

Chapter 4 ALCOHOLIC BEVERAGES

4-1 Retail license—Required.

It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or to give away to the public as an inducement to the public to patronize any business place or person within the city, any alcoholic liquor or malt beverages without first obtaining a license so to do and paying the license fees therefor. (R. O. 1937, § 504.)

4-2 Liquor licenses—Fees.

A. The following annual fees are established, and shall be charged and collected, prior to the issuance of all liquor licenses by the city:

1. Retail Liquor Licenses. The annual fee for retail liquor licenses shall be one thousand five hundred dollars.
2. Restaurant Liquor Licenses. The annual license fee for restaurant liquor licenses shall be five hundred dollars.
3. Limited Retail Liquor Licenses. The annual license fee for limited retail liquor licenses shall be five hundred dollars.
4. Resort Licenses. The annual fee for resort liquor licenses shall be one thousand five hundred dollars.
5. Bar and Grill Licenses. The annual fee for bar and grill licenses shall be one thousand five hundred dollars.
6. Transfer Fee. The fee for transfer of a license or permit shall be one hundred dollars.

B. All liquor licenses issued by the city shall have a common expiration and renewal date of the first day of January of each year; and the license fee for all liquor licenses which, because of said common expiration and renewal date, are issued for a period of less than one year shall be prorated on a monthly basis, commencing with the month in which such license is issued. (Ord. No. 1477, §§ 1, 2; Ord. No. 1570, § 1, 10-10-83; Ord. No. 2041, § 1, 3-3-08; Ord. No. 2089 § 1, 7-6-10.)

* Prior ordinance history: R.O. 1937, § 511; Ord. No. 812, § 1, 2-25-46; Ord. No. 1112, § 1.

4-3 Retail license—Compliance with state law; submission affidavit.

All licenses issued pursuant to this chapter shall be subject to all requirements, regulations, and limitations prescribed by the laws of the State of Wyoming relating to alcoholic beverages. Every licensee shall comply with such requirements. In addition to the application form prescribed by the Attorney General of the State of Wyoming, as required by law, each applicant shall furnish an affidavit in duplicate setting forth the following information:

1. Whether the applicant is an individual, partnership, corporation or other entity.
2. If a partnership or other entity, the names and addresses of all persons owning any interest in the applicant.
3. If a corporation, the names and addresses of all stockholders thereof. (R. O. 1937, § 512; Ord. No. 1038, § 1, 4-11-60.)

4-4 Aiding or abetting licensee in violating chapter unlawful.

It is unlawful for any person in the city to aid or abet any licensee to violate any of the provisions of this chapter or to obstruct the enforcement thereof in any manner. (R. O. 1937, § 517.)

4-5 Chapter inapplicable to sales of malt beverages at wholesale by state licensed dealer.

This chapter shall not prohibit the sale at wholesale by any brewery or other wholesaler of malt beverages licensed by the State Liquor Commission to sell malt beverages at wholesale. (R. O. 1937, § 519.)

4-6 Underage persons—Entering, remaining, etc., in place where alcoholic beverages sold.

(a) Every holder of a retail liquor license, or his servant or employee, who shall, within the city, permit any person under the age of twenty-one years to enter or remain in the licensed room(s) where alcoholic liquors or malt beverages are dispensed is guilty of a misdemeanor.

(b) No person under the age of twenty-one years shall enter or remain in the licensed room(s) where alcoholic liquors or malt beverages are dispensed unless:

(i) Accompanied by his parent or guardian who is at least twenty-one years of age; and

(ii) The licensed room is for the sale of alcoholic liquors or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption.

(c) This section shall not apply to a person eighteen years of age or older who serves alcoholic liquors or malt beverages pursuant to their employment in a restaurant which holds a license to serve alcoholic liquors or malt beverages. (Ord. No. 1128, § 1, 5-13-68; Ord. No. 1476, § 1, 11-5-79; Ord. No. 1652, § 1, 6-20-88; Ord. No. 1887, 10-15-01.)

4-7 Same—Furnishing, selling, etc., alcoholic beverages.

Every person who within the city sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic or malt liquor 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, shall be guilty of a misdemeanor. (Ord. No. 1128, § 2, 5-13-68; Ord. No. 1476, § 2, 11-5-79; Ord. No. 1654, § 1, 6-20-88.)

4-9 Consumption or possession of alcoholic beverages in open containers in public places; exceptions.

It is unlawful for any person to consume any alcoholic or malt liquors or to be in possession of any alcoholic or malt liquors in an open container of any type, upon any public street, sidewalk, alley, vehicle parking area or other public places, whether publicly or privately owned, within the city; except on the licensed premises of a retail liquor dealer, except for malt beverages while on the premises described in a current malt beverage permit, and except for those times when the city council has approved possessions of alcoholic or malt liquors in open containers of paper or plastic. (Ord. No. 1182, §§ 1, 2, 5-10-71; Ord. No. 1360, § 1, 5-2-77; Ord. No. 1855, § 1, 5-1-00.)

4-10 Hours for closing private clubs dispensing alcoholic beverages.

The hours for the opening and closing of private clubs dispensing alcoholic or malt beverages under a limited retail liquor license shall be unlimited, except that they shall not open until noon on Sunday, and shall close by 10:00 P.M. on Sunday, with the further requirement that all members and guests are to be out of the club by 10:30 P.M. (Ord. No. 1478, § 1, 12-10-79.)

4-11 Microbrewery and winery permits; authorized.

(a) Definitions. As used in this section:

(1) “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.

(2) “Person” means and includes an individual person, partnership, corporation or association. W.S. 12-1-101(xii).

(3) “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 of alcohol by volume. W.S. 12-1-101(x).

(4) “Winery” means a commercial enterprise manufacturing wine at a single location in Wyoming. W.S. 12-1-101(xx).

(b) Microbrewery Permit—Required. It shall be unlawful for any person to brew a malt beverage or otherwise operate a microbrewery within the city without first obtaining a permit to do so and paying the license fees therefor.

(1) Winery Permit—Required. A winery permit is required authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption. W.S. 12-4-412(a)(ii).

(c) Microbrewery or Winery Permit—Issuance. Any person desiring a permit authorized by this section shall apply to the governing body. The application shall be made under oath upon a form to be furnished by the municipal clerk. The application shall be filed in the office of the clerk. The permit shall be subject to the restrictions in W.S. 12-4-103, except W.S. 12-4-103(a)(vi).

(1) Satellite Winery Permit. A holder of a winery permit may sell its manufactured wine at up to three satellite locations within Wyoming, separate from its licensed manufacturing site. Application shall be made to the governing body on a form furnished by the municipal clerk. The annual permit fee shall be one hundred dollars. W.S. 12-4-412(d).

(d) Permit Fees—Annual. The following annual permit fees are established, and shall be charged and collected, prior to the issuance of a microbrewery or winery permit by the city:

(1) Microbrewery permit together with sale of other malt beverages when obtained through licensed wholesale malt beverage distributors, or winery permit together with sale of other wines when obtained from the commission, the annual permit fee shall be five hundred dollars. W.S. 12-4-412(b)(1);

(2) Dual holding of a microbrewery or winery permit and retail liquor license, no additional fee shall be assessed other than the retail, restaurant or resort license fee. W.S. 12-4-412(b)(ii),(vi);

(3) Microbrewery permit to sell on-site only its 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 ounces per sale, or winery permit 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 ounces per sale, the annual permit fee shall be five hundred dollars. W.S. 12-4-412(b)(iii).

(e) Permits—Number of. The number of microbreweries shall be limited to no more than those allowed in W.S. 12-4-201(d). W.S. 12-4-412(iv).

(f) Transfer. A microbrewery, or winery, permit shall not be transferred to another location, but ownership of the microbrewery, or winery, may be transferred upon the approval by the governing body. W.S. 12-4-412(v).

(g) Expiration and Renewal. All microbrewery, winery and satellite winery permits issued by the city shall have a common expiration and renewal date of the first day of January of each year; and the permit fee for all microbrewery, winery and satellite winery permits which, because of said common expiration and renewal date, are issued for a period of less than one year shall be prorated on a monthly basis, commencing with the month in which such license is issued.

(h) Microbrewery, Winery and Satellite Winery Permit—Compliance with State Law. All microbrewery, winery and satellite winery permits issued pursuant to this section shall be subject to all requirements, regulations, and limitations prescribed by the laws of the state of Wyoming relating to alcoholic beverages. W.S. 1977, Title 12.

(i) General Penalty. Any person, firm or corporation who shall violate, neglect or refuse to comply with the provisions of this section, shall upon conviction, be fined not more than seven hundred fifty dollars and costs of not more than ten dollars, or by imprisonment in the city jail for a period of not exceeding six months, or both. Each day a violation is committed, caused or continued to exist shall constitute a separate offense. (Ord. No. 1706, § 1, 12-21-92; Ord. No. 1910, § 1, 10-4-02.)

4-30 Malt beverages—Twenty-four hours.

The fee for a malt beverage permit shall be thirty dollars per twenty-four-hour period. (Ord. No. 1486, § 1, 4-14-80; Ord. No. 1612, § 1, 9-3-85; Ord. No. 1697, § 1, 3-2-92; Ord. No. 1881, § 2, 7-2-01.)

4-31 Catering—Twenty-four hours.

The fee for a catering permit shall be fifty dollars per twenty-four-hour period. (Ord. No. 1486, § 2, 4-14-80; Ord. No. 1697, § 2, 3-2-92; Ord. No. 1881, § 2, 7-2-01.)

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