in Chapter 12.60. The city manager or designee shall act upon the application for a malt beverage permit for special events within five days after the filing thereof. If the city manager or designee disapproves the application for failure to meet the conditions as outlined in Section 12.60.060 and the requirements of this section herein, the city manager or designee shall state the reason for the denial or stipulate additional conditions. The applicant shall have the right to appeal to city council the denial of the malt beverage permit for special events or a condition of the malt beverage permit for special events. A notice of appeal shall be filed with the city manager's office setting forth the grounds for the appeal within three business days after receipt or personal delivery of a notice of denial or permit condition(s). The city council shall review the appeal prior to the requested date for the malt beverage permit for special events either at the next scheduled meeting of city council or at a special meeting to review the appeal. The city council's decision shall be final and not subject to further appeal. The fee to be paid by an applicant to the city for a malt beverage permit for special events is set in Section 5.09.140 of the city code.

5.09.355 - Catering permits for special events.

A. The city manager or designee may issue a catering permit for special events authorizing the sale of alcoholic and malt beverages to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sale at special events such as 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 for special events shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the catering permit for special events.

B. A catering permit for special events may be issued for one twenty-four-hour period, subject to the schedule of operating hours for retail liquor licensees established by law and to any operating hours requirements made by the city manager or designee or city council.

C. One catering permit is required for each dispensing area/bar located within the permitted premise. Multiple dispensing areas/bars at an event requires multiple catering permits. Exception:

- i. In the case of a brewfest/winefest where tickets/wristbands/tokens for the brewfest/winefest are being sold at a single location and no other transactions occur elsewhere at the brewfest/winefest for merchandise, beer, alcohol, silent auction items, or like items determined by the city, only one catering permit is required.

- ii. In the case where 2 or fewer dispensing areas/bars exist in a single room with an event of 300 or fewer attendees and the entire room can be viewed from any location in the room, only one permit is required. Events with more than 300 attendees will be charged for each bar/dispensing area.

D. No person or organization shall receive more than a total of thirty-six catering permits for sales at the same premises in any one year, except that this limitation shall not be applicable to catering permits for events at the facilities of the University of Wyoming, including the Marian H. Rochelle Gateway Center.

E. A person or organization may make application for a catering permit for special events in accordance with the procedures as outlined in Chapter 12.60. An applicant applying for a catering permit for special events and having licensed premises located within a jurisdiction other than the city 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 catering permit for special events.

F. The city manager or designee may issue, place conditions on the catering permit for special events or deny a catering permit for special events as outlined in Chapter 12.60. The city manager or designee shall act upon the application for a catering permit for special events within five days after the filing thereof. If the city manager or designee disapproves the application for failure to meet the conditions as outlined in Section 12.60.060 and the requirements of this section herein, the city manager or designee shall state the reason for the denial or stipulate additional conditions. The applicant shall have the right to appeal to city council the denial of the catering permit for special events or a condition of the catering permit for special events. A notice of appeal shall be filed with the city manager's office setting forth the grounds for the appeal within three business days after receipt or personal delivery of a notice of denial or permit condition(s). The city council shall review the appeal prior to the requested date for the catering permit for special events either at the next scheduled meeting of city council or at a special meeting to review the appeal. The city council's decision shall be final and not subject to further appeal.

G. The fee to be paid by an applicant to the city for a catering permit for special events is set in Section 5.09.140 of the Laramie Municipal Code.

5.09.360 - Open containers—Permit.

A. No person shall consume or carry in open containers alcoholic liquor or malt beverages on any street or highway, on any alley, on any sidewalk, in any public park or public building, on any parking lot open to unrestricted use by the public, or in any vehicle, within the city, except:

1. Special events where the city has granted a catering or malt beverage permit for special events or open container permit in compliance with the provisions outlined in Chapter 12.60 which authorizes or permits persons attending the event to consume alcoholic beverages in areas where such consumption/possession is otherwise prohibited by this section;
2. Any public sidewalk on which the city has granted an encroachment permit for serving of alcoholic beverages or equivalent use;
3. This section does not apply to persons within a chartered transportation vehicle which is licensed pursuant to W.S. 12-2-202, if the vehicle operating under the license has a copy of the state license conspicuously displayed in the rear of the vehicle;
4. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Section 5.09.455 of the city code; or
5. Any place where the sale or service of alcoholic liquor or malt beverages is authorized by state law or city ordinance.

B. The city shall post appropriate signs in city public parks advising the public that the possession of an open container of an alcoholic beverage or the consumption of an alcoholic beverage within the public park and its adjacent sidewalks and streets is not permitted except upon the issuance of an open container permit.

C. It is unlawful for any person to consume or carry in open containers alcoholic liquor or malt beverages upon the private business premises of another without permission of the owner or person in control of such premises.

5.09.385 - Microbrewery and winery permits—Authorized; dual permits and licenses. (W.S. Section 12-4-412)

A. The city council may issue microbrewery and winery permits, subject to all restrictions of local, state, and federal law.

B. In addition to the one (1) additional license or permit authorized the holder of a microbrewery permit under this section may also hold a malt beverage permit under W.S. 12-4-502(a) for the purpose of selling its own brewed malt beverages.

5.09.390 – Off-Premise Sales (W.S. 12-6-101(c)(iv)).

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

5.09.400 - Right of entry—Inspection.

A. In addition to all other rights of inspection which the city may or hereafter possess, the city clerk, city code administration, city police department or city fire department or the designee(s) are empowered to enter and inspect every place of business which is licensed by the city to sell malt or alcoholic beverages or where malt or alcoholic beverages are sold, stored or kept for the purpose of sale pursuant to a city liquor license.

B. Entry for purposes of inspection pursuant to this section is authorized only during open business hours unless it is in the presence of the licensee or his agent, employee, representative, or unless the person making entry does so under court order, or the person making entry has reasonable grounds to believe that evidence of a violation of this chapter is within the place to be entered and emergency or exigent circumstances exist such that a warrantless search is allowed by law.

C. The purpose of the inspection authorized by this section shall be to ascertain if the business to be inspected and its operation is in compliance with this chapter and W.S. Title 12, Chapter 4, or other laws applicable to businesses selling, storing, keeping malt or alcoholic beverages under license issued by the city.

D. A refusal to permit entry or inspection contrary to this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.405 - License—Display required. (W.S. Section 12-4-702)

Each licensee shall display his or her liquor license or malt beverage or catering permit for special events or open container permit in a conspicuous place in the licensed room or area. A violation of this section may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.410 - Posted sign.

When it is a condition of the issuance of the malt beverage or catering permit for special event or open container permit, the permittee shall clearly post a sign notifying patrons that they must be twenty-one years of age to enter the premises. The type of sign and location for posting shall be as provided by the city. The failure to post such sign shall not be used as a defense for violations of individuals under the age of twenty-one. Failure to post a sign as required in this section, is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.415 - Occupancy loads—Sign.

Occupancy loads, as determined by the Laramie fire department, must be clearly posted in a sign to be provided by the city and hung in a location as required by the city fire chief or designee. A licensee who fails to post a sign as to the occupancy load of the licensed premises contrary to the city code and as required under this section is declared to be in violation of law.

5.09.420 - Habitual violation of occupancy limits.

A licensee who has a subsequent conviction under Section 15.34.126 of the city code within a twelve-month period of occupancy limits set by the city fire department contrary to the city code is declared to be in violation of law.

5.09.425 - Hours of operation—Generally. (W.S. Section 12-5-101)

All licensees shall be controlled by the following schedule for operating hours:

- A. On all days, a licensee may open the dispensing building or room at six a.m. and shall close the dispensing room or building and cease the sale of both alcoholic and malt beverages promptly at the hour of two a.m. the following day and shall clear the dispensing room or building of all persons other than employees by two-thirty a.m.; and
- B. Any sale or dispensing after hours by licensee or open after hours of operation contrary to this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.435 - Restaurant license—Closing hours. (W.S. Section 12-4-410)

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 5.09.315 and 5.09.425 herein. Any sale or dispensing after hours by licensee or open after hours of operation contrary to this section

is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.440 - Hours of operation—Modification. (W.S. Section 12-5-101)

The hours of operation designated in Section 5.09.425 herein may be modified on no more than four days each calendar year by a resolution or agreement made each year by the city council designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing buildings or rooms for a period of twenty-four hours beginning at six a.m.

5.09.445 - Gambling on licensed premises.

No person shall gamble and no licensee (including the licensee's employees and agents) shall permit gambling in any premise licensed under this chapter. "Gambling" for the purposes of this section is defined Wyo. Stat. Section 6-7-101 et seq. A licensee who permits gambling on a licensed premise contrary to the state statute or Laramie Municipal Code is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.450 - Regulations—Sale on premises. (See W.S. Section 12-5-201)

Any sale of alcoholic liquor or malt beverages under a liquor license or malt beverage or catering permit for special events outside of dispensing area contrary to this section is declared to be a violation of law and may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.455 - Restaurant license—Dispensation regulations. (W.S. Section 12-5-201 and W.S. Section 12-4-410)

A. 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.

B. A restaurant liquor license may permit a patron to remove one 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. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a

tampered proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall be deemed an open container for purposes of Section 5.09.360 of the city code.

5.09.460 - Sale to habitual users or incompetent persons. (W.S. Section 12-5-502)

No person or agent or agents thereof or any holder of a license issued under the provisions of this chapter or the agent or employee of such holder shall sell, give or deliver alcoholic liquor or malt beverages to any habitual drunkard or any incompetent person.

5.09.465 - Persons eighteen years of age or more permitted to serve beverages. (W.S. Section 12-6-101)

Any person who is of the age of eighteen years or more is permitted to serve alcoholic or malt beverages pursuant to his/her employment in a restaurant which holds a license to serve alcoholic or malt beverages.

5.09.500 - Drive-in—Conditions. (W.S. Section 12-5-301)

A. Upon approval of the city council, a drive-in area adjacent 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 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. The area shall be well lighted and subject to inspection by the licensing authority at any and all times;
3. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;
4. No order shall be received from, nor delivery made, to a person under the age of twenty-one years or intoxicated person in the area;
5. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and
6. 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. Any violation of the drive-in conditions contrary to the city code and as required under this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.505 - Drive-ins—Determination of Restrictions. (W.S. Section 12-5-301)

The city manager or designee 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 city 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.

5.09.600 - Persons under twenty-one years of age—Furnishing to—Prohibited. (W.S. Section 12-6-102)

No person shall sell, furnish, give or cause to be sold, furnished or given away any alcoholic liquor or malt beverages to any person under the age of twenty-one years who is not his legal ward, medical patient or member of his own immediate family. Any sale, furnishing or given away of alcoholic liquor or malt beverages to a person under the age of twenty-one years of age contrary to the city code and as required under this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.605 - Persons under twenty-one years of age—Intoxication or possession of alcoholic beverages. (W.S. Section 12-6-101)

No person under the age of twenty-one years shall anywhere within the city:

- A. Purchase or attempt to purchase any alcoholic liquor or malt beverage;
- B. Solicit another person to purchase alcoholic liquor or malt beverage;
- C. Possess or have any alcoholic liquor or malt beverage in his or her possession;
- D. Consume any alcoholic liquor or malt beverage or ethyl alcohol;
- E. Have a measurable blood, breath or urine alcohol concentration in his or her body; or
- F. Be intoxicated or under the influence of alcoholic liquor or malt beverage to any degree.

This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one years in accordance with this title:

- A. Who is in the actual physical presence and has the prior specific consent of his or her parent or legal guardian and who is not in a public place or place to which the general public has access;
- B. As part of a church's or religious organization's religious services; or
- C. For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 1. By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 2. Pursuant to lawful prescription.

The prohibitions against possession of alcoholic liquor or malt beverages by a person under twenty-one (21) years specified in this section shall not apply:

- A. When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or,

- B. When a person is cooperating with officers of the Laramie Police Department, or other law enforcement agencies, in their official duties to curb underage alcohol consumption or possession in accordance with the provisions of Wyoming Statute § 12-6-103.

For the purposes of this section, "ethyl alcohol" means any substance with is or contains ethyl alcohol.

5.09.610 - Persons under twenty-one years of age - Prohibited on licensed premises—Exceptions for Retail Liquor Licenses.

- A. No holder of a retail liquor license (or the licensee's employee or agent) shall permit any person under 21 years of age (hereinafter "minor" or "minors") to enter or remain in the place in which the licensee sells alcoholic liquor or malt beverages, or in any licensed area unless:
1. The minor is accompanied by the minor's parent or legal guardian who is over 21 years of age, and is only in a licensed room for the sale of alcoholic or malt beverages for off-premises consumption, which room is separated from any licensed room for on-premises consumption; or
 2. The licensee qualifies for one or more exceptions in 5.09.615; or
 3. The licensee is holding a specific event in the licensed premises and allows minors to attend, and the event meets and is subject to all the following conditions:
 - a. During the event, the room where the event is held shall be closed and no alcoholic liquor or malt beverage shall be served to or possessed by any person in that room. "Closed" means that all alcoholic liquor and malt beverages are removed from the room where the event is held and are stored where they are not accessible during the event or are otherwise secured under lock and key so that they cannot be dispensed. The room where the event is held shall be separated from any dispensing area which is not closed by a wall which extends from floor to ceiling. If that wall has a doorway in it, the doorway shall not be used for passage between the closed room and the other dispensing area during the event.
 - b. The licensee shall notify the city manager in writing at least forty-eight hours before each event, describing the manner of securing alcoholic liquor and malt beverages during the event, the precautions which will be taken to prevent alcohol from being present in the room where the event is held, and the hours of the event. The city manager may in his discretion require additional precautions of the licensee, which the licensee shall take, to prevent alcohol from being accessible or present in the room where the event is held.
 - c. For the duration of each event, the licensee shall post conspicuous signs at each entrance to the room where the event is held stating "No Alcohol Allowed." The signs shall be a minimum of eighteen inches by twenty-four inches with lettering not less than four inches high.
 - d. The licensee shall not permit any person to possess any alcoholic liquor or malt beverage while in the room where the event is held.
 - e. A package liquor store on the licensed premises may continue to sell unopened containers of alcoholic liquor and malt beverages during the event for off-premises consumption, provided that the provisions of subsections (A)(3)(a) and (A)(3)(b) of this section are followed.

f. By holding such an event, the licensee consents for himself and all of his employees that any law enforcement officer having the authority to make arrests within the city for alcohol-related offenses may enter the premises during the event at any time and from time to time and perform his duties.

g. The city manager or designee may require any licensee to close down any youth event held under this section upon reasonable belief that a violation of state or local liquor laws, health laws, or the Uniform Fire Code has occurred during the event.

4. The following are violations of this subsection:

a. For any person to enter, remain or be in the room where the event is held during the event while in possession of any alcoholic liquor or malt beverage, or to be in the room where the event is held while otherwise in violation of Section 5.09.605 of this chapter.

b. For any licensee, his employee or agent to permit any person to enter, remain or be in the room where the event is held during the event while in possession of any alcoholic liquor or malt beverage. Upon proof that any person was within the room where the event was held during the stated hours of the event while in possession of any alcoholic liquor or malt beverage, the licensee shall be conclusively presumed to have violated this subsection.

c. For any person to fail to comply with any of the provisions of subsection (A)(3)(c) of this section.

d. For any person to hold an event within one year of his conviction (or the conviction of any person employed by him at the time of the offense) of any violation of this section.

5. Upon conviction of a violation of this section, the violator shall be punished as provided in the general penalty section of this code.

6. Exceptions. The prohibitions contained in this section do not apply to the portion of any of these listed establishments where alcoholic beverages, malt beverages or both are not served, or are served, but not dispensed:

- a. Restaurants;
- b. Bowling alleys.

B. Any person under the age of twenty-one years of age on the premises contrary to the city code and as required under this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.615 - Prohibited on licensed premises—General Exceptions.

A. No licensee (or the licensee's employee or agent) shall knowingly permit anyone under 21 years of age to enter or remain in the licensed building where alcoholic or malt beverages are dispensed unless:

1. The licensee is operating under a Limited Retail License (Club) ~~or~~, Resort License, ~~or Golf License~~; or
2. The licensee applies for and obtains approval of City Council to allow persons under the age of 21 in the licensed premises, on terms or conditions set by City Council; or
3. The person under the age of 21 is accompanied by their parent or legal guardian who is over 21 years of age, and is only in a licensed room for the sale of alcoholic or malt beverages for off-premises consumption, which room is separated from any licensed room for on-premises consumption; or

4. The licensee is operating a grocery or retail store, and persons under the age of 21 are only allowed in the areas of the store where alcoholic or malt beverages are not sold; or
 5. The establishment is operating a restaurant and the primary source of revenue (greater than 50% of revenue) of the operation is from the sale of food. Further:
 - a. In calculating the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee's revenue from alcoholic and/or malt beverages sold off-premises pursuant to an Alcohol Catering Permit shall not be included in the calculation; and
 - b. To allow a determination of the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee shall provide to City Manager or City Manager's designee such documents or other proof of sales as City Manager or City Manager's designee may request.
- B. In no event shall any licensee allow a person under the age of 21 to be seated at a bar from which alcoholic and/or malt beverages are served in the licensed premises.

5.09.620 - Person under twenty-one years of age—Purchase—Prohibited. (W.S. Section 12-6-101)

No person under the age of twenty-one years shall attempt in any manner to purchase alcoholic or malt beverages.

5.09.625 - Persons under the age of twenty-one years—Aiding and abetting violations. (W.S. Section 12-5-203)

No person shall aid or abet or incite any violation of Sections 5.09.600 through 5.09.620 and 5.09.640 of this chapter.

5.09.630 - Proof of age—Written statement.

A. All licensees of alcoholic and malt beverages before selling or serving alcoholic or malt beverages to any person about whom there is any reasonable doubt of his or her having reached twenty-one years of age, may require such person to produce his or her identification as he or she possesses, and to make a written statement of age in the following form:

;date
(Date)

I hereby certify that I am 21 years of age or over.

(Signature)

(Address)

Liquor Identification Card No. _____

Other Identification Numbers _____

B. Any licensee who shall have relied in good faith upon the written statement of a person as provided in this section shall not be in violation of this section or other law concerning serving alcoholic or malt beverages to persons under the age of twenty-one years or to allowing such persons upon the licensed premise.

C. Failure of licensee to check identification of any person they have any reasonable doubt of being twenty-one years of age and is shown that the person is under the age of twenty-one years of age contrary to this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.635 - Compliance check—Sale of alcoholic liquor or malt beverage to a person under the age of twenty-one years of age.

Any citation issued by the city police department during a compliance check as outlined in W.S. 12-6-103 relating to providing or selling alcoholic beverages to persons under the age of twenty-one years contrary to the city code or allowing a person under twenty-one years of age on a licensed premise contrary to the city code is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.640 - Proof of age—Falsification. (W.S. Section 12-6-101)

No person under the age of twenty-one years shall falsify any identification or use any false identification in order to enter or remain or attempt to enter or remain in any place where alcoholic liquor or malt beverages are sold, nor shall any person falsify any identification or use or attempt to use any false identification in order to obtain alcohol or malt beverages. No person shall aid or abet or incite any violation of this section.

5.09.645 - Licensee's defense when false identification used. (W.S. Section 12-6-101)

A purchaser's identification card including but not limited to 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, 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, at the date and time of the purchase is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded and was shown and acted in reasonable reliance upon the information contained in any one of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

5.09.700 - Keg defined. (W.S. Section 12-2-501)

As used in this chapter, "keg" means any brewery sealed, individual container of beer having a liquid capacity of five gallons or more, and includes a "party ball" which is a brewery-sealed container of beer having a liquid capacity of five and one-quarter gallons.

5.09.705 – ~~Licensed liquor establishments~~ Sale of beer kegs. (W.S. Section 12-2-502)

A. Any licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption shall affix to the keg at the time of sale an identification label or tag to each keg provided by the State Liquor Commission.

B. Any licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption shall at the time of sale require the number on the purchaser's identification card including but not limited to 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, 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, the date and time of the purchase; the keg identification number and the purchaser's signature. The records shall be maintained for six months after the date of sale and shall be open to inspection by the city police department or State Liquor Commission during normal business hours.

C. The owner of any licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption, the owner's employee or the owner's agent shall affix identification label or tags to keg provided by the State Liquor Commission at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attaching the label or tag to the keg. The identification information contained on the label or tag by the State Liquor Commission shall include the licensee's name, address and telephone number, and a unique keg number assigned by the licensee. Also, there shall be affixed to a keg a prominently visible warning that intentional removal or alteration of the label or tag is a criminal offense. The licensee shall charge at least a seventy-five-dollar deposit which shall be refundable to purchaser upon return of keg with identification label or tags affixed.

D. Upon return of keg to the licensee that sold the keg and attached the identification label or tag, the licensee shall be responsible for the complete and thorough removal of the entire identification label or tag, and any adhesive or attachment devices on the label or tag. The identification label or tag that is removed from keg shall be kept on file with the licensee for not less than six months after the date of return. The licensee shall not accept keg unless purchased from licensee.

E. The owner of any licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption, the owner's employee or the owner's agent who fails to affix to a keg the approved identification label or tag required herein or fails to obtain the required identification and complete and maintain the forms is guilty of a misdemeanor.

F. Any owner or operator of a licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption who is required to record information shall not knowingly make a materially false entry in the book or register required herein. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars.

5.09.710 - Removal of identification stamp from kegs.

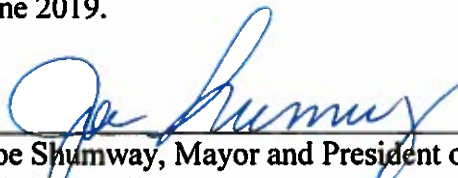
A. It is unlawful for any person who has purchased alcoholic beverages by the keg within the state to remove or alter the identification tag or label required in Section 5.09.705. It is not a violation of this chapter if the person removing the identification tag or label is an employee of an owner or operator of a licensed liquor establishment within the city selling alcoholic beverages by

the keg for off-premises consumption who removes the identification label or tag after the return of the keg to the licensed liquor establishment. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars.

B. It is unlawful for the purchaser of a keg to allow anyone to remove or alter the identification label or tag from the keg before its return to the licensed liquor establishment that sold the keg.

Section 3. That this ordinance shall become effective on July 1, 2019 upon passage and publication.

Passed and approved this 4th day of June 2019.



Joe Shumway, Mayor and President of the
City Council

Attest:



Nancy Bartholomew
City Clerk

First Reading: May 7, 2019
Public Hearing: May 21, 2019
Second Reading: May 21, 2019
Third Reading and Final Action: June 4, 2019

Duly published in the Laramie Boomerang this 7th day of June, 2019.