AGENDA
CITY OF LARAMIE, WYOMING
CITY COUNCIL MEETING
CITY HALL
NOVEMBER 22, 2016 6:00 pm

City Council Meetings are open to the public. Requests for accommodations from persons with disabilities must be made to the City Manager's Office 24 hours in advance of a meeting.

1. **WORKSESSION**

2. **Public Comments**

3. **WORK SESSION: City-Initiated Towing [Stalder, PD]**

   Documents:

   Cover Sheet City-Initiated Towing Work Session 11-22-16.pdf
   TOW SERVICES AD HOC SUMMARY.pdf
   TOW SERVICES - SHEA EMAIL.pdf
   TOW SERVICES - WRAA GUIDE.pdf
   TOW SERVICES - WHP CONTRACT.pdf

4. **WORK SESSION: Liquor Laws & Local Authority [Johnson, CC]**

   Documents:

   Cover Sheet Liquor Laws Work Session 11-22-16.pdf
   DispensingRoomBill_LiquorLawTables.pdf
   Laramie, WY Code of Ordinances Liquor Laws 11-2016.pdf
   W.S. Title12 Liquor Laws.pdf

5. **City Council Updates/Council Comments**

6. **Public Comments**

CITY OF LARAMIE COUNCIL REGULAR MEETING November 22, 2016

LARAMIE 1868	**Agenda Item:** Discussion **Title:** City-Initiated Towing

Recommended Council MOTION:

N/A

Administrative or Policy Goal:

Background:

See the attachment

Legal/Statutory Authority:

BUDGET/FISCAL INFORMATION: n/a

Responsible Staff:

Dale Stalder, Police Chief

NON-CONSENSUAL/CITY-INITIATED TOWING SUMMARY REPORT FROM AD HOC COMMITTEE

On 9 August 2016, at the direction of Council, staff presented the option of issuing an RFQ for non-consensual/City-initiated tows. This work session was a continuation of discussions by Council regarding revamping how the City handles these tow requests. Over the past several years towing concerns have been discussed in other work sessions. The 9 August work session was scheduled to discuss what had been considered the third option for tow services – an RFQ. The other options included leaving the current system, which uses a rotation for City requested tows with no attempt to control pricing, or to create an ordinance that controls all aspects of non-consensual tows. At the conclusion of the work session, an ad hoc committee was put in place that would bring Council members, tow company owners, and staff together to discuss all aspects of City requested tows. A committee objective and schedule were established and four meetings were held

Laramie City Council, Towing SubCommittee: Councilors Weaver, Summerville, Shumway (Alternate Henry) with CM Jordan, Chief Stalder, & City Attorney
Invited Business Owners: Tom Mullan (I80 Towing), Phil Herrick (WY Towing Association), Terry Miner (Cowboy Towing), Sergio (Warren's Towing), Shane Swett/Nicole Candelaria (A1 Towing); Carson Ace Aanenson (Laramie Towing)

Committee Objective: In consultation with the business community, establish fair, reasonable, and transparent towing practices for City-initiated tows, including predictable fees for towing and storage services. City Council wishes to determine the best course of action for achieving these objectives - exclusive provider agreement? rotation list? weighted rotation list? etc....

All Meetings Will be Held in the Basement Meeting Room at City Hall, 406 Ivinson

Meeting Date	Meeting Time	Topic/Agenda
August 19th, Friday	11:00 am – 12:00 pm	Introductory Meeting
September 9th, Friday	11:00 am - 12:00 pm	Recap and Establish Future Schedule
September 30th, Friday	3:30 p.m. - 4:30 p.m.	Towing Fees & Storage Fees
October 7th, Friday	3:30 p.m. - 4:30 p.m.	Response Time & Safe Arrival On Scene
		Qualifications & Experience

Attendance varied at the four meetings, but included:

- City Manager Janine Jordan – staff
- Assistant City Manager Dave Derragon - staff
- Chief Dale A. Stalder – staff
- Mayor David Paulekas – Council
- Andrea Summerville – Council
- Joe Shumway – Council

- Paul Weaver – Council
- Tom Mullen – I-80 Towing
- Shane Swett – A-1 Towing
- Carson Aanenson – Laramie Towing
- Terry Minor – Minor's Towing
- Jodi Shea – Representing I-80 towing
- Phil Herrick – Wyoming Towing Association

Various topics of concern were discussed at the meetings, along with a number of options for how the City might move forward. A summary of those discussions follows.

<u>OPTIONS FOR NON CONSENSUAL/CITY-INITIATED TOWS:</u>

- *Current Practice / Do nothing* – the City currently allows any tow company on a rotation list. No consideration is given to pricing structure, qualifications, or capacity. This has been the model used for decades.

- *RFQ* – a draft RFQ was presented to Council in August. The RFQ would essentially contract with a single tow company for all non-consensual tow requests from the City. Pricing would be a consideration as would response time, capacity (ability to tow in a variety of circumstances with various equipment), and hours of operation. The RFQ would also specify that the City could utilize other tow companies as needed in specific circumstances.

- *Ordinance* – the City could consider an ordinance similar to Cheyenne's, in which all aspects of towing are controlled. This would include rotation, pricing, response time, and capacity.

<u>OPTIONS FOR FEES:</u>

- *Current Practice / Do nothing* - allow fees to be set by the tow companies.

- *Tow companies Submit Fee Structure* – this would allow the City to know the "base charge" as well as any additional charges for additional work (rollback, dolly, winch, etc.). The City could also make a determination whether a tow company would be placed on the rotation list based upon their submitted fee structure.

- *"Plus or Minus 10% at $250.00"* – one suggestion was to allow all tow companies who are interested in being placed on a rotation to agree to set their base cost at $250.00 and then allow them to vary over or under that base cost by no more than 10%.

- *RFQ* – if an RFQ is used, fees would be one determining factor in selecting a tow company as the City's primary contractor.

- *Storage Fee*s – It was discussed that storage fees should not be charged for at least the first 24 hours after a tow.

- *Gate Fees* – It was discussed that gate fees are appropriate if a vehicle owner wants to retrieve a vehicle on weekends, holidays, or after normal business hours.

RESPONSE TIMES:

- Business hours response time – 25 minutes
- After hours response time (includes holidays) – 45 minutes

QUALIFICATIONS:

- *City Qualification Review* – it was discussed that the City could require tow companies to submit their State qualifications, insurance, and proof of driver qualifications (CDL as needed). This would add additional work on City staff to monitor.

- *Rely on State Qualifications* – the City could assume that if a tow company requests to do business with City they already meet necessary qualifications. This would place any liability on tow company.

- *One Year Requirement* – there was discussion about requiring any tow company who wants to do business with the City to have been in business in Laramie for a minimum of one (1) year.

CAPACITY:

- *City Demand* – the City could determine and then require that towing companies have a certain degree of capacity (to be determined) if they want to be placed on a rotation list or be considered for an RFQ.

- *No City Demand* – the City could place towing companies on a rotation list or contract and then, situationally, if the towing company doesn't have needed capacity, a different tow company could be contacted to respond.

ON-SCENE REQUIREMENTS

This was a topic slated for discussion but it was agreed upon by both City and tow company representatives that there was not an issue with officers being on scene for safety reasons when tows are requested nor are there issues with tow company employees not being safe when on scene. One tow company representative indicated that if a contractual situation did occur then these items could be at least mentioned.

OTHER CONSIDERATIONS:

There were two documents circulated during the meetings:

1. Towing & Recovery Association of America Municipal Towing Guide. Document attached for your consideration

2. Wyoming Highway Patrol Agreement – this is an agreement that the WHP requires all towing companies to sign in order to respond to non-consensual tows in WHP jurisdiction. Tow companies generally like this agreement. Document attached for your consideration.

3. Jodi Shea, representing I-80 towing, submitted an email to the group that discusses various concerns and considerations on her client's behalf. Email attached for your consideration.

From: Jodi Shea [mailto:jshea@penceandmac.com]
Sent: Monday, September 05, 2016 8:09 AM
To: Janine Jordan; Andrea Summerville; Joe Shumway
Subject: City of Laramie Non-Consensual Towing Matter

City Manager Janine Jordan, Councilor Summerville, Councilor Shumway, Laramie City Attorney:

As you are aware, this office represents Tom Mullan and his various towing entities – I-80 Towing, FT Towing, QVO Towing, CNK Towing and Fort Towing . Mr. Mullan's tow companies will be collectively referred to as "I-80 Towing" in this email. Thank you for allowing us to participate in these meetings to help the City address this towing matter. We have spent much time considering the City's goals with respect to non-consensual tows and have reviewed the City's proposed RFQ for towing services.

We understand that one main consideration for the City is that tow companies charge a fair and reasonable price for non-consensual towing services. An additional concern of I-80 Towing in this process is that those tow companies that provide services on behalf of the City (or any governmental entity) be reputable, qualified and safe. I-80 Towing recognizes that one bad apple in the towing industry creates a negative image and impression for all. I-80 Towing is working with the local towing association and other towers to attempt to improve the industry's image.

Options to Provide Quality Towing Services for Non-Consensual Tows

I-80 Towing proposes two preferred methods in which the City's goal can be obtained and the towing industry's image improved.

First Method: A rotational tow list comprised of vetted local towers. I-80 Towing proposes that the City could create a rotational tow list which requires tow companies to meet certain minimum standards and qualifications. In addition each tower would provide its complete list of towing services and associated costs for service. Based upon those minimum standards as crafted by the City, each tower would be approved by the City to participate on the rotational tow list for non-consensual services. The City would have the authority to vet participating towers based upon both qualifications and price. Each tower would be required to abide by its stated fee schedule. In the event a tower on the rotational tow list violates the conduct or price requirements of the rotational tow list, the tower can be suspended or removed from the list. We would recommend that such suspension or removal occur after the tower is given due process to address each complaint or situation that may subject them to disciplinary action in regards to the rotational tow list.

Second Method. A contract with a single tower with standby towers available via a rotational tow list. As an alternative, if the City does not endorse the first method, I-80 Towing believes another appropriate method to provide non-consensual towing services would be through contracting with an individual towing company and providing standby towers through a rotational tow system.
Obviously, the tow company providing tow services per a contract will be contractually obligated to provide a certain quality of service at a certain price. However, a variety of factors may cause the contracted tower to be unavailable for every towing need. Therefore, standby

towers will be available to act in the contracted towers stead. It is our recommendation that those standby towers be required to meet certain minimum standards to provide these back up towing needs. We foresee these minimum standards be approximate to those the contracted tower was expected to meet through the terms of the contract. Again, the City can vet these back up towers to ensure the provide quality services at a fair price.

Attached to this email is a document entitled "TRAA Municipal Towing Guide". We believe this article drafted by the Towing and Recovery Association of American quite succinctly outlines this situation facing by the City of Laramie and towing companies and provides helpful guidance in evaluating this issue. The second document attached are fee schedules submitted by tow companies statewide for the purpose of service on the Wyoming Highway Patrol's rotational tow list. This document is provided for the purpose of understanding the varied nature of fees charged by companies across the state.

Comments on City's Proposed RFQ

Should the City elect to contract with a single tow company to provide non-consensual towing services to local citizens and visitors, I-80 Towing makes the following proposed changes to the RFQ as presently drafted. In drafting the RFQ, the City should:

1. Require a minimum of one year experience for all applicants.
2. Require each applicant to comply with all state and federal requirements for towing operations.
3. Require towing equipment to meet manufactures specifications.
4. Require annual inspections of towing equipment to ensure the equipment is safe and operational.
5. Provide a definition for non-consensual tows.
6. Provide a definition of private property. The RFQ presently references private property in a few sections. Generally private property tows are of a contractual nature between the private
   property owner and the tow company. While limited circumstances may necessitate a non-consensual tow at law enforcement request, these instances would certainly be the exception and
   not the rule.
7. Allow the tow company to evaluate the situation and specific towing needs ,i.e. determine the appropriate number of wreckers, necessary equipment. This comment relates to page 3, #4 when an alternate tow company may be requested and page 3 paragraph entitled "Calls for Service". It is important to note that towing in many instances is an art and the tow company needs sufficient information from law enforcement and dispatch upon an initial call for service and should be given the authority and discretion given the tow companies expertise to make these decisions.
8. Please strike the paragraph stating that the City's calls will be treated as priority calls over all other towing services. I recall the discussion on this subject was contrary to this statement.
   By implementing standby towers as suggested above, the City will still have tow companies available if the primary contracted tower is unavailable.

9. It will be quite financially burdensome for most tow companies to provide Saturday and Sunday hours. Some accommodations may need to be crafted for weekend business hours.
10. Flexibility will need to be given for response time to the scene of a requested tow. As noted in the TRAA municipal towing guide, it is essential that towers get to a scene safely.
11. Regardless of the term of the contract, we recommend annual performance reviews and evaluations.
12. In the event the contracted tow company receives a complaint from the community as to services provided under the contract, we recommend that the tow company be immediately notified and given the opportunity to respond to such complaint.
13. For the fee schedule, please note that the weight limit for providing light duty tows is up to 10,000 pounds, for medium duty tows the weight limit is between 10,000 and 26,000 pounds and heavy duty tows is over 26,000 pounds.

We are happy to discuss this more and answer any questions you may have at the September 9th meeting. Thank you again for your time and consideration.

Regards,

TOWING AND RECOVERY ASSOCIATION OF AMERICA INC.

TRAA

Municipal Towing Guide

TRAA Municipal Towing Guide

The purpose of this guide is to assist governmental agencies in implementing or refining programs that provide for roadside services (such as tire changes, gas or minor repairs) or the orderly removal of disabled, illegally parked or abandoned vehicles from public or private property. These programs generally take the form of franchises, in which a single towing company is authorized to provide services within a certain geographic area or rotation programs, in which two or more towing companies are authorized to perform these services on a rotating basis.

Reasons for Forming a Towing Program

In many instances, governmental agencies form towing programs in response to safety concerns that arise when tow trucks race to the scenes of accidents in hopes of securing a tow. When this practice, which often referred to as "chasing", is outlawed, it becomes necessary to provide a means to dispatch tow trucks to accident scenes. They may also be formed in response to allegations of favoritism – and even illegal kickbacks - that arise when one or two towing companies secure all of the business of a particular governmental agency for reasons that do not appear to be based upon objective criteria. Lastly, they are often formed simply because they seem to be the right thing to do.

In some instances, governmental agencies award franchises to towing companies that place a high bid to perform towing services, a low bid for fees that will be charged to motorists, or a combination of both. TRAA disapproves of bidding for franchises because the practice tends to enrich a few at the expense of the many and often leads to consumer abuse, because the winning bidders often resort to financial chicanery in order to break even.

Nevertheless, many municipalities prefer franchise systems because of the convenience of dealing with a single tower for a given geographical area, as opposed to several towers who may participate in rotation plans. The most successful franchises place premiums on performance. Towers are selected on the basis of such factors as technical ability, size and diversity of fleets, ability to respond in a timely fashion and length of time in business. One municipality, for example, awards 20 points for each of five categories (upper level management, facility, employees, equipment, operations) and awards contracts to the companies with the highest raw score.

What Type of Rotation Program Works for You?

In the event that a governmental agency chooses to form a rotation program (as opposed to a franchise system), considerable thought should go into designing a program that best suits the needs of the agency. The simplest rotation program is one in which the qualified applicants respond to calls on a rotating basis. However, if the governmental agency covers a large territory (such as an entire county or a large city) it is often necessary to form zones in order to achieve desired response times. In some instances, it is found that rotating blocks of time work best (i.e.; Tower "A" responds to all calls

between 7 a.m. and 7 p.m. on Monday, Tower "B" responds to all calls between 7 p.m. on Monday and 7:a.m. on Tuesday, etc.). TRAA recommends that it is always best to work these details out with the prospective participants, as they often know as much as, if not more, than the governmental agency about volumes of calls, response times, traffic patterns, and other issues that must be dealt with if the program is to succeed.

It is then necessary to determine how many lists you need. In many instances, it is only necessary to form a "light duty" list (to tow vehicles of under 6,000 or 10,000 pounds) as there are not enough medium duty (10,000 to 26,000 pounds) and heavy duty (more than 26,000 pounds) towing companies in the area to warrant the formation of a second or third list. If it is necessary to form a second or third list, it is not uncommon to find that one list will suffice because most heavy duty towers also perform medium duty tows, as well. It may also be advisable to form a separate list roadside assistance calls, another list for accidents, and, even a third list for abandoned vehicles. Separate lists for accident calls are justifiable because of the greater degree of skill that it takes to clear an accident scene. Specialization in recovery work is becoming more prominent with the intervention of "quick response" and "incident management" programs.

Who Should Participate?

Whereas TRAA believes that all "qualified" towers should be able to participate in a towing program, it places a high premium on the term "qualified" and has found that most governmental agencies do not place sufficient emphasis on this most important element. In this regard, it should be noted that a court could find a towing company to be an "agent" of a governmental agency – regardless of the steps that the agency may take in an effort to shield itself from the towing company's actions. With this in mind, the following criteria should be examined:

Business Location: Although many towing programs require a towing company to respond to the scene of an accident or disablement within a specified period of time, TRAA recommends that the emphasis be placed upon safe driving time, as arbitrary time constraints often lead to secondary accidents. If necessary, zones should be created in order to insure that towers can respond within reasonable time frames, given the time of day and traffic conditions. It is not unreasonable, on the other hand to require a participant in a program to be on the road in a certain amount of time. It should be noted that it is unlawful in some states[i] to discriminate against towing companies because they are not located within the jurisdiction that is creating a towing program.

In many instances – particularly in more metropolitan areas – it may also be necessary to insure that participants towing programs can properly care for vehicles that are in their possession. Accordingly, it is not unusual for programs to contain specific provisions concerning fenced-in storage and other security measures. In some instances, it is also necessary to determine if the participant's place of business is properly zoned for vehicle storage. The business location should also be accessible to motorists who wish to retrieve their vehicles.

Equipment: In order to participate in a "light duty" program, a towing company should own, at a minimum, one light duty wrecker with a Gross Vehicle Weight Rating (GVWR) of between 10,000 to 19,500 pounds and one car carrier (sometimes referred to as a flatbed or rollback) with a GVWR of at least 14,500 pounds. A car carrier is essential in today's market because many vehicles (i.e.; ones with all-wheel drive or low-slung air foils) cannot be towed with a conventional tow truck. A tow truck with a GVWR of between 19,501 to 29,999 pounds should be required for a medium duty program and a tow truck with a GVWR of over 30,000 pounds should be required for a heavy duty program.

Depending upon local circumstances, it is often necessary to require participants to own more than the bare minimum number of tow trucks and car carriers. For example, it is often necessary to deploy more than one wrecker to tractor trailer rollovers and other heavy duty wrecks. Franchise programs in which a tower is required to respond to all incidents within a certain geographical area may also require the deployment of more than one tow truck or car carrier at the same time. The requirement for participants in rotation programs to own larger fleets is also beneficial in multi-vehicle accidents, as it is preferable to have as few responders as possible at the scene. If the first responder is able to clear the entire scene, he or she should be permitted to do so.

Consideration must also be given to the types of equipment that a tower must own in order to participate in a towing program. Here, care must be taken to determine the needs of the program – and needs vary for countless reasons. Urban, suburban and rural settings all have their unique characteristics. Whereas it may be sufficient to require a tower to own a 10,000 pound GVWR tow truck with an underlift for most city towing, it is often necessary to require a heavier truck with winching capabilities in rural settings. At times, it may be necessary to require towers to have smaller trucks (for parking garages) and larger trucks (i.e.; a rotator) for certain heavy duty recoveries. Support vehicles that contain air bags, welding equipment, chain saws, traffic cones and other essential recovery gear are also becoming more common on heavy duty programs.

Experience: It is not unusual to require a towing company to be in business for a period of time (usually one to three years) in order to be considered for participation in a towing program. Some jurisdictions require drivers who will be responding to their calls to be certified by TRAA[ii] or receive training through an approved instructor.[iii] Although it is beyond the scope of these guidelines, local governments should consider even more stringent standards for companies that participate in incident management activities. Some jurisdictions also require the owners and employees of towing companies to undergo criminal background checks.

Financial Security: All participants in towing programs should be required to provide the governmental agency with proof of workers compensation coverage (if their state mandates such coverage). Participants in a light duty program should also be required to maintain at least $300,000, combined single limit, in liability insurance and $50,000 in garage keeper's legal liability or "on-hook" coverage (the latter coverage is necessary because a vehicle under tow is not covered under a standard liability policy).

These amounts should be increased to $750,000 and $150,000 for medium and heavy duty rotation programs. Additional garage keepers' legal liability should be required in an amount that will cover all vehicles that are stored on a participant's lot. Liability policies should require the governmental agency to be notified if the terms and conditions of the policy are to lapse or change.

Rates: Governmental agencies have an obligation to consumers to insure that the rates that participants in towing programs charge are fair and reasonable. Although it is one of the few areas in which a governmental agency can dictate rates,[iv] TRAA recommends that participants be required to post their shop rates with the agency. The agency could refuse to allow the company to participate if it deems the rates to be excessive and it could remove the company from the list if it fails to abide by the posted rates. If the agency elects to set rates, TRAA recommends that it do so in consultation with participants in the program. In this regard, it should also be noted that the Congressional debate that authorized governmental agencies to set rates cautioned that they must be "compensatory and reasonable."[v]

Considerable thought is required to insure that rates cover the multitude of circumstances that can occur in the towing and recovery of vehicles. For example, towers should be compensated for using specialized equipment (i.e., dollies), disposables (i.e., oil removal agents), extended clean-up operations (which may involve additional labor and equipment) and stand-by time. They should also be compensated for administrative time and costs attendant to lien sales if customers fail to pay or if they are required to deal with abandoned vehicles. As a rule of thumb, most light duty programs have rate structures that are based upon hook-up and mileage charges and most heavy duty programs are on based upon hourly rates or price per pound, which is a fairly new, and sometimes controversial, concept. TRAA recommends that all rates be on an hourly basis.

The greatest temptation for a local government in setting rates is to base them upon the lowest common denominator. In many instances, they adopt rates that are authorized by motor clubs – which, in the vast majority of instances, are unreasonably low. At other times, they adopt rates charged by "the cheapest guy in town." Unfortunately, it is most likely that the majority of persons who are engaged in towing do not know their own costs for doing business. It generally does not take long for most governmental agencies to identify the most professional and responsible towers who apply to participate in the program. Their opinions concerning rates should be given considerable weight because their participation in the program will help to insure its success.

Lastly, many jurisdictions set rates by commissioning an accounting firm or recognized professional in the towing business to conduct a cost study to determine such factors as overhead and profit margins that lead to a fair rate. Regardless as to how rates are established, they should be reviewed periodically to insure that they remain fair. In this regard, the towing industry is plagued by volatile cost factors, such as fuel and insurance, that can render a fair rate obsolete in a short period of time. The obsolescence

of rates can be mitigated if they are tied into the consumer price index (CPI) for a particular locality.

Credit Cards/Retrieval of Vehicles: Participants in towing programs may be required to honor at least two major credit cards; one of which should be a bank credit card. They should also be required to make themselves reasonably accessible to motorists who wish to claim their vehicles.

Maintenance of a Rotation List

One of the most basic requirements of a rotation list (or, for that matter, a franchise system) is that motorists should be provided with an opportunity to call his or her own towing company, if the conditions warrant providing this courtesy. In order to insure fairness to all participants, dispatchers should be required to maintain a record of all calls, and this record should be made available to participants, upon request. The most insidious detriment to a properly run rotation list involves favoritism shown to select towing companies by dispatchers or patrol officers. The agency should, therefore, actively guard against such an occurrence, which is generally spotted by unusual numbers of "owners' requests" by certain patrol officers. Policies on cell phone usage by patrol officers should also be initiated and closely monitored. As any police agency should know, even an appearance of impropriety can be damaging. It may also be illegal.[vi]

Proper maintenance of a rotation list is also crucial when it comes time to discipline or suspend towing companies for overcharging, negligence or other wrongdoing, and failing to respond to calls in a timely fashion. Governmental agencies should enact guidelines concerning these issues and apply them evenly.

TRAA Will Help

TRAA will assist governmental agencies and towing companies in tailoring towing programs to meet their particular needs. For further information, contact: Harriet Cooley, Executive Director, Towing and Recovery Association of America, 2121 Eisenhower Avenue, Alexandria, Virginia 22314. Tel: (800) 728-0136 FAX: (703) 684-6720; e-mail: towserver@aol.com

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i. See New York State General Municipal Law §80 and Wharram v. City of Utica, 56 NY2d 733 (1982)

ii. TRAA has a three-level certification process. Level I applies to light duty towing, Level II applies to medium and heavy duty towing and Level III applies to heavy duty recovery specialists

iii. TRAA and most state towing associations maintain lists of approved instructors.

iv. 49 U.S.C. §14501 (c) (1); City of Columbus v. Ours Garage, 536 U.S. 424 (2002)

v. Congressional Record, 104th Congress, 1st Session at page H15601

vi. In O'Hare Truck Service v. City of Northlake, Ill. 518 U.S.712 (1996), the U.S. Supreme Court ruled that it is illegal to expel a participant from a rotation list on the grounds that he supported a Sheriff's political rival.

MATTHEW H. MEAD
Governor

WILLIAM T. PANOS
Interim Director

COLONEL KEBIN HALLER
Administrator

Wyoming Highway Patrol
Operations and Administrative Procedures
for

Tow and Recovery Carriers
(Including Non-Consensual Tow and Recovery Procedures)

Statement of Intent

The efficient, safe, and timely removal of vehicles from the highways throughout the state when such removal becomes necessary is an important concern of the Wyoming Highway Patrol.

It is equally important to provide such services in a fair and reasonable fashion to the motoring public, especially those who are unable to be actively involved in the removal of their vehicles and property from the state highway system after an incident.

Procedures are established to ensure certain standards are maintained by Non-Consensual Tow and Recovery Carriers included on the Wyoming Highway Patrol rotational "call out" list and to provide that Non-Consensual Tow and Recovery Carriers meeting those standards receive reasonable opportunity to provide such service.

Likewise, procedures are established to ensure the motoring public is treated equitably, fairly, and consistently by all Tow and Recovery Carriers working in concert with the Wyoming Highway Patrol to keep the highway system clear of damaged, stranded, stuck, or disabled vehicles.

As a service to the motoring public, the Wyoming Highway Patrol maintains a list of Tow and Recovery Carriers in each general divisional area and calls Non-Consensual Tow and Recovery Vehicles from that list on a rotational basis. Wyoming Highway Patrol Lieutenants shall maintain current lists of Tow and Recovery Carriers in their respective divisional areas and supply this information to the Wyoming Highway Patrol Communications Center. All wrecker lists shall be based on boundaries determined by the Wyoming Highway Patrol Division map. In some instances, a division may be divided into multiple lists. These areas shall be based on, but not limited to, geographical issues and response times. Rarely, call out areas may cross divisional boundaries. These additional areas shall be defined by the local Division Lieutenants.

It is imperative the relationship between the Wyoming Highway Patrol and the Tow and Recovery Carriers on the Wyoming Highway Patrol Tow and Recovery Carrier lists rests upon the common goal of safely and efficiently clearing the highway system of disabled vehicles. Public trust must be maintained while this goal is met.

The working relationship that exists between the Wyoming Highway Patrol and Tow and Recovery Carriers can create the public impression that Tow and Recovery Carriers are part of the Wyoming Highway Patrol. Tow and Recovery Carriers are not a part of the Patrol. Tow and Recovery Carriers working with the Wyoming Highway Patrol shall not conduct business in any fashion that discredits or adversely affects the Wyoming Highway Patrol.

Section I. **Application and Requirements for Tow and Recovery Carriers**
To be qualified by the Wyoming Highway Patrol as a Tow and Recovery Carrier and subsequently perform towing and recovery services at the request of the Wyoming Highway Patrol, each Tow and Recovery Carrier shall:

a. Make a request in writing, on forms provided by the Wyoming Highway Patrol, and submit that written request to the Division Lieutenant in the particular area for which services will be made available.

b. Be qualified. This includes proper registration, required state and/or federal operating authority, and insurance.

c. Tow and recovery carriers shall submit all vehicles owned or leased by the carrier which will be used in tow and recovery operations to an annual inspection by the Wyoming Highway Patrol. Division Lieutenants shall conduct these inspections within their divisional areas at a time and place designated by the Patrol and shall notify each Tow and Recovery Carrier of the time, date, and location of the annual inspection. Tow and recovery vehicles will not be included on any rotational list prior to passing this inspection.

d. Keep all equipment in good working condition and equipped as required for qualification. Tow and Recovery Carriers shall notify the respective Division Lieutenant of any changes in equipment utilized by their company when operating in Wyoming.

e. Drivers of Tow and Carrier vehicles must possess a valid operator license for the vehicle they are operating and must have adequate working knowledge of the equipment to safely and expeditiously operate the equipment when called upon to perform services.

f. Respond to calls and provide services, if available.

g. Clean up all debris, etc., at crash scenes as required by *W.S. 31-5-117 (b).*

h. Furnish the Wyoming Highway Patrol with a telephone number that the Tow and Recovery Carrier can be reached at on a 24 hour per day basis.

i. Furnish the Wyoming Highway Patrol with a current and accurate list of all charges for various services and agree to present any and all revisions thereof (including any change of rates) *prior* to the implementation of the rate change, as well as any type of auto club membership, such as AAA. These forms shall be supplied by the Wyoming Highway Patrol, and Tow and Recovery Carrier applicants shall utilize the prescribed form. The Tow and Recovery Carrier shall comply with the fees listed on the submitted fee schedule. Fees charged shall be the reasonable charges usually applied in the industry. In any action where the fee charged by a Tow and Recovery Carrier is in issue, the burden of proof to show the fee is fair and reasonable shall be upon the Tow and Recovery Carrier.

   1. No additional rate of charge may be applied to any incident simply because the call initiated from the Wyoming Highway Patrol Non-Consensual Tow and Recovery list. Examples of such prohibited charges would include but not be limited to *Law Enforcement Call-Out or Emergency Call-Out (when non WHP Non-Consensual Tow and Recovery calls would not also be subject to the Emergency Call out fee).*

   2. No reference, actual or implied, to the rate of charge being related to the Wyoming Highway Patrol Non-Consensual Tow and Recovery list or to law enforcement call outs in general shall be made verbally or in written form when billing or negotiating payment for services or at any other time during which the Tow and Recovery Carrier or its representative is dealing with the public.

   3. No reference, actual or implied, shall be made to create or give the impression the Wyoming Highway Patrol receives any financial gain or maintains any business relationship with the Tow and Recovery Carrier providing the service.

j. Agree to release all items of personal property during normal business hours at no additional charge to the lawful owner of the property when authorized to do so by the Wyoming Highway Patrol, prior to payment of any accrued charges. This applies only to items of personal property contained within the vehicle and not items considered part of the vehicle or of the contracted load.

k. Understand the obligation to abide by the terms of these procedures and to ensure that all employees have read, understand, and follow these procedures.

Section II. **Non-Consensual Rotational Call-out System**

The non consensual rotational call-out system shall operate in the following manner. When the need for a Non-Consensual Tow and Recovery Carrier is determined by the Wyoming Highway Patrol, the Non-Consensual Tow and Recovery Carrier shall be requested subject to the following:

a. A Non-Consensual Tow and Recovery Carrier shall be allowed only one position in any given rotational area. For the purpose of these procedures, a Non-Consensual Tow and Recovery Carrier is defined by a unique operating authority, a unique USDOT number, unique phone number(s) for rotational call out purposes, and a unique physical business address.

b. No individual Non-Consensual Tow and Recovery Vehicle shall be stationed or used in more than one rotational area.

c. If the motorist needing assistance requests a particular company, the request for service shall be made to that Tow and Recovery Carrier. Such calls shall not affect the Tow and Recovery Carrier's position on the Non-Consensual Tow and Recovery rotational list, and a company need not be on the rotational list to be called as a special request.

d. Whenever reasonable to do so, motorists needing assistance shall be asked by the Wyoming Highway Patrol if they have a preference for a specific Tow and Recovery Carrier. If no preference is articulated, the next Non-Consensual Tow and Recovery Carrier on the rotational list shall be called. If that Tow and Recovery Carrier cannot respond, then the next Non Consensual Tow and Recovery Carrier on the rotational list shall be called, and so on.

e. The Wyoming Highway Patrol can and may determine that certain circumstances warrant the use of a Non-Consensual Tow and Recovery Carrier closest to an emergency, rather than the Non-Consensual Tow and Recovery Carrier next on the rotational list. In these circumstances, the special request made by the Wyoming Highway Patrol shall not affect either Non-Consensual Tow and Recovery Carrier's position on the rotational list. A Tow and Recovery Carrier need not be on the Non-Consensual Tow and Recovery rotational list to be called as a special request.

f. The Wyoming Highway Patrol shall maintain separate rotational lists for specific classes of Tow and Recovery Vehicles, *i.e.,* Small, Abandoned, Large, and nationally recognized auto clubs such as, but not limited to AAA. Tow and Recovery call outs involving any auto club rotational list shall be considered consensual.

g. No company shall be considered for a position on the Wyoming Highway Patrol Non-Consensual Tow and Recovery rotation list if the sole equipment listed on their rotation application is a rollback (Class "R") wrecker as described in WYDOT Motor Carrier Rules and Regulations, Chapter 1, Section 6.

h. A "no-answer" or "turn-down" response to a call shall be considered a turn on the Non-Consensual Tow and Recovery rotational list, and the Tow and Recovery Carrier for that particular call will be rotated to the bottom of the rotation list, as if it had responded to the call.

i. When the Wyoming Highway Patrol Communications Center calls a Non-Consensual Tow and Recovery Carrier on the rotational list and receives a "busy signal," the dispatcher shall wait a minimum of two minutes and then attempt a second call. If the line is still "busy" on the second call, the call shall be considered a "no-answer" or "turn-down" call and the Tow and Recovery Carrier shall be rotated to the bottom of the rotational list.

j. Non-Consensual Tow and Recovery Carriers utilizing answering services or pager services must confirm acceptance of the call within five (5) minutes, by calling the Wyoming Highway Patrol Communications Center. Failure to do so shall be considered a turn on the rotational list, and the Tow and Recovery Carrier shall be rotated to the bottom of the rotational list.

Section III. Additional Requirements

a. A Non-Consensual Tow and Recovery Carrier on the Wyoming Highway Patrol rotational list shall have no more than two telephone numbers for "call-out" purposes, and those two numbers shall be listed with the Patrol as 'during normal business' and 'after normal business' hours numbers. Any change in telephone numbers shall be reported immediately to the Wyoming Highway Patrol Communications Center.

b. All Tow and Recovery Carriers on the Wyoming Highway Patrol rotational list, before responding to any call for service on a state highway, *not dispatched originally by the Wyoming Highway Patrol Communications Center*, shall call the Wyoming Highway Patrol Communications Center at 1-800-442-9090 or (307) 777-4321 and inform the center of the location of the intended response and of any other pertinent information regarding the nature of the call. If the Wyoming Highway Patrol has already dispatched a Tow and Recovery Carrier to that particular call, the Patrol dispatched Tow and Recovery Carrier shall be given first preference on the call.

c. No Tow and Recovery Carrier on any Wyoming Highway Patrol Tow and Recovery Carrier list shall solicit or retrieve any vehicle for which another Tow and Recovery Carrier has already been dispatched.

d. Tow and Recovery Carrier disputes and complaints shall be handled by the local Division Lieutenant whenever reasonable to do so. Requests for reconsideration of any dispute resolution shall then follow the Wyoming Highway Patrol Tow and Recovery Carriers Reconsideration process outlined in Section IV, Subsection "e" of these procedures.

e. If a Tow and Recovery Vehicle will be "out of service" for an extended period of time, seven (7) days or longer, the carrier shall request to be removed from the Tow and Recovery Carrier list. This request to be removed from the list shall be made by calling the Wyoming Highway Patrol Communications Center. The local Division Lieutenant shall re-instate a Tow and Recovery Carrier when the Tow and Recovery Carrier requests reinstatement and is qualified.

f. When called from the rotational list, Non-Consensual Tow and Recovery Carriers shall give an estimated time of arrival to the incident scene. The trooper requesting the Non-Consensual Tow and Recovery Carrier may, based upon the circumstances of the incident, determine the predicted response time is too lengthy and may opt for calling the next Non-Consensual Tow and Recovery Carrier. If this occurs, the original Tow and Recovery Carrier called shall not lose their position on the Non-Consensual Tow and Recovery list.

g. Non-Consensual Tow and Recovery Carriers shall continually provide personnel for each call out area in which they hold a rotational spot. Should personnel not be available to provide a timely response to an incident, it is the Non-Consensual Tow and Recovery Carrier's responsibility to notify the Wyoming Highway Patrol. This shall be considered a "turn down," and the carrier will be moved to the bottom of the rotation list. Non-Consensual Tow and Recovery Carriers shall not be allowed to bring equipment from another call area as part of the original call.

h. When a recovery operation interferes with the normal flow of traffic on a street or highway, appropriate measures must be taken to provide sufficient warning to the motoring public and sufficient traffic control so the recovery shall be completed in a safe and efficient manner. The Wyoming Highway Patrol shall assist with traffic control whenever reasonable and practical; however, other duties may preclude any assistance. If the Tow and Recovery Carrier provides its own traffic control for a recovery operation that interferes with the normal flow of traffic on a roadway, such traffic control shall be in compliance with current federal regulations.

i. Non-Consensual Tow and Recovery Carriers shall not transfer a rotational list "call out" to another Tow and Recovery Carrier. Non-Consensual Tow and Recovery Carriers may sub-contract assistance for difficult or problematic calls with another Tow and Recovery Carrier, but shall remain responsible as the primary Tow and Recovery Carrier assigned to the specific incident for which they were requested.

j. No Non-Consensual Tow and Recovery Carrier occupying a position on the Wyoming Highway Patrol rotation list shall engage in any activity that adversely affects the integrity of the Wyoming Highway Patrol or that adversely affects the public trust in the Wyoming Highway Patrol.

Section IV. <u>Violations of the Tow and Recovery Carrier Procedures</u>

Any Tow and Recovery Carrier violating any provision of these Procedures or violating Wyoming State Statutes, while doing business as a part of the Wyoming Highway Patrol Non-Consensual rotational system, or for any other reason determined by the Patrol, is subject to the following sanctions:

- Non-Consensual Tow and Recovery Carriers

a. A Written Warning - Depending on the seriousness of the violation, a written warning may be issued to the Non-Consensual Tow and Recovery Carrier outlining the details of the violation and the ramification of subsequent violations of a similar nature. Written warnings shall be kept on file by the Patrol at the division level indefinitely and do not expire.

b. Up to a 60 Day Removal - Depending on the seriousness of the violation, a removal of up to 60 days from the Non-Consensual Tow and Recovery Carrier list may be issued. The removal letter shall outline the details of the violation and the ramifications of subsequent violations of a similar nature.

c. 1 Year Removal - Depending on the seriousness of the violation, a 1 year removal from the Non-Consensual Tow and Recovery Carrier list may be issued. The removal letter shall outline the details of the violation and the ramifications of subsequent violations of a similar nature.

d. Permanent Removal - Under certain circumstances a Tow and Recovery Carrier may be permanently removed from the Wyoming Highway Patrol Non-Consensual Tow and Recovery Carrier rotation. The removal letter shall outline the details of the violation.

e. <u>Request for Reconsideration</u>

1. Sanction (a) above may be imposed by the Division Lieutenant or any member of his/her chain of command.

2. Non-Consensual Tow and Recovery Carrier sanctions (b), (c), and (d) above shall only be imposed by the Director of the Wyoming Department of Transportation or his/her designee.

3. A Non-Consensual Tow and Recovery Carrier that has been removed from the Wyoming Highway Patrol rotational list shall request reinstatement in writing at or near the end of the removal period. This request shall be forwarded to the Division Lieutenant.

- All other Tow and Recovery Carriers (Consensual)

a. Tow and Recovery Carriers operating on a consensual basis in Wyoming are subject to the sanctions and reconsiderations, as outlined in Section IV, Paragraphs (a),(b), (c), and (e) of these procedures.

b. Any Tow and Recovery Carriers facing a sanction equal to or greater than one (1) year, as outlined in Section IV paragraphs c and d, may also have their Operating Authority suspended for the duration of the sanction. Sanctions involving removal may be appealed as provided for in Chapter 1, Section 11, of Wyoming Department of Transportation Motor Carrier Rules and Regulations.

These Procedures are not intended to create any contractual rights in any person or entity. These Procedures are established for the benefit of the traveling public and the convenience of the Wyoming Highway Patrol. These Procedures are not intended to create any property or liberty interests and by requesting to be included on the rotational list, a Non-Consensual Tow and Recovery Carrier understands that no expectation of continuing participation in the rotational list procedures is created.

I have read and understand these Procedures and understand I must abide by the conditions contained within the Procedures. I further understand that as a Non-Consensual Tow and Recovery Carrier, I am subject to removal from the rotational list at any time.

Tow and Recovery Carrier Business

Name_____

Business Address _____

Authorized Signature_____

Printed Name_____

Date_____/_____/_____

Adopted January 15, 2016
Rev. January, 2016

CITY OF LARAMIE COUNCIL REGULAR MEETING November 22, 2016

LARAMIE 1868	**Agenda Item:** Discussion **Title:** Liquor Laws and Local Authority

Recommended Council MOTION:

None

Administrative or Policy Goal:

Background:

The Wyoming State Liquor Association and the Wyoming Liquor Division drafted a bill, on its way to the legislature, which proposes significant changes to multiple sections within W.S. Title 12. For all liquor licenses, except Restaurant and Club licenses, it is proposed that the dispensing room be changed from a portion of the building to the entire building for every establishment. Another proposed change is to allow minors in dispensing rooms. This would allow minors into every liquor establishment within the City of Laramie unless local code is created to restrict this.

If the proposed bill passes, significant changes will need to take place in Laramie Municipal Code if the City desires to match State Statute.

Current Wyoming State Statute, the proposed bill, and Laramie Municipal Code Title 5 are attached for reference and discussion.

Legal/Statutory Authority:

BUDGET/FISCAL INFORMATION: n/a

Responsible Staff:

Angie Johnson, City Clerk

2017

DRAFT ONLY

Dispensing Rooms

A BILL
for

AN ACT relating to alcoholic beverages, repealing the definition of a room for all liquor licenses other than a restaurant liquor license; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 12-1-101 (a) (xv) is repealed, (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv) and (xxv) are renumbered. 12-2-203 (f) and (g) , 12-4-102 (a) (i) is amended, 12-4-103 (a) (iii) is amended, 12-4-104 (a) is amended, 12-4-301 (c) is amended, 12-4-410 (a) is amended and (f) is created, 12-4-412 (c) (i) is repealed (ii), (iii) (iv) are renumbered, (d) is amended, 12-4-413 (f) is amended, 12-4-501 (c) (i) is amended, (ii) is repealed, (iii) is renumbered and amended, (iv) is renumbered and amended, (v), (vi), (vii) are renumbered, 12-4-504 (c) is repealed, 12-4-505 (c) is repealed, 12-4-702 (b) (ii), (c) are amended, 12-5-101 (a), (c), are amended, 12-5-201 (a) is amended, (b), (c), and (d) are repealed, (e), (f), (g), (h), (j), (k) (i), (ii), (iii) is renumbered and amended, (h) is created, 12-5-202 is amended, 12-5-203, 12-5-204 are repealed, 12-5-301 (a) is amended, (a) (ii) is repealed, (a)(iii), (iv), (v), (vi) and (vii) are renumbered

12-1-101. Definitions

(a) As used in this title:

~~(xv) "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;~~

(xv~~i~~) "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivering or dispensing and pouring for value, exchanging for goods, services or patronage or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale;

(xvi~~i~~) "Wholesaler" means any person except the division, who sells any alcoholic or malt beverage to a retailer for resale;

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

(x~~ix~~iii) "Microbrewery" means a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage;

(x~~x~~ix) "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming;

(xx~~i~~) "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three (3) consecutive months during any calendar year;

(xxi~~i~~) "Department" means the Wyoming department of revenue;

(xxii~~i~~) "Guest ranch" means a vacation resort offering accommodations for overnight stays and activities typical of western ranching;

(xx~~iv~~iii) "This title" means W.S. 12-1-101 through 12-10-102;

(xx~~v~~iv) "Out-of-state shipper" means any licensee outside this state who accepts orders for manufactured wine placed from this state and who ships, packages for shipment or facilitates in any way shipment of the wine by a third party or common carrier to any person, household or licensed retailer in this state.

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to

the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars ($100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions pursuant to W.S. 12-5-201.

12-4-102. Application for licenses and permits; contents; signature and verification.

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate licensing authority and shall contain the following provisions:

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

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(i) Any mayor, member of a city or town council or county commissioner within their respective jurisdiction;

(ii) Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;

(iii) Any person who does not own the building ~~in which the sales room is located~~ or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted by W.S. 12-4-403(b);

12-4-104. Publication of notice; grant or denial; renewal preference; copy of application and notice to division; judicial review.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. When a county is the licensing authority, the county clerk shall also post the notice on the official website of the county in the manner provided in W.S 18-3-516(f). When a city or town is the licensing authority, the city clerk shall also post the notice on the city or town's official website if one exists. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A ....

Notice is hereby given that on the .... day of .... (year) (name of applicant) filed an application for a .... license (permit), in the office of the clerk of the city (or town or county) of .... for the following ~~described place (and room)~~ licensed building(insert ~~description~~ address) and protests, if any there be, against the issuance (transfer or renewal) of the license

(permit) will be heard at the hour of ....M., on the .... day of .... (year), in the (meeting place of the governing body).
Dated .... Signed ....

12-4-301. Sales by clubs; license fees; petition; license restrictions.

(c) Except as otherwise provided by W.S. 12-5-201(g), a club holding a limited retail license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed ~~premises~~ building and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building~~, space or premises~~.

12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

(a) Except as provided in subsection (e) of this section, restaurant liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption ~~off~~ from the ~~premises~~ licensed building owned or leased by the licensee. Except as provided in subsections (b) and (e) of this section, alcoholic or malt beverages shall be served for on-premises consumption only in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

(f) For the purposes of this section, the term "room" shall mean a part of the inside of a building that is divided from other areas by walls and a doorway and that has its own floor and ceiling, large enough for a person to enter but not a cabinet as approved by the local licensing authority.

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (b)(iii)(B) of this section, except the dual holder:

~~(i) May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which~~

~~shall be separate from any dining area in which persons age eighteen (18) or under are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;~~

(i~~i~~) May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(ii~~i~~) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

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

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars ($100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions of W.S. 12-5-201.

12-4-413. Bar and grill liquor license; authorized; requirements.

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption ~~off~~ from the ~~premises~~ licensed building owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

12-4-501. Malt beverage permit for University of Wyoming; fee; rules and regulations.

(c) The board of trustees of the University of Wyoming shall provide rules and regulations for the following:

(i) Locations ~~of the dispensing rooms~~ in which malt beverages may be sold;

~~(ii) Furnishings and other features of the dispensing rooms;~~

(ii~~i~~) The hours and days of the operation of the ~~dispensing rooms~~ licensed location, which shall be within the following limits:

(A) Monday through Thursday, 3:00 p.m. to 10:00 p.m.;

(B) Friday, 3:00 p.m. to 12:00 midnight;

(C) Saturday, 10:00 a.m. to 12:00 midnight.

(i~~v~~ii) Whether food may be sold; ~~in the dispensing rooms;~~

(iv) A uniform procedure of age identification for all purchasers;

(v~~i~~) Locations within the student union where malt beverages may be consumed; and

(vi~~i~~) Such other rules and regulations necessary to carry out the purposes of this section.

12-4-504. Special malt beverage permit for public auditoriums, civic centers or events centers.

~~(c) The issuing body shall provide rules and regulations for the following:~~

~~(i) The location of the dispensing rooms;~~

~~(ii) The furnishings and other features of the dispensing rooms; and~~

~~(iii) The hours and days of the operation of the dispensing rooms.~~

12-4-505. Malt beverage permit for state fair.

~~(c) The director of the department of agriculture shall promulgate rules and regulations concerning:~~

~~(i) The location of the dispensing rooms;~~

~~(ii) The location of areas where malt beverages may be consumed on the state fairgrounds;~~

~~(iii) The furnishings and other features of the dispensing rooms;~~

~~(iv) The hours and days of the operation of the dispensing rooms;~~

~~(v) A uniform procedure of age identification for all purchasers; and~~

~~(vi) Other rules and regulations necessary to carry out the purposes of this section.~~

12-4-702. Signature and attestation; contents; display required.

(a) Each license issued by a city or town shall be signed by the mayor and attested by the clerk. Each license issued by a county shall be signed by the chairman of the board of county commissioners and attested by the county clerk.

(b) The following shall be shown in each license:

(i) The name of the licensee;

(ii) An ~~description~~ address of the ~~place~~ licensed building in which alcoholic or malt beverages may be sold;

(iii) The date of issuance;

(iv) The amount of the fee; and

(v) That the fee has been paid.

(c) Each licensee shall display his license in a conspicuous place ~~in the licensed room~~.

12-5-101. Hours of sale generally; exceptions; designation of dates for unrestricted operation.

(a) All licensees may, with the approval of the local licensing authority, ~~open the dispensing room~~ begin the sales of alcoholic liquors and malt beverages at 6:00 a.m. and shall ~~close the dispensing room and~~ cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. ~~In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 a.m.~~

(c) The hours of operation designated in subsection (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their ~~dispensing rooms~~ licensed building for a period of twenty-four (24) hours beginning at 6:00 a.m.

ARTICLE 2

~~DISPENSING ROOMS~~ LICENSED BUILDING

12-5-201. Location, regulation and restrictions as to place of sale; inspections; ~~additional dispensing rooms~~.

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located ~~in one (1) room upon the premises~~ within the licensed building for which the license is issued and as approved by the licensing authority. ~~Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license.~~ Alcoholic beverages ~~secured in the licensed room by a server~~ may be served only ~~in~~ within the licensed building ~~in which the licensed room is located~~ and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This licensed

location ~~area~~ shall not be in another building. ~~and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room.~~ The licensing authority shall, as often as necessary, inspect the licensed ~~room and adjoining rooms~~ building where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.~~

~~(b) If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one (1) additional dispensing room under the same fee referred to in subsection (a) of this section. For purposes of this subsection, a convention facility shall have and maintain all of the following:~~

~~(i) Motel or hotel sleeping room accommodations;~~

~~(ii) Restaurant facilities; and~~

~~(iii) Conference facilities.~~

~~(c) Licensing authorities may issue a twenty-four (24) hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one (1) licensee shall be issued more than six (6) permits in any one (1) year period. The fee for the permit shall be not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00).~~

~~(d) If the licensee is engaged in the operation of or is a concessionaire for a public auditorium, civic center or events center, the licensee may dispense alcoholic liquors or malt beverages in any room or other appropriate location within the confines of the licensed premises approved by the licensing authority under the same fee specified in subsection (a) of this section.~~

(~~e~~b) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, ~~at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license~~, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation imposed under W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.

(~~f~~c) A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of a resort retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort retail liquor license is issued, except that a~~ Any location on the resort premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and

fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to sixty-six and two-thirds percent (66 2/3%) of the original license fee~~.

(~~g~~d) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that a~~ Any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

(~~h~~e) With the approval and on the conditions imposed by the licensing authority, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses, but s~~ Such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

(~~j~~f) Any retail or restaurant liquor licensee operating on a guest ranch as defined by W.S. 12-1-101(a)(xxiii) may dispense alcoholic beverages from any location within the boundaries of

the guest ranch premises. The guest ranch premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses.~~ The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to two-thirds (2/3) of the original license fee.~~

(~~k~~g) A licensing authority may authorize a licensee holding a retail liquor license issued under W.S. 12-4-201 to hold an event ~~on~~ within the licensed ~~premises~~ building at which persons under the age of twenty-one (21) are permitted ~~upon the premises~~ if:

(i) No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person ~~in the dispensing room during~~ attending the event;

(ii) ~~The dispensing room is closed during the event and~~ ~~a~~ All alcoholic liquor and malt beverages are ~~removed from the dispensing room in which the event is held and are stored in an area on the licensed premises~~ not accessible to persons ~~in the closed dispensing room during the event or stored in a manner preventing dispensation during~~ attending the event;

(iii) The licensee otherwise complies with any additional conditions which may be imposed by rule and regulation of the appropriate licensing authority, including revocation of the authorization to hold the youth event.

(h) Nothing under this act shall prohibit more than one liquor license holder to operate within the same building providing that each licensee maintain separate and distinct areas within the building.

12-5-202. Storage outside licensed premises prohibited; exception.

A retail licensee shall not store alcoholic liquor or malt beverages outside of the licensed ~~premises~~ building unless he files with the commission a written statement that he stores alcoholic liquors or malt beverages in a place other than his

place of business and states the exact location of the storage place.

~~**12-5-203. Minors restricted from dispensing room; exception; penalty.**~~

~~(a) No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of eighteen (18) years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. No person under the age of eighteen (18) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:~~

~~(i) Accompanied by his parent or guardian who is at least eighteen (18) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or~~

~~(ii) With the approval of the local licensing authority, in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.~~

~~(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of eighteen (18) may be permitted in the course of their employment to work in the room or rooms.~~

~~(c) Any person violating subsection (a) of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both.~~

~~**12-5-204. Prohibited acts within dispensing room; violation cause for suspension or revocation of license or permit.**~~

~~(a) No licensee or agent or employee thereof shall knowingly permit prostitution under W.S. 6-4-101, public indecency under W.S. 6-4-201 or gambling as prohibited by W.S. 6-7-102 or shall promote obscenity under W.S. 6-4-302 within any dispensing room, building or premises licensed under this title.~~

~~(b) Any licensee or agent or employee thereof violating subsection (a) of this section, or aiding, abetting or inciting any violation thereof, is in addition to other penalties provided by law, sufficient cause for the suspension or revocation of a license or permit.~~

12-5-301. Conditions for operation.

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

(i) The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;

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

(ii~~i~~) The area shall be well lighted and subject to inspection by the licensing authority at any and all times;

(i~~v~~ii) No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;

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

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

(vi~~i~~) 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.

Section 2. This act is effective July 1, 2017.

Wyoming Liquor Division Census Report

Based upon the U.S. Census Bureau's official 2015 Wyoming Population Update

Current as of: AUGUST 2016

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Restaurant Licenses Authorized	Restaurant Licenses Issued	Bar & Grill Licenses Authorized	Bar & Grill Licenses Issued	Bar & Grill Licenses Available	Limited Retail Licenses Issued	Resort Licenses Issued	Micro-brewery Permits Authorized	Micro-brewery Permits Issued	Winery Permits Authorized	Winery Permits Issued	Cnty Malt Beverage Permits Issued	Distillery/ Winery Satellites Issued
Laramie	32,081	27	27	0	Unlimited	16	4	4	0	6	3	27	3	27	1	1 *	1
Rock River	245	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	5,485	10	10	0	Unlimited	1	0	0	0	1 m	0	10	2	10	1	2	0
ALBANY TOTAL	**37,811**	**39**	**38**		**Unlimited**	**17**	**6**	**4**	**2**	**7**	**3**	**39**	**5**	**39**	**2**	**3**	**1**
Basin	1,300	4	4	0	Unlimited	0	2	1	1	1	0	4	0	4	0	0	0
Burlington	332	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Byron	609	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Cowley	718	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Deaver	184	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Frannie-Under Park Co	143	0	0	0	Unlimited	0	0	0	0	0	0	0	0	0	0	0	0
Greybull	1,868	5	6	0	Unlimited	3	2	0	2	1	0	5	0	5	0	0	0
Lovell	2,404	6	6	0	Unlimited	2	2	0	2	0	0	6	0	6	0	0	0
Manderson	117	2	1	1	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
County	4,255	8	8	0	Unlimited	1	0	0	0	1	0	8	0	8	0	2	0
BIG HORN TOTAL	**11,930**	**33**	**28**		**Unlimited**	**7**	**16**	**1**	**15**	**3**	**0**	**33**	**0**	**33**	**0**	**2**	**0**
Gillette	31,971	27	30 f/o	0	Unlimited	11	4	2	2	6 k/p	2	27	2	27	1	1 n	0
Wright	1,847	5	4	1	Unlimited	0	2	0	2	0	0	5	0	5	0	0	0
County	14,502	29	6	23	Unlimited	0	1	0	1	1	0	29	0	29	0	0	0
CAMPBELL TOTAL	**48,320**	**61**	**40**		**Unlimited**	**11**	**7**	**2**	**5**	**7**	**2**	**61**	**2**	**61**	**1**	**1**	**0**
Baggs	439	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Dixon	97	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Elk Mountain	196	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Encampment	447	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Hanna	831	3	3	0	Unlimited	0	2	0	2	0	0	3	0	3	0	0	0
Medicine Bow	277	2	3	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Rawlins	9,227	19	20	0	Unlimited	3	3	0	3	5	0	19	0	19	0	0	0
Riverside	53	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Saratoga	1,692	4	5	0	Unlimited	1	2	1	1	1	0	4	1	4	0	0	0
Sinclair	424	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	2,171	4	4	0	Unlimited	1	0	0	0	1	1	4	0	4	0	6	0
CARBON TOTAL	**15,854**	**44**	**44**		**Unlimited**	**5**	**21**	**1**	**20**	**7**	**1**	**44**	**1**	**44**	**0**	**6**	**0**
Douglas	6,423	14	14	0	Unlimited	5	2	1	1	3	0	14	1	14	0	0	0
Glenrock	2,583	6	6	0	Unlimited	1	2	0	2	1	0	6	0	6	0	0	0
Lost Springs	4	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Rolling Hills	439	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	4,648	9	2	7	Unlimited	0	0	0	0	0	0	9	0	9	0	2	0
CONVERSE TOTAL	**14,097**	**33**	**23**		**Unlimited**	**6**	**8**	**1**	**7**	**4**	**0**	**33**	**1**	**33**	**0**	**2**	**0**

* Special Malt Beverage Permit issued to the University of Wyoming (Prior to 1984)

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Restaurant Licenses Authorized	Restaurant Licenses Issued	Bar & Grill Licenses Authorized	Bar & Grill Licenses Issued	Bar & Grill Licenses Available	Limited Retail Licenses Issued	Resort Licenses Issued	Micro-brewery Permits Authorized	Micro-brewery Permits Issued	Winery Permits Authorized	Winery Permits Issued	Cnty Malt Beverage Permits Issued	Distillery/ Winery Satellites Issued
Hulett	400	2	2	0	Unlimited	1	2	0	2	1	0	2	0	2	0	0	0
Moorcroft	1,036	3	3	0	Unlimited	1	2	0	2	1	0	3	0	3	0	0	0
Pine Haven	498	2	2	0	Unlimited	0	2	0	2	1	0	2	0	2	0	0	0
Sundance	1,239	3	3	0	Unlimited	2	2	0	2	1	0	3	0	3	0	0	0
County	4,075	8	8	0	Unlimited	2	0	0	0	0	0	8	0	8	0	5	0
CROOK TOTAL	**7,248**	**18**	**18**		**Unlimited**	**6**	**8**	**0**	**8**	**4**	**0**	**18**	**0**	**18**	**0**	**5**	**0**
Dubois	998	3	3	0	Unlimited	3	2	2	0	2	0	3	0	3	0	0	0
Hudson	462	2	3	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Lander	7,642	16	16	0	Unlimited	5	3	1	2	3	1	16	1	16	0	0	0
Pavillion	240	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Riverton	10,953	20	22	0	Unlimited	8	3	1	2	2	0	20	0	20	0	0	0
Shoshoni	655	2	3	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	19,753	39	15	24	Unlimited	0	2	0	2	0	0	39	0	39	1	2	0
FREMONT TOTAL	**40,703**	**84**	**63**		**Unlimited**	**16**	**16**	**4**	**12**	**7**	**1**	**84**	**1**	**84**	**1**	**2**	**0**
Ft. Laramie	227	2	2	0	Unlimited	0	2	1	1	0	0	2	0	2	0	0	0
LaGrange	455	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Lingle	467	2	1	1	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
Torrington	6,736	14	11	3	Unlimited	4	2	1	1	4	0	14	0	14	0	0	0
Yoder	161	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	5,468	10	7	3	Unlimited	0	0	0	0	0	0	10	0	10	1	0	0
GOSHEN TOTAL	**13,514**	**32**	**22**		**Unlimited**	**5**	**10**	**2**	**8**	**4**	**0**	**32**	**0**	**32**	**1**	**0**	**0**
E Thermopolis	252	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Kirby	93	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	1
Thermopolis	3,020	7	8	0	Unlimited	3	2	1	1	1	0	7	0	7	0	0	0
County	1,451	2	2	0	Unlimited	0	0	0	0	0	0	2	0	2	0	0	0
HOT SPRINGS TOTAL	**4,816**	**13**	**12**		**Unlimited**	**3**	**6**	**1**	**5**	**1**	**0**	**13**	**0**	**13**	**0**	**0**	**1**
Buffalo	4,615	10	12 c/g/j	1	Unlimited	3	2	1	1	3	0	10	1	10	0	0	0
Kaycee	260	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	3,698	7	7	0	Unlimited	2	0	0	0	1	0	7	0	7	0	0	0
JOHNSON TOTAL	**8,573**	**19**	**21**		**Unlimited**	**5**	**4**	**3**	**1**	**4**	**0**	**19**	**1**	**19**	**0**	**0**	**0**
Albin	185	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Burns	305	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Cheyenne	62,845	37	37	0	Unlimited	19	8	7	1	10	3	37	3	37	0	0	0
Pine Bluffs	1,146	3	3	0	Unlimited	0	2	0	2	0	0	3	0	3	0	0	0
County	31,908	63	10	53	Unlimited	3	4	1	3	4	0	63	0	63	0	3	0
LARAMIE TOTAL	**96,389**	**107**	**52**		**Unlimited**	**22**	**18**	**8**	**10**	**14**	**3**	**107**	**3**	**107**	**0**	**3**	**0**
Afton	1,968	5	5	0	Unlimited	4	2	0	2	0	0	5	0	5	0	0	0
Alpine	845	3	3	0	Unlimited	3	2	0	2	0	0	3	1 q	3	0	1 a	0
Cokeville	542	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Diamondville	740	2	3	0	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
Kemmerer	2,732	6	7	0	Unlimited	3	2	1	1	2	0	6	0	6	0	0	0
LaBarge	553	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Opal	99	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Star Valley Ranch	1,541	4	1	3	Unlimited	0	2	0	2	0	0	4	0	4	0	0	0
Thayne	364	2	2	0	Unlimited	0	2	1	1	0	0	2	0	2	0	0	0
County	9,183	18	6	12	Unlimited	1	1	0	1	0	0	18	1	18	0	2	0
LINCOLN TOTAL	**18,567**	**46**	**29**		**Unlimited**	**12**	**19**	**2**	**17**	**2**	**0**	**46**	**2**	**46**	**0**	**3**	**0**

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Restaurant Licenses Authorized	Restaurant Licenses Issued	Bar & Grill Licenses Authorized	Bar & Grill Licenses Issued	Bar & Grill Licenses Available	Limited Retail Licenses Issued	Resort Licenses Issued	Micro-brewery Permits Authorized	Micro-brewery Permits Issued	Winery Permits Authorized	Winery Permits Issued	Cnty Malt Beverage Permits Issued	Distillery/ Winery Satellites Issued
Bar Nunn	2,735	6	2	4	Unlimited	0	2	0	2	0	0	6	0	6	0	0	0
Casper	60,086	36	36 d	1	Unlimited	22	8	8	0	9	4	36	2	36	0	0	1
Edgerton	199	2	3	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Evansville	2,831	7	6	1	Unlimited	0	2	1	1	0	0	7	0	7	0	0	0
Midwest	412	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Mills	3,690	8	7 h	1	Unlimited	0	2	0	2	0	0	8	0	8	0	0	1
County	11,671	23	10	13	Unlimited	1	1	0	1	2	0	23	0	23	0	3	0
NATRONA TOTAL	**81,624**	**84**	**65**		**Unlimited**	**23**	**19**	**9**	**10**	**11**	**4**	**84**	**2**	**84**	**0**	**3**	**2**
Lusk	1,578	4	4 b	0	Unlimited	1	2	1	1	2	0	4	0	4	0	0	0
Manville	93	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Van Tassell	15	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
County	777	1	2	0	Unlimited	0	0	0	0	0	0	1	0	1	0	0	0
NIOBRARA TOTAL	**2,463**	**9**	**7**		**Unlimited**	**1**	**6**	**1**	**5**	**2**	**0**	**9**	**0**	**9**	**0**	**0**	**0**
Cody	9,740	20	21 i	1	Unlimited	13	3	3	0	3	0	20	2	20	1	0	0
Frannie	19	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Meeteetse	327	2	2	0	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Powell	6,407	14	14	0	Unlimited	3	2	0	2	4	0	14	1	14	0	0	0
County	12,496	24	21	3	Unlimited	0	1	0	1	0	0	24	0	24	0	5	0
PARK TOTAL	**28,989**	**62**	**59**		**Unlimited**	**16**	**10**	**3**	**7**	**7**	**0**	**62**	**3**	**62**	**1**	**5**	**0**
Chugwater	216	2	2	0	Unlimited	0	2	1	1	0	0	2	0	2	0	0	0
Glendo	201	2	2	0	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
Guernsey	1,193	3	3	0	Unlimited	0	2	0	2	1	0	3	0	3	0	0	0
Hartville	62	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Wheatland	3,659	8	8	0	Unlimited	3	2	1	1	2	0	8	0	8	0	0	0
County	3,468	6	6	0	Unlimited	0	0	0	0	0	0	6	0	6	0	1	0
PLATTE TOTAL	**8,799**	**23**	**22**		**Unlimited**	**4**	**10**	**2**	**8**	**3**	**0**	**23**	**0**	**23**	**0**	**1**	**0**
Clearmont	142	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Dayton	794	3	3	0	Unlimited	1	2	0	2	0	0	3	0	3	0	0	1
Ranchester	943	3	3	0	Unlimited	0	2	0	2	0	0	3	0	3	0	0	0
Sheridan	17,916	22	22	0	Unlimited	13	4	4	0	9 l	2	22	3	22	1	0	2
County	10,237	20	20	0	Unlimited	2	1	0	1	0	0	20	0	20	0	1	0
SHERIDAN TOTAL	**30,032**	**50**	**49**		**Unlimited**	**16**	**11**	**4**	**7**	**9**	**2**	**50**	**3**	**50**	**1**	**1**	**3**
Big Piney	538	2	1	1	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
Marbleton	1,114	3	3	0	Unlimited	0	2	0	2	0	0	3	0	3	0	0	0
Pinedale	1,958	5	5 e	1	Unlimited	5	2	2	0	1	0	5	1	5	0	0	0
County	6,447	12	8	4	Unlimited	3	0	0	0	1	0	12	0	12	0	1	0
SUBLETTE TOTAL	**10,057**	**22**	**17**		**Unlimited**	**9**	**6**	**2**	**4**	**2**	**0**	**22**	**1**	**22**	**0**	**1**	**0**
Bairoil	107	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Granger	140	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Green River	12,630	21	16	5	Unlimited	4	3	0	3	2	0	21	0	21	0	0	0
Rock Springs	24,045	24	27	0	Unlimited	11	4	4	0	3	3	24	1	24	0	0	0
Superior	332	2	1	1	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Wamsutter	503	2	2	0	Unlimited	0	2	1	1	0	0	2	0	2	0	0	0
County	7,253	14	10	4	Unlimited	1	0	0	0	1	0	14	0	14	0	5	0
SWEETWATER TOTAL	**45,010**	**67**	**57**		**Unlimited**	**16**	**15**	**5**	**10**	**6**	**3**	**67**	**1**	**67**	**0**	**5**	**0**

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Restaurant Licenses Authorized	Restaurant Licenses Issued	Bar & Grill Licenses Authorized	Bar & Grill Licenses Issued	Bar & Grill Licenses Available	Limited Retail Licenses Issued	Resort Licenses Issued	Micro-brewery Permits Authorized	Micro-brewery Permits Issued	Winery Permits Authorized	Winery Permits Issued	Cnty Malt Beverage Permits Issued	Distillery/ Winery Satellites Issued
Jackson	**10,449**	20	20	0	Unlimited	42	3	3	0	3	6	20	2	20	0	0	1
County	**12,481**	24	24	0	Unlimited	16 *	1	1	0	2	12	24	1	24	1	16	1
TETON TOTAL	**22,930**	**44**	**44**		**Unlimited**	**58**	**4**	**4**	**0**	**5**	**18**	**44**	**3**	**44**	**1**	**16**	**2**
Bear River	**521**	2	0	2	Unlimited	0	2	0	2	0	0	2	0	2	0	0	0
Evanston	**12,190**	20	20	0	Unlimited	6	3	3	0	2	1	20	0	20	0	0	0
Lyman	**2,077**	5	2	3	Unlimited	0	2	0	2	0	0	5	0	5	0	0	0
Mountain View	**1,304**	4	3	1	Unlimited	2	2	0	2	0	0	4	0	4	0	0	0
County	**4,812**	9	7	2	Unlimited	1	0	0	0	1	0	9	0	9	0	1	0
UINTA TOTAL	**20,904**	**40**	**32**		**Unlimited**	**9**	**9**	**3**	**6**	**3**	**1**	**40**	**0**	**40**	**0**	**1**	**0**
Ten Sleep	**253**	2	2	0	Unlimited	1	2	0	2	0	0	2	0	2	0	0	0
Worland	**5,366**	12	12	0	Unlimited	4	2	0	2	3	0	12	0	12	0	0	0
County	**2,703**	5	3	2	Unlimited	0	0	0	0	0	0	5	1	5	0	0	0
WASHAKIE TOTAL	**8,322**	**19**	**17**		**Unlimited**	**5**	**4**	**0**	**4**	**3**	**0**	**19**	**1**	**19**	**0**	**0**	**0**
Newcastle	**3,513**	8	8	0	Unlimited	2	2	1	1	1	0	8	1	8	0	0	0
Upton	**1,104**	3	3	0	Unlimited	0	2	1	1	0	0	3	0	3	0	0	0
County	**2,584**	5	5	0	Unlimited	1	0	0	0	2	0	5	0	5	0	1	0
WESTON TOTAL	**7,201**	**16**	**16**		**Unlimited**	**3**	**4**	**2**	**2**	**3**	**0**	**16**	**1**	**16**	**0**	**1**	**0**
TOTALS	**584,153**	965	775			275	237	64	173	118	38	965	31	965	8	61	9

Total License Count: **1,379**

* Limited Retail converted to Restaurant w/bar per W.S. 12-4-407 (d) to Jackson Hole Golf & Tennis Club (May 12, 1987)

Licenses/Permits Issued by Wyoming Liquor Division

	Chartered Transportation	Industry Rep	Importer	Malt Beverage Wholesaler	Wholesaler Satellites	Manufacturer	Manufacturer Satellites	Microbrewery w/Sales Authority	Railroad	Rectifier	Out-of-State Shipper
Total Issued by WLD:	4	145	3	36	12	7	10	19	0	0	876

COUNTY LIQUOR LICENSES ANNEXED AFTER MAY 25, 1979

	LICENSE HOLDER	CITY/TOWN	COUNTY	ANNEXATION DATE	
a	Familee Thriftway Inc	Alpine	Lincoln	February 20, 1989	
b	Niobrara Country Club	Lusk	Niobrara	September 1, 1992	
c	Warren & Jacquelyn Stevenson	Buffalo	Johnson	February 21, 1995	
d	Topshelfco LLC	Casper	Natrona	December 1, 2006	
e	Vista Properties LLC	Pindale	Sublette	April 30, 2006	
f	Jakes Tavern Inc	Gillette	Campbell	August 1, 2007	
g	Daniel & Sandra Coleman	Buffalo	Johnson	September 1, 2007	License was not renewed/no longer available
h	D's Oregon Trail Bar Inc	Mills	Natrona	December 28, 2007	
i	Michelle Prevost	Cody	Park	August 1, 2008	
j	HIB LLC	Buffalo	Johnson	February 25, 2010	
k	Gillette Golf & Country Club Inc	Gillette	Campbell	October 3, 2005	
l	Big Horn Mtn Eagles FOE Aerie #4	Sheridan	Sheridan	October 1, 2011	
m	BCR Inc- From city to county	Albany County	City of Laramie	November 1, 2013	
n	Gillette Junior Hockey LLC	Gillette	Campbell	October 21, 2013	
o	Family Fun Frontier Center LLC	Gillette	Campbell	January 6, 2015	
p	Knights of Columbus of Gillette #3477	Gillette	Campbell	January 6, 2015	
q	Melvin Brewing Company LLC	Alpine	Lincoln	November 17, 2015	

Wyoming Liquor Division Non-Operational Report

Based upon the U.S. Census Bureau's official 2015 Wyoming Population Update

Current as of: AUGUST 2016

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Retail Licenses non-operational	Percentage of Retail Licenses non-op
Laramie	32,081	27	27	0	1	3.70%
Rock River	245	2	1	1	0	0.00%
County	5,485	10	10	0	0	0.00%
ALBANY TOTAL	**37,811**	**39**	**38**		**1**	
Basin	1,300	4	4	0	0	0.00%
Burlington	332	2	2	0	0	0.00%
Byron	609	2	1	1	0	0.00%
Cowley	718	2	0	2	0	0.00%
Deaver	184	2	0	2	0	0.00%
Frannie-Under Park Co	143	0	0	0	0	0.00%
Greybull	1,868	5	6	0	0	0.00%
Lovell	2,404	6	6	0	0	0.00%
Manderson	117	2	1	1	0	0.00%
County	4,255	8	8	0	0	0.00%
BIG HORN TOTAL	**11,930**	**33**	**28**		**0**	
Gillette	31,971	27	30 f/o	0	1	3.33%
Wright	1,847	5	4	1	0	0.00%
County	14,502	29	6	23	2	33.33%
CAMPBELL TOTAL	**48,320**	**61**	**40**		**3**	
Baggs	439	2	2	0	0	0.00%
Dixon	97	2	1	1	0	0.00%
Elk Mountain	196	2	2	0	0	0.00%
Encampment	447	2	2	0	0	0.00%
Hanna	831	3	3	0	0	0.00%
Medicine Bow	277	2	3	0	1	33.33%
Rawlins	9,227	19	20	0	1	5.00%
Riverside	53	2	1	1	0	0.00%
Saratoga	1,692	4	5	0	0	0.00%
Sinclair	424	2	1	1	0	0.00%
County	2,171	4	4	0	0	0.00%
CARBON TOTAL	**15,854**	**44**	**44**		**2**	
Douglas	6,423	14	14	0	0	0.00%
Glenrock	2,583	6	6	0	0	0.00%
Lost Springs	4	2	1	1	0	0.00%
Rolling Hills	439	2	0	2	0	0.00%
County	4,648	9	2	7	0	0.00%
CONVERSE TOTAL	**14,097**	**33**	**23**		**0**	

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Retail Licenses non-operational	Percentage of Retail Licenses non-op
Hulett	400	2	2	0	0	0.00%
Moorcroft	1,036	3	3	0	0	0.00%
Pine Haven	498	2	2	0	0	0.00%
Sundance	1,239	3	3	0	0	0.00%
County	4,075	8	8	0	0	0.00%
CROOK TOTAL	**7,248**	**18**	**18**		**0**	
Dubois	998	3	3	0	0	0.00%
Hudson	462	2	3	0	1	33.33%
Lander	7,642	16	16	0	1	6.25%
Pavillion	240	2	1	1	0	0.00%
Riverton	10,953	20	22	0	1	4.55%
Shoshoni	655	2	3	0	0	0.00%
County	19,753	39	15	24	0	0.00%
FREMONT TOTAL	**40,703**	**84**	**63**		**3**	
Ft. Laramie	227	2	2	0	1	50.00%
LaGrange	455	2	1	1	0	0.00%
Lingle	467	2	1	1	0	0.00%
Torrington	6,736	14	11	3	0	0.00%
Yoder	161	2	0	2	0	0.00%
County	5,468	10	7	3	0	0.00%
GOSHEN TOTAL	**13,514**	**32**	**22**		**1**	
E Thermopolis	252	2	1	1	0	0.00%
Kirby	93	2	1	1	0	0.00%
Thermopolis	3,020	7	8	0	1	12.50%
County	1,451	2	2	0	1	50.00%
HOT SPRINGS TOTAL	**4,816**	**13**	**12**		**2**	
Buffalo	4,615	10	12 c/g/j	1	0	0.00%
Kaycee	260	2	2	0	0	0.00%
County	3,698	7	7	0	0	0.00%
JOHNSON TOTAL	**8,573**	**19**	**21**		**0**	
Albin	185	2	1	1	0	0.00%
Burns	305	2	1	1	0	0.00%
Cheyenne	62,845	37	37	0	5	13.51%
Pine Bluffs	1,146	3	3	0	0	0.00%
County	31,908	63	10	53	0	0.00%
LARAMIE TOTAL	**96,389**	**107**	**52**		**5**	

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Retail Licenses non-operational	Percentage of Retail Licenses non-op
Afton	1,968	5	5	0	0	0.00%
Alpine	845	3	3	0	0	0.00%
Cokeville	542	2	0	2	0	0.00%
Diamondville	740	2	3	0	0	0.00%
Kemmerer	2,732	6	7	0	0	0.00%
LaBarge	553	2	2	0	0	0.00%
Opal	99	2	0	2	0	0.00%
Star Valley Ranch	1,541	4	1	3	0	0.00%
Thayne	364	2	2	0	0	0.00%
County	9,183	18	6	12	1	16.67%
LINCOLN TOTAL	**18,567**	**46**	**29**		**1**	
Bar Nunn	2,735	6	2	4	0	0.00%
Casper	60,086	36	36 d	1	4	11.11%
Edgerton	199	2	3	0	0	0.00%
Evansville	2,831	7	6	1	0	0.00%
Midwest	412	2	1	1	0	0.00%
Mills	3,690	8	6 h	2	1	0.00%
County	11,671	23	11	12	1	9.09%
NATRONA TOTAL	**81,624**	**84**	**65**		**6**	
Lusk	1,578	4	4 b	0	0	0.00%
Manville	93	2	1	1	0	0.00%
Van Tassell	15	2	0	2	0	0.00%
County	777	1	2	0	0	0.00%
NIOBRARA TOTAL	**2,463**	**9**	**7**		**0**	
Cody	9,740	20	21 i	1	1	4.76%
Frannie	19	2	1	1	0	0.00%
Meeteetse	327	2	2	0	0	0.00%
Powell	6,407	14	14	0	1	7.14%
County	12,496	24	21	3	1	4.76%
PARK TOTAL	**28,989**	**62**	**59**		**3**	
Chugwater	216	2	2	0	0	0.00%
Glendo	201	2	2	0	0	0.00%
Guernsey	1,193	3	3	0	0	0.00%
Hartville	62	2	1	1	0	0.00%
Wheatland	3,659	8	8	0	0	0.00%
County	3,468	6	6	0	0	0.00%
PLATTE TOTAL	**8,799**	**23**	**22**		**0**	
Clearmont	142	2	1	1	0	0.00%
Dayton	794	3	3	0	0	0.00%
Ranchester	943	3	3		0	0.00%
Sheridan	17,916	22	22	0	1	4.55%
County	10,237	20	20	0	3	15.00%
SHERIDAN TOTAL	**30,032**	**50**	**49**		**4**	

Cities/Towns COUNTY	2015 Population	Retail Licenses Authorized	Retail Licenses Issued	Retail Licenses Available	Retail Licenses non-operational	Percentage of Retail Licenses non-op
Big Piney	538	2	1	1	0	0.00%
Marbleton	1,114	3	3	0	0	0.00%
Pinedale	1,958	5	5 e	1	0	0.00%
County	6,447	12	8	4	0	0.00%
SUBLETTE TOTAL	**10,057**	**22**	**17**		**0**	
Bairoil	107	2	0	2	0	0.00%
Granger	140	2	1	1	0	0.00%
Green River	12,630	21	16	5	0	0.00%
Rock Springs	24,045	24	27	0	0	0.00%
Superior	332	2	1	1	0	0.00%
Wamsutter	503	2	2	0	0	0.00%
County	7,253	14	10	4	0	0.00%
SWEETWATER TOTAL	**45,010**	**67**	**57**		**0**	
Jackson	10,449	20	20	0	0	0.00%
County	12,481	24	24	0	2	8.33%
TETON TOTAL	**22,930**	**44**	**44**		**2**	
Bear River	521	2	0	2	0	0.00%
Evanston	12,190	20	20	0	3	15.00%
Lyman	2,077	5	2	3	0	0.00%
Mountain View	1,304	4	3	1	0	0.00%
County	4,812	9	7	2	0	0.00%
UINTA TOTAL	**20,904**	**40**	**32**		**3**	
Ten Sleep	253	2	2	0	0	0.00%
Worland	5,366	12	12	0	0	0.00%
County	2,703	5	3	2	0	0.00%
WASHAKIE TOTAL	**8,322**	**19**	**17**		**0**	
Newcastle	3,513	8	8	0	0	0.00%
Upton	1,104	3	3	0	0	0.00%
County	2,584	5	5	0	0	0.00%
WESTON TOTAL	**7,201**	**16**	**16**		**0**	
TOTALS	**584,153**	965	775	44	36	4.65%

Note: Retail licenses issued may be over authorized numbers due to annexation or population changes.

COUNTY LIQUOR LICENSES ANNEXED AFTER MAY 25, 1979

	LICENSE HOLDER	CITY/TOWN	COUNTY	ANNEXATION DATE	
a	Familee Thriftway Inc	Alpine	Lincoln	February 20, 1989	
b	Niobrara Country Club	Lusk	Niobrara	September 1, 1992	
c	Warren & Jacquelyn Stevenson	Buffalo	Johnson	February 21, 1995	
d	Topshelfco LLC	Casper	Natrona	December 1, 2006	
e	Vista Properties LLC	Pindale	Sublette	April 30, 2006	
f	Jakes Tavern Inc	Gillette	Campbell	August 1, 2007	
g	Daniel & Sandra Coleman	Buffalo	Johnson	September 1, 2007	License was not renewed
h	D's Oregon Trail Bar I	Mills	Natrona	December 28, 2007	
i	Michelle Prevost	Cody	Park	August 1, 2008	
j	HIB LLC	Buffalo	Johnson	February 25, 2010	
k	Gillette Golf & Country Club Inc	Gillette	Campbell	October 3, 2005	
l	Big Horn Mtn Eagles FOE Aerie #	Sheridan	Sheridan	October 1, 2011	
m	BCR Inc- From city to county	Albany County	City of Laramie	November 1, 2013	
n	Gillette Junior Hockey LLC	Gillette	Campbell	October 21, 2013	
o	Family Fun Frontier Center LLC	Gillette	Campbell	January 6, 2015	
p	Knights of Columbus of Gillette #	Gillette	Campbell	January 6, 2015	

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.

"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.

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

"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 to the general public alcoholic liquor for not less than three consecutive months during any calendar year.

"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.

"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.

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

(Ord. 1511 § 2, 2007)

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.

(Ord. 1511 § 3, 2007)

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.

(Ord. 1511 § 4, 2007)

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.

(Ord. 1511 § 5, 2007)

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.

(Ord. 1511 § 6, 2007)

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.

(Ord. 1511 § 7, 2007)

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.

(Ord. 1511 § 8, 2007)

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.

(Ord. 1511 § 9, 2007)

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 two years 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 two years 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.

(Ord. 1511 § 10, 2007)

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.

(Ord. 1511 § 11, 2007)

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 a twenty-five-dollar processing fee 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.

(Ord. 1511 § 12, 2007)

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.

(Ord. 1511 § 13, 2007)

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.

(Ord. 1511 § 14, 2007)

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

A. Corporate and limited liability company 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 commission 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.

(Ord. 1511 § 15, 2007)

5.09.140 - Fees.

The following 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.

Type of Licensee/Permittee	Fee
Retail license	$1,500.00
Limited retail license	$400.00
Resort license	$3,000.00
Restaurant license	$1,500.00
Malt beverage permits for special events	$50.00 p/24-hour period
Catering permits for special events	$50.00 p/24-hour period
Open container permits	$25.00 p/24-hour period
Twenty-four-hour extra dispensing room permit	$25.00 p/day
Golf club liquor license	$1,500.00
Micro-brewery or winery permit	$500.00

Special malt beverage permit	$100.00
Bar and grill license	$5,000.00/$2,000.00
Additional dispensing rooms	2/3 of original fee
Transfer (ownership/location)	$100.00
Hotel/motel minibar	½ of original fee for limited retail and resort license

(Ord. 1511 § 16, 2007)

5.09.145 - License—Application—Notice of hearing—Fee. (W.S. Section 12-4-104)

A. When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with the office of the city clerk, the city clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for four consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 19_____. (Name of Applicant) filed an application for a License (Permit), in the Office of the Clerk of the City of Laramie for the following described place (and room) (insert description) and protests, if any there be against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of _____.m., on the _____ day of _____, 19_____, in the (meeting place of the governing body).

Dated;daterule;

Signed_____

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 of twenty-five dollars at the time of filing the application.

(Ord. 1511 § 17, 2007)

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

A. Any license or permit authorized under this chapter shall not be issued, renewed or transferred until after the date set in the notice for hearing protests. If there is a renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or permit. A license or permit shall not be issued, or transferred if the licensing authority finds from evidence presented at the hearing that:
   1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
   2. The purpose of this chapter shall not be carried out by the issuance, or transfer of the license or permit;
   3. The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;
   4. The desires of the residents of the city will not be met or satisfied by the issuance, or transfer of the license or permit; or
   5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance or transfer of the license or permit.
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.

(Ord. 1511 § 18, 2007)

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. 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.

(Ord. 1511 § 19, 2007)

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.

(Ord. 1511 § 20, 2007)

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.

(Ord. 1511 § 21, 2007)

5.09.170 - License—Renewal preference. (W.S. Section 12-4-104)

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

(Ord. 1511 § 22, 2007)

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.

(Ord. 1511 § 23, 2007)

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 of one hundred dollars. 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).

D. The city does not recognize any preference rights applicable to a transfer of location, ownership, or both.

(Ord. 1511 § 24, 2007)

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.

(Ord. 1511 § 25, 2007)

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

A club holding a limited retail license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied 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 within the building, space or premises.

(Ord. 1511 § 26, 2007)

5.09.305 - Resort retail license generally. (W.S. Section 12-4-401)

The city council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications herein. To qualify for a resort retail liquor license, the city council shall require the resort complex to:

A.

Have an actual valuation of, or that the applicant has committed or expended on the complex, not less than one million dollars, excluding the value of the land;

B. Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred persons; and

C. Include motel or hotel accommodations with a minimum of one hundred sleeping rooms.

(Ord. 1511 § 27, 2007)

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

Limited retail, resort 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 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.

(Ord. 1511 § 28, 2007)

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.

(Ord. 1511 § 29, 2007)

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 liquor license may sell its product together with other alcoholic beverages as allowed by the law governing restaurant licenses.
   1. The dual holder may provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed, which shall be a separate room from any dining area in which persons twenty-one or under are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license.
   2. 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.
   3. 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.

(Ord. 1511 § 31, 2007)

5.09.325 - Regulations—Convention facilities. (W.S. Section 12-5-201)

If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room under the same fee referred to in Section 5.09.450. For purposes of this section, a convention facility shall have and maintain all of the following:

A. Motel or hotel sleeping room accommodations;
B. Restaurant facilities; and
C. Conference facilities.

(Ord. 1511 § 32, 2007)

5.09.330 - Twenty-four-hour permit. (W.S. Section 12-5-201)

The city council may issue a twenty-four-hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one additional dispensing room in the same building licensed by the original license for a twenty-four-hour period only. No one licensee shall be issued more than six permits in a one-year period.

(Ord. 1511 § 33, 2007)

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 one thousand five hundred dollars, 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.

(Ord. 1511 § 34, 2007; Ord. No. 1618, § 1, 1-17-2012)

Editor's note— Ord. No. 1618, § 1, adopted Jan. 17, 2012, changed the title of § 5.09.340 from "Bar and grill license. (W.S. Section 12-4-413)" to "Bar and grill license."

5.09.345 - Special malt beverage permit. (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.

(Ord. 1511 § 35, 2007)

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 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 member of the city council or to any county commissioner; any state, county or city law enforcement officer; any manufacturer of alcoholic beverages or wholesaler of malt beverages; 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.
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. 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.

E. 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.

(Ord. 1512 § 2, 2007)

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. No person or organization shall receive more than a total of twenty-four catering permits for special events for sales at the same premises in any one calendar year.

D. 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.

E. 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.

F. 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.

(Ord. 1512 § 3, 2007)

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.

(Ord. 1512 § 4, 2007)

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

A microbrewery permit is the authority under which the licensee is allowed to brew malt beverages in the quantities and under the conditions established by law. A winery permit is the authority, under which the licensee is allowed to manufacture wine in the quantities and under the conditions established by law. The city council may issue microbrewery and winery permits, subject to all restrictions of local, state, and federal law.

(Ord. 1511 § 30, 2007)

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 environmental health, 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.

(Ord. 1511 § 36, 2007)

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.

(Ord. 1511 § 37, 2007)

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.

(Ord. 1511 § 38, 2007)

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.

(Ord. 1511 § 39, 2007)

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.

(Ord. 1511 § 40, 2007)

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 room at six a.m. and shall close the dispensing room 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 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.

(Ord. 1511 § 41, 2007)

5.09.430 - Hours of operation—Clubs exempt.

Clubs holding liquor licenses shall be exempt from the hours of operation specified in Section 5.09.425 herein.

(Ord. 1511 § 42, 2007)

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 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.

(Ord. 1511 § 43, 2007)

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 rooms for a period of twenty-four hours beginning at six a.m.

(Ord. 1511 § 44, 2007)

5.09.445 - Gambling on licensed premises. (W.S. Section 12-5-204)

No person shall gamble and no licensee (including the licensee's employees and agents) shall permit gambling in any room 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 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.

(Ord. 1511 § 45, 2007)

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

A. The principal place in which alcoholic and malt beverages are sold under a license shall be located in one room upon the premises for which the license is issued and as approved by the city council. Upon payment of an additional license fee equal to two-thirds of the fee paid for the original license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license. The licensed room and the additional dispensing room shall be clearly shown on the liquor license application and located in an area as approved by the city council. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the city council. This area shall not be in another building. The dispensing room, any additional dispensing room, and any approved adjacent or enclosed, are the licensed premises. The licensed premises shall be clearly shown on the liquor license application and located in an area approved by the city council.

B. Notwithstanding subsection A of this section, a licensee who holds a license other than a club license or restaurant license, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of one-half of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one years of age or older. Sales under this subsection shall be only to registered guests age twenty-one years or more, are not subject to hours of operation imposed in this chapter, and shall be only for consumption within the sleeping room premises occupied by the guest. The price for all items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device.

C. 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.

(Ord. 1511 § 46, 2007)

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.

(Ord. 1511 § 47, 2007)

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.

(Ord. 1511 § 48, 2007)

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. This section does not authorize servers under the age of twenty-one to be or remain in the dispensing room.

(Ord. 1511 § 49, 2007)

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 room 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. No part of the area used for orders, delivery and making payment shall be more than forty feet distant from the license room;
3. The area shall be well lighted and subject to inspection by the licensing authority at any and all times;
4. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;
5. No order shall be received from, nor delivery made, to a person under the age of twenty-one years or intoxicated person in the area;
6. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and
7. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

B. 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.

(Ord. 1511 § 50, 2007)

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.

(Ord. 1511 § 51, 2007)

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.

(Ord. 1511 § 52, 2007)

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 of 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.

(Ord. 1511, § 53, 2007; Ord. No. 1586, § 1, 7-6-2010)

5.09.610 - Persons under twenty-one years of age—Allowing on licensed premises—Prohibited—Exceptions. (W.S. Section 12-5-203)

A. No holder of a retail liquor license or his agent or employee shall permit any person under the age of twenty-one years to enter or remain in the place in which he sells alcoholic liquor or malt beverages or both, or in any licensed room unless:

1. The person is accompanied by his or her parent or legal guardian who is at least twenty-one years of age; and
2. The licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and is physically separated from any licensed room for on-premises consumption.
3. The holder of a retail liquor license may hold events where persons under twenty-one are permitted upon the licensed premises under these conditions:
    a. During the event, the dispensing 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 room 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 room 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.

(Ord. 1511 § 54, 2007)

5.09.615 - Persons under twenty-one years of age—Prohibited on licensed premises—Exceptions. (W.S. Section 12-5-203)

No person under the age of twenty-one years shall enter or remain in or upon any licensed room or any part of the licensed premises where alcoholic liquor, malt beverages, or both, are sold under a retail liquor license unless:

A. Accompanied by his or her parent or guardian who is at least twenty-one years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or

B. In a dining area or restaurant waiting area, accompanied by a person who is at least twenty-one years of age, and during hours when the full restaurant menu is offered for sale, if the dining or restaurant waiting area is not in a dispensing room.

1.

For the purposes of this subsection, "dining area" is a room or rooms operated by a licensee who employs the number and kinds of employees necessary to prepare, cook, and serve meals, and servers who deliver food and drink ordered from a printed menu to patrons at tables and booths, sufficient to satisfy the licensing authority that the licensee operates a full-service restaurant. A licensee who serves only fry orders, prepackaged food, or such food and victuals as sandwiches, hamburgers or salads does not qualify as having a restaurant dining area for the purposes of this subsection.

2. For the purposes of this subsection, "restaurant waiting area" is an area adjacent to or within a dining area as described in subsection (B)(1) of this section, where patrons may wait for a table or booth in the dining area, and where alcohol is not served or consumed.

(Ord. 1511 § 55, 2007)

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.

(Ord. 1511 § 56, 2007)

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.

(Ord. 1511 § 57, 2007)

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:

;daterule;
(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.

(Ord. 1511 § 58, 2007)

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.

(Ord. 1511 § 59, 2007)

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.

(Ord. 1511 § 60, 2007)

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.

(Ord. 1511 § 61, 2007)

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.

(Ord. 1511 § 62, 2007)

5.09.705 - Licensed liquor establishments. (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.

(Ord. 1511 § 63, 2007)

5.09.710 - Removal of identification stamp.

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.

(Ord. 1511 § 64, 2007)

5.09.715 - Consumption of alcohol by persons under the age of twenty-one years.

It is unlawful for any person to purchase a keg containing an alcoholic beverage and thereafter to allow consumption of the alcoholic beverage by a person under the age of twenty-one years, unless the consumption is authorized and allowed pursuant to other laws of the state.

(Ord. 1511 § 65, 2007)

5.09.720 - Inspection of returned kegs.

Any owner or operator of any licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption or any employee thereof who receives a returned keg shall inspect the returned keg. If the identification label or tag has been removed, altered or tampered with, the owner or operator shall immediately notify the city police department of that fact. It is unlawful for any owner, operator or employee to fail to notify the city police department as required herein.

(Ord. 1511 § 66, 2007)

5.09.725 - Unlawful possession of a keg.

It is unlawful for any person (except a licensed liquor establishment within the city selling alcoholic beverages by the keg for off-premises consumption in the usual course of business) to be in possession of a keg of alcoholic beverage purchased within the state after the effective date of the ordinance codified in this chapter if that keg does not contain the appropriate identification label or tag as required by Section 5.09.705 above.

(Ord. 1511 § 67, 2007)

5.09.800 - Point system for alcoholic beverage license violations and suspensions.

A. Purpose. The city by enactment of this section, states that it is the public policy of the city to balance the interest of its citizens and visitors to the city against the interest of the liquor license holders in operating and maintaining their business activities upon licensed establishment premises. If the license holder fails to adhere to certain minimum standards, or fails to abide by this section or applicable law of the state, the liquor establishment license holder shall be subject to the provisions herein. To provide for an orderly administration of this section, and the maintenance of existing licenses, the city establishes a point system for suspension and revocation of alcoholic beverage liquor licenses. The scheme of points is listed according to the type of alcoholic beverage violation, and the accumulation of points may lead to a suspension, revocation, non-renewal and/or fine of a liquor licensee who repeatedly violates the city code and state law as set forth herein.
B. Violations. Violations of this chapter by an employee or agent of a licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section. Accordingly, a licensee will acquire points upon the conviction of his or her employees and/or agents for violations of this chapter committed while acting in the service of the licensee. References to "violations by a licensee," "convictions of a licensee," "points acquired by a licensee," and similar references shall be construed in a manner consistent with this intent. Upon conviction for any offense specified in subsection C. of this section, the number of points specified in subsection C. of this section shall be acquired by the licensee. Points shall be considered "acquired" by a licensee on the date this violation is assessed against a

licensee. In attributing points to a licensee, the section number of the city code which the licensee is convicted of violating and the points ascribed to the violation by subsection C. of this section or by the hearing examiner are controlling.

C. Point Schedule. The number of points specified below will be acquired by a licensee as a result of a conviction of the licensee, the licensee's employees or agents acting in the service of licensee for violations of the corresponding sections of this chapter of the city code.

Type of Violation	**Code**	**Point Value**
1. Making a false statement on a liquor license or temporary liquor permit application	L.M.C. 5.09.125	25
2. Failure to notify city of changes in application information for liquor license or temporary liquor permit	L.M.C. 5.09.130	25
3. Sale or transfer of liquor license without permission of city	L.M.C. 5.09.185	50
4. Sales or dispensing after hours	L.M.C. 5.09.425/5.09.435	25
5. Failure to post liquor license or special events liquor permit	L.M.C. 5.09.405	10
6. Failure to check identification of underage person	L.M.C. 5.09.630	25
7. Unlawful sale of alcoholic liquor by liquor license holder or permittee of a catering or malt beverage permit (dispensing area)	L.M.C. 5.09.450	25
8. Open after hours	L.M.C. 5.09.425/5.09.435	10

9. Refusal to permit entry or inspection	L.M.C. 5.09.400	25
10. Drive-in area conditions	L.M.C. 5.09.500	25
11. Sale of alcoholic liquor or malt beverage to underage person	L.M.C. 5.09.600/5.09.635	25
12. Underage person on premises	L.M.C. 5.09.610/5.09.635	25
13. Failure to post sign indicating you must be 21 years of age to enter premises for special events liquor permits	L.M.C. 5.09.410	10
14. Gambling	L.M.C. 5.09.445	10
15. Club retail liquor license: selling alcoholic liquor or malt beverage for consumption off the licensed premises	L.M.C. 5.09.310	25
16. Restaurant liquor license: selling alcoholic beverages or malt liquor for consumption off premises	L.M.C. 5.09.310	25

Accrual of Points for Timely Reporting of False Identification Presentation. Any licensee whose has an employee report to the police at the time of occurrence when a patron presents a false or suspected false identification card shall be credited with five points. These points may be used to offset any assignment of points for violations noted under [subsection] C. of this section. Additionally, and in cooperation with local advocacy entities and the police department, if funds exist, the licensee may be credited up to one and one-half times the amount if the licensee can provide documentation of the existence of a reward program for the identification and confiscation and timely reporting to the police department of any false identifications used by patrons of the licensee. It shall be the responsibility of the police department to effectively establish such a program and to justify, in the case a program cannot be established, why this is so.

All licensees can gain a credit of five points per meeting by attending quarterly tavern owners group meetings that will be arranged by the police department.

D. Notification of Licensee of Alcoholic Beverage Violation.

1. Municipal Court. Not later than thirty days following disposition of a charge which results in a conviction for an alcoholic beverage violation noted herein in municipal court, the court shall report the following information to the city clerk:

   a. The fact that a licensee, or employees and/or agents of a licensee have been convicted of a violation of the city code as described in subsection C. of this section;

   b. The date of the alleged violation; and

   c. Whether the municipal court disposition has been appealed. For purposes of this section, a conviction includes a finding of guilt after trial, a plea of guilty, or a plea of nolo contendere.

2. City Clerk. The city clerk upon receiving such information from the municipal court shall provide the licensee with notice of alcoholic beverage violation and opportunity for a hearing before a hearing examiner as outlined in subsection E. of this section. Notice of such violation shall be served by regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:

   a. That a criminal violation described in subsection C. of this section, has occurred and that as a result points may be acquired by the licensee and that a fine, suspension and/or revocation of the licensee's license is possible;

   b. Summarizing the nature and date(s) of the incidents resulting in the criminal conviction and the number of points that may be attributed to the licensee;

   c. That the licensee may request a hearing within ten days. The purpose of the hearing is to allow the licensee to offer corrections to the information; demonstrating such points should not be assessed and action taken by licensee to mitigate the violation;

   d. That if the licensee does not request a hearing, the city clerk will upon expiration of ten days from the licensee receiving said notice of violation from the city clerk, send notification to the licensee assessing the points as outlined in subsection C. of this section for said violation and shall assess the penalty against licensee as indicated in subsection H. of this section. If the penalty involves a suspension of the license, the city clerk shall specify the dates of the suspension. If the decision involves a fine, the city clerk shall specify the date of payment of fine to the city clerk or city clerk shall specify the points acquired to licensee;

   e. That should the licensee want a hearing the licensee has ten days from receiving said notice of violation from the city clerk to make a written request of the city clerk for a hearing. Upon the city clerk receiving a request from the licensee, the city clerk shall set a hearing before a hearing examiner within thirty days of receipt of licensee's request for a hearing.

E. Hearing.

1.

City council shall appoint one or more hearing examiners to conduct any hearing called for by this section. When a hearing is requested by a licensee on a violation described in subsection C. of this section, the hearing examiner may assess the points as outlined in subsection C. of this section for said violation and assess the penalty against licensee as indicated in subsection H. of this section.

2. At a hearing, a licensee may appear in person or through counsel. A licensee will be given an opportunity to present evidence and argument on the relevant issue. Evidence shall consist of information commonly relied upon by reasonably prudent people in the conduct of their serious affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A record shall be made of the proceeding and shall include the following:
   a. All notices and intermediate rulings;
   b. Evidence received or considered by the hearing examiner(s) including information officially noticed and received from the city clerk;
   c. Questions and offers of proof, objections and rulings therein;
   d. Any proposed findings and exceptions thereto; and
   e. Any opinion, findings, decision or order of the hearing examiner.

F. Penalties. Following the hearing described in this section, and based upon the information considered and received at such hearing, and the sanctions described in subsections C. and H. of this section, the hearing examiner shall:
   1. Order no assessment of points against licensee's license for said violation and no penalty; or
   2. Order the assessment of points against licensee's license as described in subsection C. of this section and issue a warning, fine or suspension as outlined in subsection H. of this section; or
   3. Order the assessment of points against licensee's license as described in subsection C. of this section and order no penalty due to mitigation of the violation by licensee;

G. Findings and Appeal. The hearing examiner shall prepare findings of fact and conclusions of law, which shall be delivered to the licensee by regular mail at the address listed on the licensee's most recent liquor license application to the city. If the decision involves a suspension of the license, the hearing examiner shall specify the dates of the suspension. If the decision involves a fine, the hearing examiner shall specify the date of payment of fine to the city clerk. A licensee may appeal a decision of a hearing examiner to city council within ten days of receiving the decision of the hearing examiner. City council shall hear the matter and shall be the final appeal for any assessment of points and/or fine or suspension. A suspension or fine assessed by a hearing examiner may be stayed pending final order on the appeal. The hearing examiner's action may be set aside by the city council if it finds the action to be:
   1. Arbitrary, capricious, or otherwise not in accordance with law;
   2. Without observance of the procedure required by law; or
   3. Unsupported by substantial evidence.

H.

Penalties for the Accumulation of Points. Penalties provided in this section are based on the accumulation of points against a licensee within a twelve-month period beginning the first day of March through the last day of February of each year. Also, any points accumulated during this period of time involving the same licensed premises may be used by city council to determine a gross violation and/or the basis for filing a complaint in district court for revocation of the licensee's license as provided herein and in subsection I. of this section. Points accumulated during this twelve-month period of time shall expire upon the last day of February and the violation and assessed points shall no longer be part of the point system or considered in any future twelve-month period of time for suspension, revocation, or non-renewal of license involving the same licensed premises. If the licensee accumulates the following points in a licensed period, the hearing examiner may penalize the licensee as follows:

1. Twenty-five points in a twelve-month period shall receive a two hundred fifty-dollar fine and any costs for a hearing;
2. Fifty points in a twelve-month period shall receive a five hundred-dollar fine and any costs for hearing;
3. Seventy-five points in a twelve-month shall have license suspended for not more than three days and any costs for the hearing shall be paid to the city;
4. One hundred points in a twelve-month period shall have license suspended for not more than five days;
5. It is declared to be a gross violation, both of this chapter and for the purposes of license revocation as provided in W.S. Title 12, Chapter 7, for a licensee to have its license suspended three times in any twelve-month period. In the event of a gross violation, the city council may authorize the city attorney to file a petition to the district court pursuant to W.S. 12-7-201 to revoke a licensee's license.

I. Revocation. If it appears to the city council that a licensee has acquired sufficient points to result in a revocation of his or her license, the city council may authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license. If a license is revoked, except as provided in W.S. 12-7-201(d) concerning the expiration of a license while a revocation order is under appeal, the holder of such revoked license shall not be eligible to apply for a new license for a period of twelve months from the date of revocation.

J. Appeal. Action by city council suspending a licensee's license shall be subject to review in the district court upon exhaustion of administrative appeals in accordance with the procedural rules heretofore or hereinafter adopted by the Wyoming Supreme Court concerning the review of administrative actions. Filing an appeal as provided in such rules, stays enforcement of the suspension decision pending final order on the appeal. The city council's action may be set aside by the district court if it finds the action to be:

1. Arbitrary, capricious, or otherwise not in accordance with law;
2. Without observance of the procedure required by law; or
3. Unsupported by substantial evidence.

(Ord. 1510 § 2, 2007; Ord. No. 1682, § 1, 8-20-2014)

5.09.810 - Microbrewery or winery—Loss or transfer of liquor license or permit by holder of dual permit and license.

A. If the holder of both a permit and liquor license under Section 5.09.320(B), (C) or (D) shall transfer or lose the retail, restaurant, or resort liquor license, the holder's permit shall revert to a permit only under Section 5.09.320(A) for the balance of its term; unless it too shall have been transferred or lost according to law.

B. If the holder of both a permit and liquor license under Section 5.09.320(B), (C) or (D) shall transfer or lose the permit, the holder shall immediately cease selling its own products and operating the microbrewery or winery. The holder's liquor license shall remain in effect for the balance of its term unless it too shall have been transferred or lost according to law.

(Ord. 1511 § 68, 2007)

TITLE 12
ALCOHOLIC BEVERAGES

CHAPTER 1
GENERAL PROVISIONS

12-1-101. Definitions.

(a) As used in this title:

(i) "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains at least one-half of one percent (.5%) of alcohol by volume. As used in this paragraph, "beverage" does not include liquid filled candies containing less than six and one-quarter percent (6.25%) of alcohol by volume;

(ii) "Building" means a roofed and walled structure built or set in place for permanent use;

(iii) "Club" means any of the following organizations:

(A) A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;

(B) A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subparagraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

(C) A hall or building association of a local unit specified in subparagraphs (A) and (B) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

(D) A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;

(E) A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one (1) year. The club shall have had during this one (1) year period a bona fide membership paying dues of at least twenty-five dollars ($25.00) per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to W.S. 12-4-301, shall be in good standing by having paid at least one (1) full year in dues;

(F) Club does not mean college fraternities or labor unions;

(G) A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse.

(iv) "Division" means the Wyoming liquor division within the department of revenue created under W.S. 12-2-106;

(v) Repealed by Laws 1985, ch. 92, § 3;

(vi) "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions upon their conduct shall include conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity;

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

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

(A) Retail liquor license;

(B) Limited retail liquor license;

(C) Resort liquor license;

(D) County retail malt beverage permit;

(E) Malt beverage permit;

(F) Restaurant liquor license;

(G) Catering permit; or

(H) Bar and grill liquor license.

(ix) "Licensing authority" means the governing body of an incorporated city, town or county in Wyoming with the responsibility to issue, control and administer a particular license, or the division;

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

(xi) "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages;

(xii) "Person" includes an individual person, partnership, corporation, limited liability company or any other association or entity, public or private;

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

(xiv) "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full service restaurant. "Full service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section;

(xv) "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;

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

(xvii) "Wholesaler" means any person except the division, who sells any alcoholic or malt beverage to a retailer for resale;

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

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

(xx) "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming;

(xxi) "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized

under a license or permit issued under this title for not less than three (3) consecutive months during any calendar year;

(xxii) "Department" means the Wyoming department of revenue;

(xxiii) "Guest ranch" means a vacation resort offering accommodations for overnight stays and activities typical of western ranching;

(xxiv) "This title" means W.S. 12-1-101 through 12-10-102;

(xxv) "Out-of-state shipper" means any licensee outside this state who accepts orders for manufactured wine placed from this state and who ships, packages for shipment or facilitates in any way shipment of the wine by a third party or common carrier to any person, household or licensed retailer in this state.

12-1-102. Application of provisions.

(a) The general control and regulatory provisions of this title apply to all licenses and permits authorized under this title, unless otherwise provided.

(b) Nothing in this title prohibits a liquor supplier operating under a governmental permit or tax license from selling his product to the division or delivering products at points not within the state of Wyoming after licenses are secured as required by the division.

CHAPTER 2
WYOMING LIQUOR DIVISION

ARTICLE 1
IN GENERAL

12-2-101. Repealed By Laws 1996, ch. 74, § 3.

12-2-102. Repealed By Laws 1996, ch. 74, § 3.

12-2-103. Repealed By Laws 1996, ch. 74, § 3.

12-2-104. Repealed By Laws 1996, ch. 74, § 3.

12-2-105. Repealed By Laws 1996, ch. 74, § 3.

12-2-106. Wyoming liquor division; created; division administrator; duties.

(a) As part of the reorganization of Wyoming state government, the Wyoming liquor division is created within the department of revenue. The division shall consist of the programs and functions specified under this title.

(b) The administrator of the division shall be appointed by the director of the department of revenue and shall in accordance with W.S. 9-2-1706(c) and (d), serve at the pleasure of and may be removed at any time by the director. Subject to the approval of the director, the administrator shall take final agency action with respect to all matters before the division pursuant to this title.

(c) The division shall administer all programs formerly administered by the Wyoming liquor commission.

ARTICLE 2
LICENSING AUTHORITY

12-2-201. Wholesale license for sale of malt beverages only; fee.

(a) Except as otherwise provided in paragraph (ii) of this subsection a wholesale license authorizing the sale of malt beverages only may be granted by the division to microbreweries and malt beverage wholesalers resident within this state. Wholesale licensees have the exclusive right to sell malt beverages at wholesale. Any qualified person desiring a wholesale license shall apply to the division on forms to be provided and pay a license fee of two hundred fifty dollars ($250.00) annually in advance. A wholesale license issued under this subsection shall be subject to the following:

(i) Except as provided in paragraph (ii) of this section, no brewery or malt beverage importer may have any legal ownership interest, in whole or in part, in the license, business, assets or corporate stock of a licensee under this subsection;

(ii) The division may issue a temporary wholesale license under this subsection to a brewery or malt beverage importer if a current licensee who has been granted distribution rights for a brand in a designated sales territory is unable to

service the territory as a result of the loss of his license, bankruptcy or insolvency, and the loss of license, bankruptcy or insolvency is not the result of action by the brewery or malt beverage importer that is prohibited under the franchise agreement. A temporary license under this paragraph may be issued for a period not to exceed one (1) year and shall be limited to the sale of products in the designated territory;

(iii) Nothing in this subsection shall be interpreted to impair any contract between a brewery, malt beverage manufacturer or malt beverage importer and a distributor.

(b) Each applicant shall submit to the division a statement under oath designating clearly the geographical territory within which the applicant will sell and deliver malt beverages to qualified retail liquor and malt beverage licensees or permittees only. The territory is to be that designated by the brewer or brewer's authorized agent whose product the applicant sells. The application shall state that malt beverages sold by the applicant may be purchased by all retail liquor licensees or malt beverage permittees, and that the applicant will maintain a warehouse and delivery facilities within the territory designated. This subsection does not apply to a licensed malt beverage wholesaler when there has been no territorial designation of a brand by a brewer or the brewer's authorized agent to another licensed wholesaler. The division may authorize a licensed wholesaler to annually purchase not more than one hundred fifteen (115) gallons of any unassigned brand. A retail liquor licensee or malt beverage permittee shall purchase all malt beverages for retail sale only from a Wyoming wholesale malt beverage licensee.

(c) A malt beverage wholesaler may sell to or purchase from another malt beverage wholesaler only those products the purchasing wholesaler is licensed to sell within his designated territory. A copy of the invoice of the transaction shall be submitted to the division by the seller. State excise tax shall be reported and paid by the licensed malt beverage wholesaler who has imported the products into the state.

(d) The division may grant the number of licenses it deems appropriate and at points within the state as it may select.

(e) All Wyoming breweries and all malt beverage wholesalers shall be under the direct supervision of the division and subject to all the provisions of this title and the rules and regulations of the department.

(f) Nothing in this section limits the commission's exclusive authority to wholesale alcoholic liquors.

(g) Notwithstanding W.S. 12-2-203, the division:

(i) May authorize the sale of products of a microbrewery for off-premises sale through existing licensed wholesale malt beverage distributors according to W.S. 12-2-201 and subject to W.S. 12-2-304, 12-3-101 and 12-3-102; and

(ii) Shall assess to the microbrewery a fee not to exceed two hundred dollars ($200.00) for the off-premises sale of microbrewery products;

(iii) The division shall not grant a license for a brewery and a microbrewery to the same producer.

12-2-202. Sales by railroads and chartered transportation services; limited transportation liquor license; fees; chartered transportation services defined.

(a) The division may authorize sales by railroads and by any charter transportation service. Under the authority of a limited transportation liquor license, railroads and chartered transportation services may sell alcoholic liquor or malt beverages when moved into and through the state in dining cars, club cars, observation cars and pullman cars attached to trains or in the passenger compartment of a chartered transportation vehicle. Upon application, the division may issue a limited transportation liquor license for each scheduled train or chartered transportation vehicle upon which alcoholic liquor or malt beverages are to be sold, subject to the following terms and maximum fees:

(i) A license valid for one (1) twenty-four (24) hour period at a fee of not to exceed one hundred dollars ($100.00). Any applicant may be issued more than one (1) license under this paragraph during any one (1) calendar year;

(ii) A license valid for one (1) year at a fee not to exceed one thousand dollars ($1,000.00).

(b) It is unlawful to sell alcoholic liquor or malt beverages on railroad cars or chartered transportation vehicles without a limited transportation liquor license required by this section.

(c) As used in this section, "chartered transportation service" means "contract motor carrier" as defined by W.S. 31-18-101(a)(x)(A).

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(a) The division shall grant a manufacturer's license authorizing the manufacture or rectification of alcoholic liquor or malt beverages or an importer's license authorizing the importation of alcoholic liquor to a qualified resident within this state who submits an application to the division on forms provided by the division and pays an annual license fee of two hundred fifty dollars ($250.00) for each license. A person may be issued both a manufacturer's license and an importer's license.

(b) The Wyoming liquor division shall grant a class A industry representative license for alcoholic liquor suppliers to a qualified individual domiciled within this state who submits an application to the division on forms provided by the division accompanied by an annual license fee of not to exceed seven hundred fifty dollars ($750.00). A class A industry representative shall have a written statement from any vendor whose products the applicant proposes to represent. The class A industry representative shall be published in the division's price catalog with the products from any vendor represented by him and shall be authorized to request that the division list or delist products from the vendor represented by him.

(c) The division shall grant a class B industry representative license for alcohol liquor suppliers to a qualified individual domiciled within this state who submits an application to the division on forms provided by the division accompanied by an annual license fee of not to exceed two hundred fifty dollars ($250.00). A class B industry representative shall be employed or managed by a class A industry representative. A class B industry representative shall have a written statement from the class A industry representative designating any vendor whose products he is authorized to represent.

(d) The division shall grant a class C temporary special event industry representative license to any individual twenty-one (21) years of age or older who submits an application on a

form supplied by the division for a fee of not to exceed fifty dollars ($50.00) per event.

(e) No class A industry representative shall be employed by a licensee as defined by W.S. 12-1-101(a)(viii).

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars ($100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

(h) For purposes of subsections (f) and (g) of this section:

(i) "Distiller" includes any person who:

(A) Produces distilled spirits from any source or substance;

(B) Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;

(C) By any process separates alcoholic spirits from any fermented substance; or

(D) Making or keeping mash, wort or wash, has a still in his possession or use.

(ii) "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

12-2-204. Out-of-state shipment of manufactured wine; license; fees; restrictions; conditions.

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of thirty-six (36) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(b) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship to any Wyoming retail establishment which holds a liquor license in this state or any household in this state any manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation.

(c) Before sending any shipment to a household or to a licensed retailer in this state, the out-of-state shipper shall:

(i) File an application with the liquor division of the department of revenue;

(ii) Pay a license fee of fifty dollars ($50.00) to the liquor division;

(iii) Provide a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile to the liquor division;

(iv) Provide such other information as may be required by the liquor division; and

(v) Obtain from the liquor division an out-of-state shipper's license, after the division conducts such investigation as it deems necessary.

(d) Any out-of-state shippers licensed pursuant to this section shall:

(i) Not ship more than a total of thirty-six (36) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices;

(ii) Ship manufactured wine only to an individual who is at least twenty-one (21) years of age for such individual's personal use and not for resale. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any person in this state. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any retail establishment which holds a liquor license in this state;

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

(iv) Ensure that all shipments into this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

(v) Remit a tax of twelve percent (12%) of the retail price for each shipment of manufactured wine to the liquor division. Each out-of-state shipper shall file a monthly report with the liquor division and include a copy of the invoice for each shipment of manufactured wine and remit any tax due. The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars ($25.00);

(vi) Maintain records for at least three (3) years as will permit the liquor division to ascertain the truthfulness of

the information filed and permit the division to perform an audit of the licensee's records upon reasonable request; and

(vii) Be deemed to have consented to the personal jurisdiction of the liquor division or any other state agency and the courts of this state concerning enforcement of this section and any related laws, rules or regulations.

(e) The out-of-state shipper shall annually renew its license with the liquor division by paying a renewal fee of fifty dollars ($50.00), providing a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile, and further providing other information as may be required.

(f) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor. Each shipment shall constitute a separate offense. Where the person holds an out-of-state shipper's license, license suspension or revocation may be in addition to or in lieu of the foregoing penalties.

ARTICLE 3
POWERS AND DUTIES

12-2-301. Generally.

(a) The 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 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.

(b) The department shall make rules and regulations as it considers necessary to carry out this title which shall not be inconsistent with applicable laws and regulations of this state or of the United States.

(c) The director of the department shall direct inspections and other investigations as he considers necessary for the enforcement of the law and the rules and regulations of the department.

(d) Repealed By Laws 1996, ch. 74, § 3.

(e) Repealed By Laws 2008, Ch. 44, § 2.

12-2-302. Collection of excise taxes; disposition of revenue and fees.

(a) The division shall collect all excise taxes provided by this title relating to alcoholic and malt beverages for deposit into the general fund.

(b) All other revenue and fees collected by the division shall be deposited into the state treasury to the credit of the enterprise fund except as otherwise provided by law. The legislature shall authorize expenditures as necessary to defray the administrative expenses of the division, including salaries, office expenses and general expenses for the enforcement of their duties and sufficient funds to defray the cost of alcoholic liquor purchases and attendant expenses as provided by W.S. 9-4-205(d).

12-2-303. Purchase and sale of alcoholic liquors; shortages.

(a) The Wyoming liquor division shall purchase and sell alcoholic liquors to qualified licensees within the state including, at the discretion of the division, any retail distributors or permittees operating within any military post or national park located within the boundaries of the state of Wyoming. Except as provided in subsection (c) of this section, sales shall be made at prices sufficient to return the cost of merchandise and all expenses of operation together with a profit, not to exceed seventeen and six-tenths percent (17.6%) above the cost of the merchandise.

(b) In the case of a shortage in the supply of any alcoholic liquor, the division may apportion its available supply among the licensees in an equitable manner.

(c) The Wyoming liquor division may sell an alcoholic liquor at a price less than that provided in subsection (a) of this section if the alcoholic liquor has been designated by the division as overstocked or has been removed from the division's published listing of alcoholic liquors to be kept for sale to licensees. For purposes of this section "overstocked" means the

amount of the alcoholic liquor in the division's inventory is greater than would be sold in a twelve (12) month period.

12-2-304. Inspections and examinations; failure to permit entry.

(a) The division, through its employees or agents, may enter and inspect at any time every place of business wherein malt or alcoholic beverages are being sold, stored or kept by any licensee or permittee.

(b) The division, through its employees or agents, may examine the records, books of account and stock of malt and alcoholic beverages of retailers, wholesalers and licensees.

(c) If any licensee refuses to permit the entry of an agent of the division to his place of business or storage place for the purpose of inspection, his license may be revoked as provided by law. Entry for purposes of inspection is authorized only during open business hours unless it is in the presence of the licensee or his duly authorized representative or unless the officer making entry does so under court order or has reasonable grounds to believe that evidence of any violation of this title is within the place to be entered.

12-2-305. Sales to violators prohibited; hearing and review.

Whenever any licensee is convicted of willfully violating any provision of this title, upon satisfactory proof of the conviction, the division may, after notice and hearing, refuse to sell alcoholic beverages to the licensee. The administrative proceeding shall be conducted as a contested case before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division. Judicial review, if any, shall be from the decision of the division and in accordance with the provisions of the Wyoming Administrative Procedure Act.

12-2-306. Sales to licensees failing to pay sales tax prohibited; hearing and review.

Upon certification by the department of revenue that any licensee is sixty (60) or more days delinquent in paying sales taxes, the division shall not sell alcoholic beverages to the licensee or its operator until the department of revenue certifies that the licensee has paid all sales taxes owed. Upon

receipt of certification, the division shall notify the issuing licensing authority of the delinquency. The licensee shall be allowed a hearing before the state board of equalization as provided by the Wyoming Administrative Procedure Act if the licensee feels aggrieved by any action taken under this section.

ARTICLE 4
ALCOHOL SERVER TRAINING PROGRAM

12-2-401. Definitions.

(a) As used in this article:

(i) "Department" means the department of revenue;

(ii) "Program" means an alcohol server training program and examination administered to servers by providers under the provisions of this article;

(iii) "Provider" means an individual, independent contractor, partnership, corporation, public or private school or any other legal entity certified by the department to provide an alcohol server training program authorized by this article;

(iv) "Server" means a person who physically serves or delivers alcoholic liquor at retail on or off the premises of a business licensed by a local licensing authority under this title.

12-2-402. Powers and duties of the department.

(a) Not later than December 31, 2003, the department shall promulgate rules establishing an alcohol server training program to train servers to help promote safe and responsible consumption of alcoholic liquor.

(b) The rules shall provide for the certification of providers who shall use curricula developed by the department. The department shall promulgate rules governing the manner in which providers make available program courses and examinations to servers.

(c) The department may suspend, revoke or not renew any certification issued to a provider if, after notice and opportunity for a hearing, the department finds the provider has violated this article or any rule promulgated under this article.

(d) The department may cooperate and enter into agreements with the department of health to implement the purposes of this section. The agreements may provide for the expenditure of funds appropriated to the department of health which are not otherwise restricted.

ARTICLE 5
BEER KEG REGISTRATION

12-2-501. Definition.

As used in this article "beer keg" means any brewery sealed, single container that contains not less than seven (7) gallons of malt beverage.

12-2-502. Sale of beer kegs.

No licensee shall sell beer kegs unless that licensee affixes an identification label or tag to each beer keg. An identification label or tag provided by the division shall consist of paper, plastic, metal or another durable material that is not easily damaged or destroyed. Identification labels may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs 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 tag to the beer keg. The identification information contained on the label or tag shall include the licensee's name, address and telephone number, and a unique beer keg number assigned by the licensee. A prominently visible warning that intentional removal or alteration of the label or tag is a criminal offense shall be placed on the tag. Upon return of a beer keg to the licensee that sold the beer 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 shall be kept on file with the licensee for not less than ninety (90) days after the date of return.

12-2-503. Licensee to keep records.

(a) A licensee at the time of selling any beer keg shall record:

(i) The number on the purchaser's:

(A) Motor vehicle driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or by an official governmental agency of Canada or Mexico;

(B) Permanent resident card issued by the United States citizenship and immigration services;

(C) An identification card issued to a member of the armed forces;

(D) An internationally accepted passport document with a discernible date of birth and photograph; or

(E) Valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(ii) The date and time of the purchase;

(iii) The beer keg identification number; and

(iv) The purchaser's signature.

(b) The record shall be retained for not less than ninety (90) days after the date of the sale.

12-2-504. Access to records.

A licensee required to retain records under W.S. 12-2-502 or 12-2-503(b) shall make the records available during regular business hours for inspection by a peace officer or the division.

12-2-505. Violation.

(a) A person who is required to record information shall not knowingly make a materially false entry in the book or register required under W.S. 12-2-503. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00).

(b) Any person who removes or alters an identification tag or label affixed to a beer keg as required by W.S. 12-2-502, other than the licensee acting in accordance with W.S. 12-2-502,

is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00).

CHAPTER 3
TAXATION

12-3-101. Excise tax to be paid; limitation on liquor or malt beverage importation; penalties.

(a) An excise tax is assessed and shall be collected by the division equal to three-fourths of one cent ($.0075) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on wine, two and one-half cents ($.025) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on spirituous liquors and one-half cent ($.005) per liter (33.8 ounces) or fraction thereof on malt beverages. The appropriate excise tax shall be collected on all alcoholic or malt beverages sold, offered for sale or use in this state.

(b) It is unlawful for any licensee to receive or possess any alcoholic or malt beverage upon which state excise taxes have not been paid.

(c) Any licensee or permittee who violates subsection (b) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars ($500.00), imprisoned for not more than one (1) year, or both.

(d) No person shall, without authorization from the division or by law, personally transport alcoholic liquor or malt beverages into Wyoming for sale, use or consumption in the state when the applicable state excise tax has not been paid. No person shall import or transport at any given time more than three (3) liters of alcoholic liquor excluding wine, nine (9) liters of wine or five (5) gallons of malt beverage for the personal use of the possessor into Wyoming if the applicable state taxes have not been paid. This subsection shall not apply to a person importing manufactured wine in accordance with the provisions of W.S. 12-2-204.

(e) Any person importing or transporting alcoholic liquor in violation of subsection (d) of this section is guilty of a misdemeanor. All alcoholic liquor or malt beverages illegally imported or transported shall be forfeited and delivered to the division for disposition as inventory stock.

12-3-102. Confiscation authorized; disposition; when seizure permitted.

(a) When an authorized inspector discovers alcoholic liquors or malt beverages upon which excise taxes have not been paid in the possession of a licensee, he shall take possession of and hold the alcoholic liquors or malt beverages as evidence against the offender. If the offender is convicted of a violation of W.S. 12-3-101, the court shall order that the untaxed liquor or beverage be delivered to the division, if merchantable, where it will be added to its stock and sold in the usual course of business. If the liquors or beverages are determined to be nonmerchantable, the court shall order their destruction. This subsection shall not apply to homemade beverages that are provided in accordance with an event under W.S. 12-10-102, provided that the beverages shall be removed from the premises within twenty-four (24) hours following the end of the event.

(b) Whenever an inspector, agent or employee of the division or any peace officer of the state lawfully discovers alcoholic liquors or malt beverages which have been unlawfully imported or transported, he may seize the alcoholic liquor or malt beverage and packages in which they are contained for use as evidence and shall not be removed from state control upon writ of replevin or other like process. Nothing in this section shall apply to the transportation of homemade beverages to or from an event held pursuant to W.S. 12-10-102.

CHAPTER 4
LOCAL LICENSES

ARTICLE 1
APPLICATIONS

12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment and payment of fees.

(a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable retail liquor licenses pursuant to W.S. 12-4-201, less than the allowable bar and grill liquor licenses pursuant to

W.S. 12-4-413 or from refusing to issue any license or permit authorized by this title.

(b) Population figures are based upon the official ten (10) year federal census preceding the time of application. Population figures based upon the official census shall be periodically revised by a state population estimate no later than five (5) years after the federal census publication date.

(c) Population figures and estimates required by subsection (b) of this section shall be furnished to the appropriate licensing authorities within the state by the department of administration and information using population estimates from the United States bureau of the census. The maximum number of licenses and permits available for issuance by a licensing authority pursuant to the population formula provided by W.S. 12-4-201 and 12-4-413, shall be certified and distributed by the division.

(d) Unless otherwise provided, the licensing authority shall uniformly assess license or permit fees annually for each particular class of license or permit. Applicants for a license or permit shall pay the required fee in cash or by certified check upon receipt of the license or permit.

12-4-102. Application for licenses and permits; contents; signature and verification.

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate licensing authority and shall contain the following provisions:

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

(ii) The age and residence of the applicant, and of each applicant or partner if the application is made by more than one (1) individual or by a partnership;

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

(iv) If the applicant is a corporation:

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

(B) Whether any officer, director or stockholder with ten percent (10%) or more ownership has been convicted of a violation of law as provided in paragraph (iii) of this subsection.

(v) If the applicant is a limited liability company:

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

(B) If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided under paragraph (a)(iii) of this subsection.

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

(vii) The site and the zoning of the site where the applicant will sell under the license;

(viii) If application is for a retail license renewal, the applicant shall provide documentation to the local licensing authority that minimum purchase requirements specified in W.S. 12-4-103(c) have been met.

(b) No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two (2) or more of the officers or directors sign and verify the

application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one (1) individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one (1) of the officers, managers, or if there are no officers or managers, at least one (1) of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

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

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(i) Any mayor, member of a city or town council or county commissioner within their respective jurisdiction;

(ii) Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;

(iii) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted by W.S. 12-4-403(b);

(iv) 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 two (2) years 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 two (2) years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority;

(v) Repealed By Laws 1996, ch. 122, § 3.

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages;

(vii) A person under eighteen (18) years of age;

(viii) A college fraternity or organization created by one (1) or more college fraternities;

(ix) A chamber of commerce, except for twenty-four (24) hour malt beverage permits issued pursuant to W.S. 12-4-502;

(x) A corporation, limited liability company, limited partnership, or limited liability partnership which has not qualified to do business in Wyoming;

(xi) An individual who is not a resident; or

(xii) Any general partnership or group of two (2) or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in this state.

(b) Except as provided in W.S. 12-4-301(e), no licensing authority shall issue more than one (1) license or permit to any one (1) person.

(c) Except as provided in subsection (d) of this section, a license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one (1) year term of the license or permit, purchase at least five hundred dollars ($500.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the

previous one (1) year term of the license, purchase at least two thousand dollars ($2,000.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.

(d) Subsection (c) of this section shall not apply to:

(i) Any licensee or permittee having a planned but not physically functional building pursuant to paragraph (a)(iv) of this section;

(ii) Holders of special permits issued under article 5 of this chapter;

(iii) Holders of a limited transportation liquor license under W.S. 12-2-202.

12-4-104. Publication of notice; grant or denial; renewal preference; copy of application and notice to division; judicial review.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. When a county is the licensing authority, the county clerk shall also post the notice on the official website of the county in the manner provided in W.S 18-3-516(f). When a city or town is the licensing authority, the city clerk shall also post the notice on the city or town's official website if one exists. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A ....

Notice is hereby given that on the .... day of .... (year) (name of applicant) filed an application for a .... license (permit), in the office of the clerk of the city (or town or county) of .... for the following described place (and room) (insert

description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of ....M., on the .... day of .... (year), in the (meeting place of the governing body).

Dated .... Signed ....

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

(i) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;

(ii) The purpose of this title shall not be carried out by the issuance, renewal or transfer of the license or permit;

(iii) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;

(iv) The desires of the residents of the county, city or town will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

(v) Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

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

(d) When any application is filed with a licensing authority, the licensing authority shall immediately forward a copy of the application to the division. No licensing authority

shall approve or deny an application until the division has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the division within ten (10) working days after receipt of the application. Upon approval or denial of an application, the licensing authority shall promptly notify the division.

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

(f) Upon an appeal the person applying for a license and claiming renewal preference shall be named as plaintiff, with the licensing authority named as defendant. During the pendency of an appeal, a renewal license denied by a licensing authority shall not be granted to any other applicant. Upon notice of appeal the clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the clerk of the licensing authority. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

12-4-105. Disposition of license fees; refunds prohibited.

All fees for licenses and permits issued by a licensing authority paid under this title shall be deposited into the treasury of the licensing authority. No refund of all or any part of a license fee shall be made at any time following issuance.

12-4-106. Term of license and permit; exception.

(a) A license or permit is considered a personal privilege to the holder and the term of the license or permit is for one (1) year unless sooner revoked. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.

(b) The term of a license or permit may be less than one (1) year if specified by the licensing authority to coincide with the annual date or dates set by the authority for consideration of license and permit issuance, renewals and transfers. A licensing authority issuing a license or permit for a term less than one (1) year shall pro-rate the annual fee accordingly. Any licensee not attempting to renew a newly issued pro-rated license or permit valid for one (1) year shall not be eligible for any license or permit authorized under this title for a period of two (2) years after the expiration date of the pro-rated license or permit.

ARTICLE 2
RETAIL LICENSES AND PERMITS

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

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

(b) A malt beverage permit is the authority under which the licensee is permitted to sell malt beverages only.

(c) Repealed by Laws 1979, ch. 156, § 4.

(d) The number of retail liquor licenses issued shall be based on the following population formula:

(i) Not more than two (2) licenses in incorporated towns of five hundred (500) population or less;

(ii) Not more than one (1) additional license for each additional five hundred (500) population or major fraction thereof in incorporated cities or towns up to a population of nine thousand five hundred (9,500); and

(iii) Not more than one (1) additional license for each additional full three thousand (3,000) population over nine thousand five hundred (9,500).

(e) The license fee to be assessed for a retail liquor license shall be not less than three hundred dollars ($300.00) nor more than one thousand five hundred dollars ($1,500.00) payable annually in advance.

(f) Retail liquor licenses and malt beverage permits may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(i) One (1) retail liquor license issued for each five hundred (500) population residing outside cities and towns; but

(ii) No more than three (3) retail liquor licenses issued for locations within five (5) miles of the corporate limits of a city or town; and

(iii) Malt beverage permits may be issued for county locations beyond a five (5) mile zone around incorporated cities and towns without regard to population.

(g) The license fee for county retail liquor licenses within five (5) miles of a city or town shall not be less than the comparable fee charged by the adjacent town and all license fees and taxes shall be assessed as provided by law.

(h) The license fee assessed by a county for malt beverage permits shall be not less than one hundred dollars ($100.00) nor more than one thousand five hundred dollars ($1,500.00).

12-4-202. Licenses or permits issued prior to April 1, 1961; replacements.

Retail liquor licenses or other permits issued prior to April 1, 1961 are not subject to nonrenewal due to the application of population formulas or municipal boundary requirements provided by W.S. 12-4-201. If a license or permit is not renewed for any other reason it shall not be reissued until circumstances are in conformance with the requirements of W.S. 12-4-201.

12-4-203. Repealed by Laws 1985, ch. 92, § 3.

ARTICLE 3
SPECIAL CLUB LICENSES

12-4-301. Sales by clubs; license fees; petition; license restrictions.

(a) Bona fide clubs as defined by W.S. 12-1-101(a)(iii) may be licensed by the appropriate licensing authority under a

limited retail liquor license for which the licensee shall pay a license fee of not less than one hundred dollars ($100.00) nor more than one thousand five hundred dollars ($1,500.00) annually in advance.

(b) At least fifty-one percent (51%) of the membership of a social club as defined by W.S. 12-1-101(a)(iii)(E) shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the division and shall include the residence address of each member signing the petition.

(c) Except as otherwise provided by W.S. 12-5-201(g), a club holding a limited retail license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied 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 within the building, space or premises.

(d) Repealed by Laws 1985, ch. 92, § 3.

(e) Notwithstanding W.S. 12-4-103(b), a political subdivision of the state may hold no more than two (2) club limited retail liquor licenses for golf courses owned, maintained or operated by that political subdivision in addition to any other license held by that political subdivision.

12-4-302. Repealed By Laws 2001, Ch. 103, § 2.

12-4-303. Repealed By Laws 2001, Ch. 103, § 2.

ARTICLE 4
RESORT AND RESTAURANT LIQUOR LICENSES

12-4-401. Resort retail liquor licenses; authorized; qualifications; provision for licenses issued prior to January 1, 1980.

(a) The appropriate licensing authority in a county, city or town may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex where the resort complex satisfies the requirements of subsection (b) of this section.

(b) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:

(i) Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars ($1,000,000.00), excluding the value of the land;

(ii) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons; and

(iii) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with a minimum of one hundred (100) sleeping rooms; or

(A) Repealed by Laws 2015, ch. 49, § 2.

(B) Repealed by Laws 2015, ch. 49, § 2.

(iv) Without being required to meet the standards of paragraph (iii) of this subsection, be a ski resort facility open to the general public in which the applicant shall have committed or expended on the facility not less than ten million dollars ($10,000,000.00).

(c) Nothing contained within this section shall have any effect on resort liquor licenses issued prior to January 1, 1980, or to the right or renewal of a resort liquor license.

12-4-402. Repealed by Laws 1979, ch. 156, § 3.

12-4-403. Population formula not applicable; transfer.

(a) The provisions authorizing resort liquor licenses have no application to the population formula limiting retail liquor licenses as provided by W.S. 12-4-201.

(b) No resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or licensee of the licensed premises with the approval of the licensing authority. No transfer of a resort liquor license shall be required where the license is used by a person with whom the licensee has contracted or subcontracted for the provision of food and beverage services on the licensed

premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103.

12-4-404. Sale of beverages for off-premises consumption prohibited.

Resort liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee, except pursuant to a catering permit. The dispensing of alcoholic or malt beverages licensed to be sold hereunder shall be controlled by W.S. 12-5-201 and if a catering permit has been issued by W.S. 12-4-502(b).

12-4-405. Annual fee.

The annual fee for a resort liquor license shall be not less than five hundred dollars ($500.00) nor more than three thousand dollars ($3,000.00).

12-4-406. Repealed by Laws 1979, ch. 156, § 3.

12-4-407. Restaurant liquor license; authorized.

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a restaurant liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application. When the total dollar amount of wholesale purchases from the division of liquor in a county is greater than fifty (50) times the county population, then population formulas have no application to issuance of restaurant liquor licenses within the county.

(b) Repealed by Laws 1985, ch. 92, § 3.

(c) After the maximum number of appropriate licenses has been certified by the division, the number of restaurant liquor licenses issued shall not exceed fifty percent (50%) of the number of retail liquor licenses allowable under W.S. 12-4-201(d), or two (2), whichever is greater.

(d) Any person presently holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407 through 12-4-411 may be issued a restaurant liquor license by the appropriate licensing

authority. Licenses issued under this subsection shall not be considered in the number of licenses authorized under subsection (c) of this section.

12-4-408. Revenues of licensee to be derived primarily from food services and not the sale of alcoholic beverages; annual report.

(a) An applicant for a restaurant liquor license shall satisfy the appropriate licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic or malt beverages.

(b) When renewing a restaurant liquor license, the appropriate licensing authority shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed restaurant be derived from food services.

(c) Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two (2) categories:

(i) Food service sales; and

(ii) Alcoholic and malt beverage sales.

12-4-409. Transfer of licenses.

No restaurant liquor license shall be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the appropriate licensing authority.

12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

(a) Except as provided in subsection (e) of this section, restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections (b) and (e) of this section, alcoholic or malt beverages shall be served for on-premises consumption only in dining areas which are

adequately staffed and equipped for all food services offered by the restaurant.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and approved as provided in W.S. 12-5-201(a), upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) 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 eighteen (18) years of age is permitted to enter the separate dispensing room.

(c) 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 W.S. 12-5-101(a) if food sales and services extend beyond the hours specified therein.

(d) No restaurant liquor licensee shall promote the restaurant as a bar and lounge nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings. Nothing in this subsection shall require a restaurant liquor licensee to reconstruct or remodel licensed premises existing on or before June 8, 1989.

(e) A restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. 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 tamper-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 with. 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 not be deemed an open container for purposes of W.S. 31-5-235.

12-4-411. License fee.

The annual fee for a restaurant liquor license shall be no more than three thousand dollars ($3,000.00) and no less than five hundred dollars ($500.00). The license fee for a county restaurant liquor license within five (5) miles of a city or town shall not be less than the restaurant liquor license fee charged by that city or town.

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue:

(i) A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;

(ii) A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

(b) The local licensing authority:

(i) May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

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

(iii) May approve the dual holding of a microbrewery permit or winery permit and one (1) of the following:

(A) A retail liquor license as provided in W.S. 12-4-101 through 12-4-202;

(B) Subject to subsection (c) of this section, a restaurant license as provided in W.S. 12-4-411;

(C) A resort license as provided in W.S. 12-4-401 through 12-4-405;

(D) A microbrewery permit as provided under paragraph (a)(i) of this section;

(E) A winery permit as provided under paragraph (a)(ii) of this section; or

(F) Subject to subsection (e) of this section, a bar and grill liquor license as provided in W.S. 12-4-413.

(iv) May allow the microbrewery to sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;

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

(vi) Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;

(vii) May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and

(viii) Shall assess a fee of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) payable annually in advance for each microbrewery or winery permit. When dual ownership of a microbrewery or winery permit and a liquor license exists no additional fee shall be

assessed other than the retail, restaurant or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (b)(iii)(B) of this section, except the dual holder:

(i) May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons age eighteen (18) or under are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;

(ii) May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(iii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

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

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars ($100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions of W.S. 12-5-201.

(e) The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and

grill liquor license pursuant to subparagraph (b)(iii)(F) of this section, except the dual holder:

(i) May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

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

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

(f) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

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

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

(i) Not ship more than a total of thirty-six (36) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

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

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

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

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

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

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

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

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

12-4-413. Bar and grill liquor license; authorized; requirements.

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a bar and grill liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application.

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(i) Not more than two (2) licenses in incorporated cities or towns of seven thousand five hundred (7,500) or less; and

(ii) Not more than three (3) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and fifteen thousand (15,000); and

(iii) Not more than four (4) licenses for population in incorporated cities between fifteen thousand one (15,001) and twenty-seven thousand five hundred (27,500); and

(iv) Not more than one (1) additional license for each additional seven thousand five hundred (7,500) population in incorporated cities over twenty-seven thousand five hundred (27,500).

(c) Bar and grill liquor licenses may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(i) One (1) license for each seven thousand five hundred (7,500) population residing outside incorporated cities and towns.

(d) The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars ($1,500.00) nor more than ten thousand five hundred dollars ($10,500.00).

(e) A bar and grill liquor license shall not be sold, transferred or assigned by the holder.

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

ARTICLE 5
SPECIAL PERMITS

12-4-501. Malt beverage permit for University of Wyoming; fee; rules and regulations.

(a) Upon an application to the city of Laramie for a malt beverage permit, the city shall issue a special malt beverage permit to the board of trustees of the University of Wyoming for sale of malt beverages drawn only from kegs at the student union on the campus of the University of Wyoming. The issuance of a

malt beverage permit shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201.

(b) The fee for the permit provided by subsection (a) of this section is one hundred dollars ($100.00).

(c) The board of trustees of the University of Wyoming shall provide rules and regulations for the following:

(i) Location of the dispensing rooms in which malt beverages may be sold;

(ii) Furnishings and other features of the dispensing rooms;

(iii) The hours and days of the operation of the dispensing rooms, which shall be within the following limits:

(A) Monday through Thursday, 3:00 p.m. to 10:00 p.m.;

(B) Friday, 3:00 p.m. to 12:00 midnight;

(C) Saturday, 10:00 a.m. to 12:00 midnight.

(iv) Whether food may be sold in the dispensing rooms;

(v) A uniform procedure of age identification for all purchasers;

(vi) Locations within the student union where malt beverages may be consumed; and

(vii) Such other rules and regulations necessary to carry out the purposes of this section.

(d) Repealed By Laws 2001, Ch. 105, § 2.

(e) The board of trustees may prohibit dispensing malt beverages by any seller designated under paragraph (c)(iv) of this section, for any period less than ninety (90) days, upon information that violations of state law have occurred.

12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. W.S. 12-5-201 does not apply to this subsection.

(b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the appropriate licensing authority to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.

(c) The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided by W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and thirty-six (36) catering permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises, or to catering permits for events at the facilities of the University of Wyoming in Laramie, including the Marian H. Rochelle Gateway Center.

(d) The malt beverage permit and the catering permit shall be issued on application to the appropriate licensing authority without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made, shall secure the written approval of the licensing

authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.

(e) The fee for the malt beverage permit and the catering permit shall be not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) per twenty-four (24) hour period, payable to the appropriate licensing authority.

12-4-503. Repealed by Laws 1979, ch. 156, § 3.

12-4-504. Special malt beverage permit for public auditoriums, civic centers or events centers.

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers meeting the qualifications of subsection (b) of this section.

(b) To qualify for a special malt beverage permit as authorized pursuant to this section the appropriate licensing authority shall require that:

(i) The public auditorium, civic center or events center shall be an enclosed building owned by the county, city or town containing meeting rooms, kitchen facilities and at least one (1) auditorium which has a seating capacity for no less than five thousand (5,000) persons and is used for public gatherings;

(ii) The person or organization holds a written agreement with the owner of the public auditorium, civic center or events center giving said person the right to sell concessions within the building for the period for which the license will be effective.

(c) No person or organization holding the special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the issuing body and the holder of the permit to see that no sales are made to any person under the age of twenty-one (21) years.

(d) The permits authorized by this section shall be issued after a hearing on application for a one (1) year period unless

sooner revoked and the license fee shall be one thousand five hundred dollars ($1,500.00) payable annually in advance.

(e) The issuing body shall provide rules and regulations for the following:

(i) The location of the dispensing rooms;

(ii) The furnishings and other features of the dispensing rooms; and

(iii) The hours and days of the operation of the dispensing rooms.

12-4-505. Malt beverage permit for state fair.

(a) Upon application, the appropriate licensing authority shall issue to the director of the department of agriculture a malt beverage permit for the sale of malt beverages only on the state fairgrounds during the state fair. W.S. 12-5-201 does not apply to this subsection. The issuance of a malt beverage permit under this subsection shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201. Malt beverages shall only be sold for consumption on the state fairgrounds in areas specifically designated by the director of the department of agriculture.

(b) The fee for the permit provided by subsection (a) of this section is one hundred dollars ($100.00).

(c) The director of the department of agriculture shall promulgate rules and regulations concerning:

(i) The location of the dispensing rooms;

(ii) The location of areas where malt beverages may be consumed on the state fairgrounds;

(iii) The furnishings and other features of the dispensing rooms;

(iv) The hours and days of the operation of the dispensing rooms;

(v) A uniform procedure of age identification for all purchasers; and

(vi) Other rules and regulations necessary to carry out the purposes of this section.

12-4-506. Repealed by Laws 2004, Ch. 73, §2.

ARTICLE 6
SALE, ASSIGNMENT AND TRANSFER

12-4-601. Transfer of license location; transfer of ownership; fee.

(a) After public hearing and with the approval of the licensing authority, a license or permit may be transferred to or renewed on different premises on the same basis as the original application. An additional license fee of not more than one hundred dollars ($100.00) is required for the remaining term of the license or permit. A transferred license or permit shall expire on the same date as the original license or permit.

(b) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the licensing authority, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the licensing authority if the transferring licensee is certified by the department as sixty (60) or more days delinquent in paying sales taxes pursuant to W.S. 12-2-306, or if proceedings are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the appropriate licensing authority of not more than one hundred dollars ($100.00) for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

12-4-602. Annexations; transfer of licensing jurisdiction; licenses transferred exempt from population formula.

(a) The licensed premises of a license issued by a county which is located within an area annexed into the corporate limits of a city or town shall be transferred to the licensing jurisdiction of that city or town.

(b) Any transfer of jurisdiction provided within this section shall not require the payment of any additional fee for the transfer.

(c) A county license transferred within the jurisdiction of a city or town pursuant to annexation shall not be transferred to or renewed on different premises within the city or town for a period of six (6) years after the transfer of jurisdiction.

(d) A license transferred pursuant to annexation shall be exempt from the population formula restrictions provided by W.S. 12-4-201 and 12-4-413.

(e) As used in this section, "license" includes a county malt beverage permit. A city or town shall charge the same fee for a county malt beverage permit as the county.

12-4-603. Annexation of retail liquor license or malt beverage permit into 5-mile zone; renewal.

(a) A county retail liquor license or malt beverage permit having licensed premises located within a five (5) mile zone around an incorporated city or town because of annexation of property shall not be denied an application for renewal by reason of annexation alone. The license or permit shall be subject to renewal by the county licensing authority in the same manner as if the licensed premises were beyond the five (5) mile zone around a city or town.

(b) A county retail liquor license or malt beverage permit renewed in accordance with subsection (a) of this section shall not be transferred to or renewed on different premises within a five (5) mile zone around an incorporated city or town for a period of six (6) years following the date of annexation of property.

12-4-604. Transfer or sale of license or permit; attachment, garnishment or execution.

No license or permit shall be transferred or sold except as provided by W.S. 12-4-601 through 12-4-603, used for any place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution.

ARTICLE 7
FORMS

12-4-701. Duty to prepare and furnish.

The Wyoming attorney general shall prepare and furnish to each city, town and county a form for liquor licenses and malt beverage permits. A license on a form other than as prescribed by the attorney general is invalid.

12-4-702. Signature and attestation; contents; display required.

(a) Each license issued by a city or town shall be signed by the mayor and attested by the clerk. Each license issued by a county shall be signed by the chairman of the board of county commissioners and attested by the county clerk.

(b) The following shall be shown in each license:

(i) The name of the licensee;

(ii) A description of the place in which alcoholic or malt beverages may be sold;

(iii) The date of issuance;

(iv) The amount of the fee; and

(v) That the fee has been paid.

(c) Each licensee shall display his license in a conspicuous place in the licensed room.

CHAPTER 5
RESTRICTIONS UPON LICENSEES

ARTICLE 1
HOURS OF OPERATION

12-5-101. Hours of sale generally; exceptions; designation of dates for unrestricted operation.

(a) All licensees may, with the approval of the local licensing authority, open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 a.m.

(b) Clubs holding liquor licenses may be exempt from the hours of operation specified in subsection (a) of this section by local ordinance or regulation of the appropriate licensing authority.

(c) The hours of operation designated in subsection (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 a.m.

ARTICLE 2
DISPENSING ROOMS

12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This area shall not be in another building and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room. The licensing authority shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of

alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.

(b) If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one (1) additional dispensing room under the same fee referred to in subsection (a) of this section. For purposes of this subsection, a convention facility shall have and maintain all of the following:

(i) Motel or hotel sleeping room accommodations;

(ii) Restaurant facilities; and

(iii) Conference facilities.

(c) Licensing authorities may issue a twenty-four (24) hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one (1) licensee shall be issued more than six (6) permits in any one (1) year period. The fee for the permit shall be not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00).

(d) If the licensee is engaged in the operation of or is a concessionaire for a public auditorium, civic center or events center, the licensee may dispense alcoholic liquors or malt beverages in any room or other appropriate location within the confines of the licensed premises approved by the licensing authority under the same fee specified in subsection (a) of this section.

(e) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation

occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation imposed under W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.

(f) A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to holders of a resort retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort retail liquor license is issued, except that any location on the resort premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. For each additional fixed dispensing location, the applicant shall pay an annual fee equal to sixty-six and two-thirds percent (66 2/3%) of the original license fee.

(g) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license

with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

(h) With the approval and on the conditions imposed by the licensing authority, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses, but such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

(j) Any retail or restaurant liquor licensee operating on a guest ranch as defined by W.S. 12-1-101(a)(xxiii) may dispense alcoholic beverages from any location within the boundaries of the guest ranch premises. The guest ranch premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. For each additional fixed dispensing location, the applicant shall pay an annual fee equal to two-thirds (2/3) of the original license fee.

(k) A licensing authority may authorize a licensee holding a retail liquor license issued under W.S. 12-4-201 to hold an event on the licensed premises at which persons under the age of twenty-one (21) are permitted upon the premises if:

(i) No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person in the dispensing room during the event;

(ii) The dispensing room is closed during the event and all alcoholic liquor and malt beverages are removed from the dispensing room in which the event is held and are stored in an area on the licensed premises not accessible to persons in the closed dispensing room during the event or stored in a manner preventing dispensation during the event;

(iii) The licensee otherwise complies with any additional conditions which may be imposed by rule and regulation of the appropriate licensing authority, including revocation of the authorization to hold the youth event.

12-5-202. Storage outside licensed premises prohibited; exception.

A retail licensee shall not store alcoholic liquor or malt beverages outside of the licensed premises unless he files with the division a written statement that he stores alcoholic liquors or malt beverages in a place other than his place of business and states the exact location of the storage place.

12-5-203. Minors restricted from dispensing room; exception; penalty.

(a) No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of eighteen (18) years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. No person under the age of eighteen (18) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

(i) Accompanied by his parent or guardian who is at least eighteen (18) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or

(ii) With the approval of the local licensing authority, in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of eighteen (18) may be permitted in the course of their employment to work in the room or rooms.

(c) Any person violating subsection (a) of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both.

12-5-204. Prohibited acts within dispensing room; violation cause for suspension or revocation of license or permit.

(a) No licensee or agent or employee thereof shall knowingly permit prostitution under W.S. 6-4-101, public indecency under W.S. 6-4-201 or gambling as prohibited by W.S. 6-7-102 or shall promote obscenity under W.S. 6-4-302 within any dispensing room, building or premises licensed under this title.

(b) Any licensee or agent or employee thereof violating subsection (a) of this section, or aiding, abetting or inciting any violation thereof, is in addition to other penalties provided by law, sufficient cause for the suspension or revocation of a license or permit.

ARTICLE 3
DRIVE-IN AREAS

12-5-301. Conditions for operation.

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

(i) The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;

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

(iii) The area shall be well lighted and subject to inspection by the licensing authority at any and all times;

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

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

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

(vii) Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

12-5-302. Determination to forbid or restrict.

The agents and officers of the licensing authority administering the retail liquor license shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. If by resolution of the licensing authority the right of a licensee to use certain drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee.

ARTICLE 4
INDUSTRY REPRESENTATIVES

12-5-401. Interests in licenses or permits to sell.

No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. 12-2-203(g).

12-5-402. Furnishing of money and products; payment in full for malt beverages; credit for alcoholic liquor; credit deficiencies.

(a) Except as otherwise authorized in this section or W.S. 12-5-403, industry representatives shall not furnish, give or lend money or other things of value, directly or indirectly, to any person engaged in selling products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming. The prohibition shall extend to the giving to any person for the use, benefit or relief of the person engaged in selling the industry's products and to prohibit guaranty by the industry of a loan or other financial obligation of persons engaged at retail in selling these products. With prior approval of the applicable licensing authority, malt beverage industry representatives may furnish, give or lend money or other things of value to a licensee to support annual community events open to the public if the licensee:

(i) Is a nonprofit corporation organized under the laws of this state;

(ii) Is qualified as a tax exempt organization under the Internal Revenue Code; and

(iii) Has been in continuous operation for a period of not less than two (2) years.

(b) No sale or delivery of malt beverages shall be made by a wholesaler to any licensee except for payment in full made at the time of or prior to delivery, and a licensee shall not accept or receive delivery of malt beverages except when payment is made at or prior to delivery.

(c) The division may grant credit to retailers when purchasing alcoholic liquor for a period not to exceed four (4) days from date of shipment. Payments by mail for credit shipments shall be postmarked within twenty-four (24) hours of the receipt of the shipment by the retailer. The division may seize and sell all stocks of liquor of the retailer to satisfy any credit balance. Any deficiency constitutes a lien on any proceeds received through transfer of the license or permit. If a retailer defaults in payment for a shipment under this section, no further shipments shall be made to him for a period of one (1) year except on a C.O.D. basis.

12-5-403. Furnishing of equipment; advertising materials; records to be kept.

(a) Industry representatives shall not furnish, give, rent, lend or sell at cost or below, either directly or indirectly, any equipment, fixtures or supplies to any person engaged in selling products of the industry under the privileges of a retail liquor license or limited retail liquor license. No person licensed to sell products of the industry shall receive or be the beneficiary of any of the prohibited benefits.

(b) The following materials when furnished free of charge to the wholesaler or an alcoholic beverage supplies representative, are exempt from subsection (a) of this section and may be furnished, given or loaned to any retail liquor licensee or limited retail liquor licensee:

(i) National advertising and promotional materials bearing advertising matter and having no value to the retailer except as advertisements;

(ii) Consumer advertising specialties bearing advertising matter;

(iii) Retailer's advertising specialties bearing advertising matter; and

(iv) Standard brewery or manufacturer's signs.

(c) Repealed by Laws 1995, ch. 99, § 2.

12-5-404. Repealed by Laws 1995, ch. 99, § 2.

12-5-405. Sale of alcoholic liquor.

Industry representatives shall not sell or attempt to sell any alcoholic liquor within Wyoming, except to the division. Any violation of this section is a misdemeanor.

ARTICLE 5
HABITUAL DRUNKARDS AND MINORS

12-5-501. Repealed by Laws 1979, ch. 156, § 3.

12-5-502. Repealed By Laws 2014, Ch. 110, § 104.

CHAPTER 6
MINORS

12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

(a) Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor. This subsection does not apply to sales by the division or a wholesaler to a licensee under this title.

(b) Repealed By Laws 2010, Ch. 6, § 2.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

(i) Purchase or attempt to purchase any alcoholic liquor or malt beverage;

(ii) Solicit another person to purchase alcoholic liquor or malt beverage;

(iii) Possess any alcoholic liquor or malt beverage;

(iv) Consume any ethyl alcohol; or

(v) Have measurable blood, breath or urine alcohol concentration in his body.

(d) 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 (21) years in accordance with this title:

(i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;

(ii) As part of a church's or religious organization's religious services; or

(iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:

(A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or

(B) Pursuant to a lawful prescription.

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

(i) When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;

(ii) 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

(iii) To a person who is a licensee under this title.

(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

(g) Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor.

(h) A motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

(j) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

12-6-102. Transporting or possessing in motor vehicle with intent to furnish to person under 21; penalties.

(a) No person who is at least twenty-one (21) years of age shall transport, or have in his possession or control, any alcoholic liquor or malt beverage, with the intent of furnishing the same to any person under the age of twenty-one (21) years, while operating or occupying a motor vehicle.

(b) Any person who violates subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), imprisonment in the county jail for not more than one (1) year, or both. Upon a second or any subsequent conviction under this subsection the person is guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term not exceeding five (5) years.

(c) In addition to the penalty provided in subsection (b) of this section the division of motor vehicles shall suspend, for a period of one (1) year, the driver's license and automobile registration of any person convicted of operating a motor vehicle in violation of this section. The license suspension shall not run concurrent with any term of imprisonment, if imposed, but shall commence on the last day of incarceration.

12-6-103. Compliance.

(a) The department of health, working with local law enforcement agencies and other local individuals and organizations shall be the lead agency in the administration of this article. Nothing contained in this section shall be construed to limit or otherwise alter the authority granted to the department of revenue under any other provision of title 12.

(b) The department of health shall develop strategies to coordinate and support local law enforcement efforts in the enforcement of all state statutes relating to the prohibition of the sale of alcohol products to minors.

(c) The department of health shall have discretion to work with local agencies and individuals in the coordination of local education, prevention and enforcement efforts that appropriately reflect the needs of the community.

(d) For purposes of this section, the term "compliance check" shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:

(i) A person participating in a compliance check shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(ii) The person's appearance shall not be altered to make him appear to be twenty-one (21) years of age or older;

(iii) Neither a person age eighteen (18) to twenty-one (21) nor his parents or guardians shall be coerced into participating in such inspections;

(iv) In the event that a citation may result the person conducting the compliance check shall photograph the participant immediately before the compliance check and any photographs taken of the participant shall be retained by the person conducting the compliance check;

(v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101 and 12-5-203.

(e) The person conducting a compliance check under this section shall:

(i) Remain within sight or sound of the participant attempting to make the purchase;

(ii) Immediately inform in writing a representative or agent of the business establishment that a compliance check has been performed and the results of the compliance check;

(iii) If the compliance check may result in a citation, within two (2) days, prepare a report of the compliance check containing:

(A) The name of the person who supervised the compliance check;

(B) The age and date of birth of the participant who assisted in the compliance check;

(C) The name and position of the person from whom the participant attempted to purchase alcoholic beverages;

(D) The name and address of the establishment checked;

(E) The date and time of the compliance check; and

(F) The results of the compliance check, including whether the compliance check resulted in the sale or distribution of, or offering for sale, alcoholic beverages to the minor.

(iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was checked;

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing alcoholic beverages to minors during the compliance check.

CHAPTER 7
SUSPENSIONS AND REVOCATIONS OF LICENSES AND PERMITS

ARTICLE 1
IN GENERAL

12-7-101. Causes generally.

Any violation of this title by any manufacturer, rectifier, wholesaler, licensee, employee or agent thereof is sufficient cause for the suspension and in the case of gross violation the revocation of the license of the licensee.

12-7-102. Suspension of license when revocation inadvisable.

In a proceeding for revocation of a liquor license and when a licensee is found guilty of violating W.S. 12-1-101 through 12-8-301, the district court or the division may, if it appears inadvisable to revoke the license, suspend the license for a period not to exceed the balance of the term for which the license was issued and the suspension shall not, of itself,

disqualify the license holder for renewal at the end of the license term.

12-7-103. Suspension of license by licensing authorities for failure to pay sales tax.

A local licensing authority may suspend any license issued under this title if the licensee fails to pay sales taxes and the division has ceased sales of alcoholic liquor to the licensee pursuant to W.S. 12-2-306. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104(f) and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

ARTICLE 2
REVOCATION PROCEDURE

12-7-201. Civil action; administrative and judicial proceedings; disposition of liquors.

(a) An action to revoke any Wyoming liquor license or permit may be brought in the name of the state of Wyoming by the attorney general, any county attorney or the licensing authority for the reason that the licensee or permittee has violated this title.

(b) Actions to revoke licenses are civil actions and shall be tried before the court without a jury. The revocation proceedings shall be in accordance with the Wyoming Rules of Civil Procedure, and the trial and all other matters to come before the court shall have a priority upon the court calendar. If, upon trial, it appears that the license or permit of the licensee should be revoked, the court shall enter its order accordingly. The court may revoke the license or permit upon proof that the intent and purpose of this title has been violated. The fact that no criminal proceeding has been instituted or that no law with sanctions has been violated is not a defense to the action. Upon the application of the state and upon a showing to the satisfaction of the court that there are probable grounds for believing the license holder's license should be revoked, the court may issue an order suspending a license during the pendency of an action for its revocation and no bond shall be required as a condition to the issuance of the suspension order. Appeal from the final district court decision may be taken according to the Wyoming Rules of Appellate

Procedure, but the order of revocation shall remain in effect pending a decision by the appellate court.

(c) The provisions of this section are cumulative and shall not be construed as preventing the division from revoking a liquor license in any case authorized by law.

(d) The division may revoke any license or permit issued under this title for violation of any of the rules and regulations promulgated by the department pursuant to this title or for violation of any of the provisions of this title. Revocation proceedings initiated by the division shall be conducted as a contested case under the Wyoming Administrative Procedure Act before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division. The decision of the division shall be subject to judicial review under W.S. 16-3-114 except that the review shall not operate to stay a revocation order of the division during the pendency of the district court proceeding or during a later appeal to the supreme court. Should the license of a defendant expire during the pendency of an appeal in any of the courts of this state, no new or renewal license shall be granted by the licensing authority to the defendant or any other person pending the outcome of the appeal.

(e) Upon the revocation of a liquor license or permit, all alcoholic liquors in the possession of the license holder and which are in merchantable condition shall be delivered to the division which shall reimburse the license holder for the value thereof at its then regular wholesale prices. All malt beverages and nonmerchantable alcoholic liquors shall be disposed of at the direction of the division.

CHAPTER 8
PENALTIES

ARTICLE 1
IN GENERAL

12-8-101. General penalty for violations.

Any person who violates any provision of this title for which no specific penalty is provided is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00), imprisonment for not more than six (6) months, or both.

12-8-102. Manufacturing, rectifying or sale without license or permit; penalties.

(a) Any person who manufactures or rectifies any alcoholic beverage without holding a manufacturer's license or who possesses a still without holding a manufacturer's license is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), imprisonment for not more than one (1) year, or both. Any equipment possessed and used in an illegal manner shall be confiscated by the state and disposed of as directed by the court. Nothing in this subsection shall apply to the manufacture of homemade beer, mead, wine and fermented fruit juice if the total of beer, mead, wine and fermented fruit juice produced during a calendar year does not exceed:

(i) One hundred (100) gallons in a household having one (1) person who is twenty-one (21) years of age or older; or

(ii) Two hundred (200) gallons in a household having two (2) or more persons who are twenty-one (21) years of age or older.

(b) Except as otherwise provided in W.S. 12-10-102, any person who sells any alcoholic liquor or malt beverage without holding a license or permit authorizing the sale is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), imprisonment for not more than one (1) year, or both.

ARTICLE 2
EVIDENCE

12-8-201. Possession of federal tax stamp; admission in evidence.

The possession of a special tax stamp from the United States authorizing the sale or manufacture of any alcoholic liquor or malt beverage by a person not licensed under this title, is prima facie evidence that the person holding the special tax stamp is manufacturing or selling in violation of W.S. 12-8-102. A certified copy of the special tax stamp verified by the proper authorities shall be admitted in evidence and considered in all respects as the original special tax stamp.

ARTICLE 3
DAMAGES

12-8-301. Limitation of liability.

(a) No person who has legally provided alcoholic liquor or malt beverage to any other person is liable for damages caused by the intoxication of the other person.

(b) This section does not affect the liability of the intoxicated person for damages.

(c) This section does not affect the liability of the licensee or person if the alcoholic liquor or malt beverage was sold or provided in violation of title 12 of the Wyoming statutes.

(d) For purposes of this section "licensee" is as defined in W.S. 12-1-101(a)(viii) and includes the licensee's employee or employees.

CHAPTER 9
MALT BEVERAGES

ARTICLE 1
RELATIONS BETWEEN MALT BEVERAGE DISTRIBUTORS AND MANUFACTURERS

12-9-101. Legislative findings and intent.

(a) Regulation of business relations between malt beverage distributors and manufacturers serves a significant and legitimate public purpose.

(b) This act is intended to control and stabilize the distribution of malt beverages in the state and comprises an integral part of a comprehensive legislative regulation.

(c) This act is enacted pursuant to authority of the state under the provisions of the twenty-first amendment to the United States constitution to promote the public's interest in fair, efficient and competitive distribution of malt beverage products by regulation and encouragement of manufacturers and distributors to conduct their business relations toward these ends by:

(i) Assuring that the malt beverage distributor is free to manage its business enterprise, including the distributor's right to independently establish its selling prices;

(ii) Assuring the manufacturer and the public of service from a distributor who will devote reasonable efforts and resources to sales, distribution of the manufacturer's products which distributor has been granted the right to sell and distribute and to maintain a satisfactory sales level; and

(iii) Establishing and maintaining an orderly system of distribution of malt beverages to the public.

12-9-102. Definitions.

(a) As used in this act:

(i) "Brand" means any word, name, group of letters, symbol, trademark or combination thereof but not including the name of the supplier adopted and used by a supplier on a label to identify a specific beer or malt beverage and to distinguish that product from the label of another beer or malt beverage produced or marketed by that or another manufacturer;

(ii) "Brand extension" means any brand which incorporates all or a substantial part of the unique features of the label of a preexisting brand of the same manufacturer. A brand extension is not considered a new or different brand. Except for good cause a manufacturer shall assign a brand extension to the wholesaler which was granted the exclusive sales territory to the brand from which the brand extension resulted;

(iii) "Designated member" means the spouse, child, grandchild, parent, brother or sister of a deceased individual who owned an interest in a distributor's business, who is entitled to inherit the deceased individual's ownership interest in the distributor under the terms of the deceased individual's will, or who has otherwise been designated in a valid testamentary instrument by the deceased individual to succeed the deceased individual in the distributor's business, or who is entitled to inherit such ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual owning an ownership interest in a distributor, "designated member" means the person appointed by a court as the conservator of the individual's property. The term also includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a distributor's business;

(iv) "Distributor" or "wholesaler" means any person licensed in the state to sell and distribute malt beverages at wholesale to persons who are licensed to sell malt beverages at retail in Wyoming;

(v) "Franchise" means a contract or agreement either expressed or implied, whether oral or written, for a definite or indefinite period of time in which a manufacturer grants to a malt beverage distributor the right to purchase, resell and distribute any brand or brands offered by the manufacturer;

(vi) "Franchisee" means a malt beverage distributor to whom a franchise is offered or granted;

(vii) "Franchisor" means a malt beverage manufacturer who grants a franchise to a malt beverage distributor;

(viii) "Fraud" means:

(A) A misrepresentation in any manner, whether intentionally false or arising from gross negligence, of a material fact;

(B) An intentional failure to disclose a material fact;

(C) Any artifice employed to deceive another.

(ix) "Good cause" means:

(A) Insolvency of the distributor, the filing of any petition by or against the distributor under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler which materially affects the distributor's ability to remain in business;

(B) Revocation or suspension of the distributor's license whereby the distributor cannot distribute malt beverages for more than sixty (60) days;

(C) The distributor or an individual who owns more than ten percent (10%) of the stock of a corporate distributor has been convicted of a felony. As used in this paragraph, "felony" means a felony under the United States Code or laws of this state;

(D) The distributor intentionally sells the supplier's products to a retailer or retailers outside that distributor's assigned territory;

(E) There is a failure by the distributor to comply with a provision of the agreement with a manufacturer which is both reasonable and of material significance to the business relationship between the distributor and the manufacturer and which failure has not been cured by the distributor pursuant to the provisions of this act.

(x) "Good faith" means honesty in fact in the conduct of the transaction involved and the observance of reasonable commercial standards of fair dealing in the trade;

(xi) "Manufacturer" means any person licensed to manufacture or import malt beverages for distribution to distributors licensed in Wyoming;

(xii) "Person" means a natural person, corporation, association, partnership, trust or other business entity and, in case of a business entity, shall include any other entity in which it has a majority interest or it effectively controls, as well as the individual officers, directors, and other persons in active control of the activities of each entity. "Person" also includes heirs, assignees, personal representatives and guardians;

(xiii) "Reasonable qualifications" means the average standard of the criteria used by the respective manufacturer for similarly situated distributors that entered into or renewed an agreement with the manufacturer during a period of twenty-four (24) months prior to the proposed transfer of the distributor's business;

(xiv) "Retaliatory action" includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a distributor under an agreement, which is not made in good faith as defined in this act;

(xv) "Sale" includes the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation or mortgage in any manner or form, whether by transfer in trust or otherwise, of malt beverages or of any franchise related thereto for consideration and any option, subscription or other contract for consideration;

(xvi) "Similarly situated distributors" means distributors of a manufacturer that are of a generally comparable size, and operate in markets with similar demographic characteristics, including population, size, density, distribution and economic conditions;

(xvii) "Transfer of a distributor's business" means the voluntary sale, assignment or other transfer, including the sale or other transfer of stock or assets by merger, consolidation or dissolution of:

(A) The business;

(B) Control of the business of the distributor; or

(C) An ownership interest of ten percent (10%) or more of the business of the distributor.

(xviii) "This act" means W.S. 12-9-101 through 12-9-119.

12-9-103. Application of act.

Any person who engages directly or indirectly in purposeful agreements or contracts in connection with the purchase of malt beverages from manufacturers or the sale of malt beverages to malt beverage distributors within this state shall be subject to the provisions of this act and shall be subject to the jurisdiction of the courts of this state for violations of this act in accordance with the provisions of the laws of this state.

12-9-104. Unfair and prohibited acts.

(a) It shall be a violation of this act for a manufacturer or manufacturer's officer, agent or other representative thereof:

(i) To coerce or compel, or attempt to coerce or compel, any malt beverage distributor to order or accept delivery of any malt beverage or any other commodity which the distributor has not voluntarily ordered;

(ii) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of the distributor's order to any distributor having a franchise for the distribution

and sale of malt beverages by such manufacturer, malt beverages covered by the franchise or contract. However, the refusal to deliver malt beverages shall not be considered a violation of this section if the refusal is due to failure of the distributor to pay the manufacturer pursuant to the contract, the distributor's insolvency, an act of God, work stoppage or delay due to a strike or labor difficulty, a bona fide shortage of materials, freight embargo or other cause over which the manufacturer, or any agent thereof, shall have no control;

(iii) To coerce or compel, or attempt to coerce or compel, a malt beverage distributor to enter into any agreement, whether written or oral, supplementary to an existing franchise with the manufacturer or officer, agent or other representative thereof, by threatening to cancel any franchise or any contractual agreement existing between the manufacturer and distributor. However, notice in good faith by a manufacturer to a malt beverage distributor of the distributor's violation or breach of any terms or provisions of a franchise or contractual agreement shall not constitute a violation of this act if the notice is in writing, is mailed by registered or certified mail to the distributor at his current business address, and contains the specific facts of the distributor's alleged violation or breach of the franchise or contractual agreement;

(iv) To terminate, cancel, fail to renew or refuse to continue the franchise of any distributor without good cause, as defined in this act. The nonrenewal of a franchise or selling agreement without good cause shall constitute an unfair termination or cancellation, regardless of the specified time period of the franchise or selling agreement;

(v) To discriminate, either directly or indirectly, in price, programs or terms of sale offered to franchisees, where the effect of the discrimination may be to substantially lessen competition among distributors or to give to one (1) holder of a franchise any competitive advantage over other holders of the same or similar franchise;

(vi) To prevent or attempt to prevent, by contract or otherwise, any malt beverage distributor from changing the capital structure of his distributorship or the means by or through which he finances the operation of his distributorship;

(vii) To require a malt beverage distributor to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this

act. However, nothing in this section shall be construed to limit or prohibit good faith dispute settlements entered into by the parties;

(viii) To restrict or inhibit, directly or indirectly, the right of free association among manufacturers or distributors of malt beverage for any lawful purpose;

(ix) To fix or maintain the price at which a distributor may resell malt beverages;

(x) To coerce, or attempt to coerce, any distributor to accept delivery of any malt beverage or other commodity ordered by a distributor if the order was properly canceled by the distributor in accordance with the reasonable procedures of the manufacturer;

(xi) To change a distributor's quota of a brand or brands, if the change is not made in good faith;

(xii) To require a distributor, by any means, to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a manufacturer;

(xiii) To take any retaliatory action against a distributor that files a complaint regarding an alleged violation by the manufacturer of state or federal law or an administrative rule;

(xiv) To require or prohibit without good cause any change in the manager or successor manager of any distributor who has been approved by the manufacturer as of the effective date of this act. Should a distributor change an approved manager or successor manager, a manufacturer shall not require or prohibit the change unless the person fails to meet the reasonable standards for similarly situated distributors of the manufacturer;

(xv) To sell or supply any brand or brand extension of malt beverages in this state to a licensed wholesaler other than the licensed wholesaler designated as the exclusive wholesaler for a specific territory for such brand or brand extension by the supplier in a written agreement, except that nothing in this paragraph shall prohibit a supplier from providing malt beverages to consumers in an area on such supplier's premises designated as a hospitality area, or from

participating in consumer sampling or taste testing programs of brands of malt beverages not sold to licensed wholesalers in this state, or from otherwise operating as permitted by law;

(xvi) To require for any reason that a wholesaler purchase one (1) or more brands of malt beverages in order for the wholesaler to purchase another brand or brands of malt beverages.

(b) It shall be a violation of this act for a distributor, partner, shareholder or officer or agent thereof to have the right to sell, transfer or assign the management or control ownership of greater than ten percent (10%) of a distributorship without the written consent of the manufacturer, except that the consent shall not be unreasonably withheld. No manufacturer shall unreasonably withhold or delay its approval of any assignment, sale or transfer of the stock of a distributor or of all or any portion of a distributor's assets, distributor's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling a distributor, including the distributor's rights and obligations under the terms of an agreement, whenever the person to be substituted meets reasonable qualifications. For purposes of this subsection, "unreasonably withhold or delay" means a period in excess of ninety (90) days after receipt by the manufacturer of all information reasonably required from the wholesaler and purchaser. Upon the death or disability of one (1) of the officers, partners or stockholder of greater than ten percent (10%) ownership of a corporate distributorship operating the business of a distributor, no manufacturer shall deny the surviving officers, partners of the partnership or stockholders of the distributorship, the right to become a successor-in-interest to the agreement between the manufacturer and the distributorship, provided that the survivor has been active in the management of the distributor's business and is otherwise capable of carrying on the business of the distributorship. However, upon the death of a distributor, no manufacturer shall deny approval for any transfer of ownership to a designated member of the family of an owner of a distributorship, provided, that the subsequent transfer of ownership by the designated member shall thereafter be subject to the provisions of this subsection.

12-9-105. Distributor's resignation; cancellation; termination; failure to renew; refusal to continue.

(a) Notwithstanding any agreement and except as otherwise provided for in this act, a manufacturer shall not cause a distributor to resign from an agreement, or cancel, terminate, fail to renew or refuse to continue under an agreement unless the manufacturer has:

(i) Satisfied the applicable notice requirements of W.S. 12-9-108;

(ii) Acted in good faith; and

(iii) Good cause for the cancellation, termination, nonrenewal, discontinuance or forced resignation.

12-9-106. Good cause for terminating agreement; rights to cure.

(a) Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under W.S. 12-9-105(a)(iii) when all of the following occur:

(i) There is a failure by the distributor to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the distributor and the manufacturer;

(ii) The manufacturer first acquired knowledge of the failure described in paragraph (i) of this subsection not more than two (2) years before the date notification was given pursuant to W.S. 12-9-105(a)(i);

(iii) The distributor was given written notice by the manufacturer of failure to comply with the agreement;

(iv) The distributor was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits provided for in paragraph (v) of this subsection; and

(v) The distributor has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure the noncompliance in accordance with the plan and has not cured the noncompliance within that time in accordance with the plan.

(b) Good cause shall exist for the purposes of termination, cancellation, nonrenewal or discontinuance under W.S. 12-9-105(a)(iii) when there occurs a violation of W.S. 12-9-109(a).

12-9-107. Burden of proof.

For each termination, cancellation, nonrenewal or discontinuance, the manufacturer shall have the burden of showing that it has acted in good faith, that the notice requirements and rights to cure under this act have been complied with and that there was good cause for the termination, cancellation, nonrenewal or discontinuance.

12-9-108. Notice for terminating an agreement.

(a) Notwithstanding any agreement and except as otherwise provided in this act, the manufacturer shall furnish written notice of the termination, cancellation, nonrenewal or discontinuance of an agreement to the distributor not less than thirty (30) days before the effective date of the termination, cancellation, nonrenewal or discontinuance. In no event shall the contractual term of any agreement expire, without the written consent of the malt beverage distributor involved, prior to the expiration of at least thirty (30) days following the written notice. The notice shall be by certified mail and shall contain the following:

(i) A statement of intention to terminate, cancel, not renew or discontinue the agreement;

(ii) A statement of the reason for the termination, cancellation, nonrenewal or discontinuance; and

(iii) The date on which the termination, cancellation, nonrenewal or discontinuance takes effect.

12-9-109. Conditions and notice required.

(a) Notwithstanding W.S. 12-9-105 and 12-9-106, a manufacturer may immediately terminate, cancel, fail to renew, or discontinue an agreement if any of the following occur:

(i) Insolvency of the distributor, the filing of any petition by or against the distributor under any bankruptcy or receivership law, or the dissolution or liquidation of the

wholesaler which materially affects the distributor's ability to remain in business;

(ii) Revocation of the distributor's license whereby the distributor cannot distribute malt beverages for more than sixty (60) days;

(iii) The distributor or an individual who owns more than ten percent (10%) of the stock of a corporate distributor has been convicted of a felony. As used in this paragraph, "felony" means a felony under the United States Code or laws of this state. However, an existing stockholder shall have the right to purchase the stock of the offending stockholder, and, if the sale is completed within the thirty (30) day period, the provisions of this paragraph shall not apply. Any such purchase shall be subject to W.S. 12-9-104(a)(viii);

(iv) The distributor intentionally sells the supplier's products to a retailer or retailers outside that distributor's assigned territory;

(v) The distributor commits fraud as defined by W.S. 12-9-102(a)(viii) in his dealings with the manufacturer.

12-9-110. Discontinuance of production or distribution.

Notwithstanding W.S. 12-9-105, 12-9-108 and 12-9-109, a manufacturer may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution throughout this state of all the brands sold by the manufacturer to the distributor. Nothing in this act shall prohibit a manufacturer, upon not less than thirty (30) days notice, to completely discontinue the distribution throughout this state of any particular brand or package of malt beverage. This section does not prohibit a manufacturer from conducting test marketing of a new brand of malt beverage or from conducting the test marketing of a brand of malt beverage which is not currently being sold in this state, provided that the manufacturer has notified the division in writing of its plans to test market. The notice shall describe the market area in which the test shall be conducted, the name or names of the distributors who will be selling the malt beverage, the name or names of the brand of malt beverage being tested, and the period of time during which the testing will take place. A market testing period shall not exceed eighteen (18) months.

12-9-111. Effort required by distributor.

The distributor shall devote such efforts and resources to sales and distribution of all the manufacturer's products which the distributor has been granted the right to sell and distribute as reasonably required by the agreement between the manufacturer and distributor.

12-9-112. Waiver prohibited.

A distributor shall not waive any of the rights granted in any provision of this act. Nothing in this act shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

12-9-113. Agreement subject to act.

The provisions of this act shall apply to all agreements between a manufacturer and distributor entered into on or after the effective date of this act.

12-9-114. Agreements binding on successor.

A successor to a manufacturer that continues in business as a manufacturer shall be bound by all terms and conditions of each agreement of the manufacturer in effect on the date of succession.

12-9-115. Reasonable compensation.

(a) In the event that a distributor is terminated by a manufacturer in bad faith or for other than good cause, the distributor shall be entitled to additional compensation from the manufacturer for:

(i) The fair market value of any and all assets, including ancillary business assets of the distributor used in distributing the manufacturer's products;

(ii) The good will of the business.

(b) The total compensation to be paid by the manufacturer to the distributor shall be reduced by any sum received by the distributor from sale of assets of the business used in distribution of the manufacturer's products as well as by whatever value such assets may have to the distributor that are unrelated to the manufacturer's products.

(c) As used in this section, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy when each possesses all information relevant to the transaction.

(d) In the event the manufacturer and the malt beverage distributor are unable to mutually agree on the reasonable compensation to be paid for the value of the distributor's business, as defined herein, the matter may by agreement of the parties be submitted to arbitration. If so submitted, the following shall apply:

(i) Arbitration shall proceed only if all parties agree in advance and submit the dispute to arbitration, and the decision of the arbitrators shall be final and binding if so agreed upon by the parties in advance of the arbitrator's proceedings;

(ii) The dispute shall be submitted to a panel of three (3) arbitrators, one (1) of which shall be selected by the supplier within thirty (30) days after the parties have agreed to arbitrate, one (1) of which shall be selected by the wholesaler within thirty (30) days after the parties have agreed to arbitrate, and one (1) of which shall be selected from a list of five (5) candidates supplied by the American Arbitration Association at the request of the parties within ten (10) days after the parties have agreed to submit the dispute to arbitration;

(iii) Within ten (10) days after receipt of the list supplied pursuant to paragraph (ii) of this subsection, the wholesaler and the supplier each may disqualify up to two (2) candidates from the list. The American Arbitration Association shall select the third arbitrator from the candidates not disqualified by the parties;

(iv) The arbitration shall proceed in accordance with the rules of the American Arbitration Association within thirty (30) days after the selection of the arbitration panel has been completed;

(v) The cost of the arbitration shall be borne equally by the parties. The award of a majority of the arbitrators shall be final and binding on the parties if so agreed upon in advance by the parties. The arbitrators shall not be permitted to award punitive damages and are bound to

apply the terms and provisions of the agreement not in conflict with this act.

12-9-116. Remedies.

(a) During the thirty (30) day period provided in W.S. 12-9-108, either party, in appropriate circumstances, may bring an action in the appropriate court of this state pending a final determination of the proceedings on the merits.

(b) In any action brought under this act, the court shall have authority to grant temporary, preliminary and final injunctive relief.

(c) In addition to temporary, preliminary or final injunctive relief, any manufacturer or distributor who shall be aggrieved or injured in his business or property by reason of anything forbidden in this act may bring an action in the appropriate court of this state and may recover the damages sustained and the costs of the action, including a reasonable attorney's fee.

(d) In addition to any other remedy or relief to which a person is entitled, a distributor or manufacturer aggrieved by a violation of this act may bring an action to obtain a declaratory judgment that an act, action or practice violates this act and to enjoin a manufacturer or distributor who has violated, is violating or is otherwise likely to violate this act.

(e) In an action for money damages, if a judge or jury finds that the defendant acted maliciously, the judge or jury may award punitive damages as permitted by Wyoming law.

(f) The remedies provided in this section shall be in addition to any other remedies provided by law or in equity.

12-9-117. Contracts and the validity thereof.

No manufacturer shall effect any sale to a distributor in Wyoming except pursuant to a written contract between the manufacturer and the distributor.

12-9-118. Repurchase of inventory upon termination.

(a) Whenever any malt beverage distributor enters into a franchise agreement with a manufacturer in which the distributor

agrees to maintain an inventory of malt beverages and the franchise is subsequently terminated, the manufacturer shall repurchase the inventory as provided in this act. If the distributor has any outstanding debts to the manufacturer, then the repurchase amount may be credited to the distributor's account.

(b) The manufacturer shall repurchase that inventory previously purchased from him and held by the distributor on the date of termination of the contract. The manufacturer shall pay one hundred percent (100%) of the distributor's laid-in cost, payable when the product is returned to the manufacturer free and clear of all liens, claims and charges created or permitted by the distributor.

(c) Upon payment of the repurchase amount to the distributor, the title and right of possession to the repurchased inventory shall be transferred to the manufacturer.

(d) A distributor shall not keep any inventory except with the consent of the manufacturer and the distributor's agreement that such product will be maintained and sold in accordance with the manufacturer's product handling standards.

(e) If any manufacturer shall fail or refuse to repurchase any inventory covered under the provisions of this act within sixty (60) days after termination of a distributor's contract, he shall be civilly liable for one hundred percent (100%) of the current wholesale price of the inventory plus any freight charges paid by the distributor, the distributor's reasonable attorney's fees, court costs and interest on the current wholesale price computed at the legal interest rate.

12-9-119. Indemnification.

A manufacturer shall fully indemnify and hold harmless its distributor against any losses, including, but not limited to, court costs and reasonable attorney's fees or damages arising out of complaints, claims or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation or express or implied warranty if the complaint, claim or lawsuit relates to a product liability claim pertaining to the manufacturing of a malt beverage product.

CHAPTER 10
MISCELLANEOUS

12-10-101. Possessing, purchasing or selling an alcohol without liquid device prohibited; exception; definition; penalties.

(a) Except as provided in subsection (b) of this section, no person shall possess, purchase, sell or offer to sell an alcohol without liquid device.

(b) This section shall not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research or to a pharmaceutical company or biotechnology company conducting bona fide research.

(c) Any person who violates subsection (a) of this section is guilty of a misdemeanor punishable by a fine of up to two hundred fifty dollars ($250.00) for the first offense and not more than seven hundred fifty dollars ($750.00), imprisonment for not more than six (6) months, or both, for second and subsequent offenses.

(d) Except as provided in subsection (b) of this section, any alcohol without liquid device found in Wyoming shall be confiscated and, after an opportunity for a hearing in a court of competent jurisdiction on the issue of whether the device is an alcohol without liquid device, shall be destroyed. The destruction of the device may be delayed if the device is needed for evidence in a criminal case.

(e) As used in this section "alcohol without liquid device" means a device, machine, apparatus or appliance that mixes alcoholic liquor with pure or diluted oxygen to produce an alcohol vapor that an individual can inhale. An alcohol without liquid device does not include an inhaler, nebulizer, atomizer or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication.

12-10-102. Homemade beverage tastings.

(a) In addition to any other privilege granted to a licensee under this title, a licensee may conduct an organized judging, tasting, exhibition, contest or competition of homemade beers, meads, wines or fermented fruit juices, or related events, at the premises or location where the licensee may legally serve alcoholic beverages. Nothing in this subsection

shall be deemed to authorize any homemade beer, mead, wine or fermented fruit juice to be packaged or otherwise provided for consumption outside of the premises where the judging, tasting, exhibition, contest, competition or related event is occurring. The local licensing authority may restrict the portion of the premises that may be used for the judging, tasting, exhibition, contest, competition or related event. Homemade beers, meads, wines or fermented fruit juices provided at an event under this subsection shall not be provided for financial consideration.

(b) A licensee shall not acquire any ownership interest in homemade beers, meads, wines or fermented fruit juices stored for any period to be provided at an event under this section. The homemade beers, meads, wines and fermented fruit juices stored for the event shall be clearly identified and shall be kept separate from the alcoholic and malt beverage stock of the licensee. Nothing in this subsection shall prohibit a licensee from using homemade beers, meads, wines and fermented juices in conducting an organized event under subsection (a) of this section.

(c) As used in this section:

(i) "Financial consideration" means value that is given or received directly or indirectly through sales, fees, charges, dues, contributions or donations. "Financial consideration" shall not include:

(A) A tax deduction or credit for donating beer, mead, wine or fermented fruit juice to a nonprofit organization;

(B) An event admission charge, cover charge or club or organization dues, if the amount of the charge or dues is independent of the amount of beer, mead, wine or fermented fruit juice to be provided or consumed at the event or through club or organization activities;

(C) A prize awarded at a state or county fair or other organized judging, tasting, exhibition, contest or competition event at which consumption of a submitted beer, mead, wine or fermented fruit juice is offered without charge and only by the entrants, judges, exhibitors, contestants or competitors;

(D) The receipt of homemade beer, mead, wine or fermented fruit juice manufactured by another person;

(E) The receipt of beer, mead, wine or fermented fruit juice ingredients;

(F) Wages and salaries paid by an educational organization for teaching brewing, winemaking, fermentation science or fermentation processes.

(ii) "Homemade" means made for noncommercial purposes;

(iii) "Noncommercial" means not sold, offered for sale or otherwise conditioned upon the provision or receipt of financial consideration.