

WORK SESSION AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, March 24, 2020, 4:30 p.m.**

This meeting may not be open to the public, pending clarification of the Governor’s Statewide Public Health Order issued on March 19, 2020.

Work Sessions are always available for citizens to watch live on the City’s website (casperwy.gov) via YouTube and on cable channel 192. There is no public comment at work sessions, but if you have any questions for Councilmembers, please email your questions to City Council (councilcomments@casperwy.gov) before the work session.

Work Session Meeting Agenda		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-up		5 min	4:30
2.	Finance Policies – Phase 4	Information Only	30 min	4:35
3.	Liquor License Sanctions/Update & Open Container Resolution	Direction Requested	40 min	5:05
4.	Community Promotions Funding (Part 2)	Direction Requested	40 min	5:35
5.	Sidewalk Maintenance	Direction Requested	40 min	6:05
6.	Agenda Review	Direction Requested	20 min	6:45
7.	Legislative Review		10 min	7:05
8.	Council Around the Table		10 min	7:15
Approximate End Time:				7:25

Please silence cell phones during the City Council meeting.

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

March 11, 2020

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Tom Pitlick, Financial Services Director *TP*
SUBJECT: Financial Administration Guidelines

Meeting Type & Date:
Council Work Session

March 24, 2020

Action type:
Information Only

Recommendation:
Move Forward For Approval

Summary:

Staff is proposing Council formally adopt, by resolution, Financial Administration Guidelines to ensure that the City is financially able to meet its immediate and long-term service objectives. The Guidelines would be intended to serve as the foundation around which all financial policies and procedures would be written in support of both the financial planning and internal financial management of the City.

As the Financial Administration Guidelines are comprehensive in nature, staff is suggesting that the document be presented to Council in phases in order to provide adequate time for review and discussion. The first phase was presented at the July 23, 2019, Council Work Session and included a review of the "Table of Contents"; "Purpose and Objectives"; "Finance Committee"; and "Fund Reserves". The second phase was presented at the September 24, 2019, Council Work Session and included a review of "Procurement"; "Change Orders"; "Debt Management"; and "Investments". The third phase was presented at the November 26, 2019, Council Work Session and included a review of "Revenues"; "Expenditures"; "Budget"; and "Accounting, Auditing, and Financial Reporting".

This, the fourth presentation phase, includes a review of Guidelines addressing "Fund Administration". Major highlights include:

Fund Structure:

- Identifies how various funds will be classified for government-wide financial reporting purposes.

Fund Creation/Termination:

- Provides that Council direction is needed for creation or discontinuance of a fund.

Fund Balance Transfers:

- Provides for the transfer of non-restricted fund balances between Funds with Council approval.

Fund Financial Reporting:

- Provides for financial status reporting to Council at the fund level.

In addition, suggested policies for specific reserve requirements and the maintenance of “Special Council Designated Funds” are attached. The reserve requirements establish the amount and purpose of reserves for selected funds. The policy referencing “Special Council Designated Funds” attempts to memorialize the intent and expected maintenance of certain funds established by Council that have been created for specific purposes.

Financial Considerations:

None

Oversight/Project Responsibility:

Tom Pitlick, Financial Services Director

Attachments:

- Fund Administration Guidelines
- “Attachment A” (all-inclusive Fund listing and description)
- Fund Reserve Guidelines
- Proposed Fund Reserve Policy
- Proposed Special Council Designated Funds Policy

CITY OF CASPER, WYOMING

FINANCIAL ADMINISTRATION GUIDELINES

Fund Administration Guidelines

Fund accounting is the accounting system used by governments for recording resources whose use has been limited by the governing body, law, or grant authority. The primary emphasis of fund accounting is accountability rather than profitability. The Governmental Accounting Standards Board defines a "fund" as follows: "A fund is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations".

Fund Structure:

The City of Casper will maintain a fund structure that groups various funds within the following types:
Governmental: includes the general fund; special revenue funds; debt service funds; capital project funds; and permanent funds.

Proprietary: activities that resemble private sector business activities and are generally self-supporting. This would include enterprise and recreation funds.

Internal Service: includes departments that provide services to other departments of the City on a cost-reimbursement basis.

Fiduciary: accounts for assets that are held in a trustee capacity.

Component Unit: Separate legal entity over which the City exercises a significant degree of influence.

A current list of active Funds maintained by the City, along with a brief description and purpose of each, is included at the end of this document as ATTACHMENT A.

Fund Creation/Termination:

The City Manager may recommend to the City Council the need to create a new fund or discontinue the use of an existing fund. The ultimate decision to create or discontinue a fund shall rest with the City Council.

Fund Balance Transfers:

Subject to legal restrictions, available fund balances within the various Funds can be transferred, through the annual budgetary process or through a budget amendment, to another fund upon Council direction.

Fund Financial Reporting:

The financial status of each fund maintained by the City of Casper shall be made available to Council at least annually as part of the budgetary process.

ATTACHMENT A

FUND #	FUND TYPE	FUND PURPOSE
Governmental		
101	General Fund	Support of General Gov't Activities
102	Opportunities Fund	Council Directed Infrastructure Projects
103	Perpetual Care Fund	Establishment Of A Corpus Amount From Which Interest Earnings Are Used To Support 1% Funded Facilities
104	LAD Assessments Fund	Assessments For Public Improvements
105	Metro Animal Fund	Animal Shelter/Education Services
106	River Fund	Account for river restoration prjoects
110	Weed and Pest Fund	Control Of Noxious Weeds And Pests
111	CDBG Program Fund	Support Of Affordable Housing Services
112	Special Fire Assistance Fund	Account For Grants/Special Reimb.
113	Revolving Land Fund	Acquisition and Resale of Real Property
114	Police Grants Fund	Account For Rev/Exp Related To Grants
115	CATC Fund	Serve Transportation Needs
116	MPO Fund	Promote Regional Transportation Planning
117	Public Safety Communications Fund	Provide Communication Services To All User Agencies And The Public Within Natrona County
130	Redevelopment Loan Fund	Old Firehouse Project Debt Service
150	Capital Projects Fund	Account for funding of construction, acquisition of major capital projects and equipment, and community support programs as directed by Council
Proprietary		
201	Water Fund	Maintain/Expand Water Dist. System
202	Regional Water Operations Fund	Oper. Of The Reg. Water Treatment Plant
203	Sewer Fund	Collect/Transport Liquid Waste to WWTP
204	Wastewater Treatment Plant Fund	Treat Wastewater of Casper/Area
205	Refuse Fund	Collection Of Solid Waste
206	Balefill Fund	Disposal Of Solid Waste
221	Aquatics Fund	Provide Swimming Opportunities
222	Golf Course Fund	Operation Of Municipal Golf Course
223	Ice Arena Fund	Provide Ice Skating Opportunities
224	Recreation Center Fund	Operation Of Recreational Facilities
225	Hogadon Fund	Provide Ski/Snowboarding Opportunities
226	Casper Events Center Fund	Provide Entertainment and Events
227	Parking Fund	Provide Parking In Downtown Area
Internal Service		
251	Fleet Maintenance	Stewardship of City Vehicles and Equip
252	Buildings and Structures Fund	Stewardship of City Buildings
253	Health Insurance Fund	Provide Health Benefit Plan To Employees
254	Property Insurance Fund	Provide Financing to City's Prop/Liab. Ins.
Component Unit		
300	Central Wyo Regional Water System	City maintains accounting functions for JPB
Fiduciary		
310	AMOCO	Investments held on behalf of the AMOCO Reuse Joint Powers Board

CITY OF CASPER, WYOMING

FINANCIAL ADMINISTRATION GUIDELINES

Fund Reserves

Adequate reserve levels are a necessary component of the City's overall financial management strategy and a key factor in external agencies' measurement of the City's financial strength. Fund reserve balances will be maintained that:

- Provide adequate financial resources to conduct the normal business of the City and ensure the continued delivery of services in the event of any disruption stemming from short-term interruptions in cash flow
- Provide adequate financial resources to maintain the City's credit worthiness
- Provide for the accumulation of financial resources for use in capital acquisitions or to comply with legal requirements
- Provide adequate financial resources to respond, in a planned and decisive manner, to long-term or permanent decreases in revenues
- Provide adequate financial resources to ensure continued delivery of public safety, utility, and essential infrastructure maintenance services in response to natural disasters and events
- Comply with reserve levels mandated through negotiated contractual agreements and/or terms of debt issuance agreements
- Are not excessive

Any amounts that exceed the total calculated reserve balance shall be considered unassigned and available for appropriation. With Council approval, unassigned balances **may** be available to transfer from one fund to another fund, subject to revenue restrictions or unless specifically prohibited by the terms of this Guidance.

Target and actual reserve levels will be calculated annually as part of the budget process. Additional contributions that may be needed to obtain the target reserve levels will be budgeted from applicable fund resources over a period of time as deemed appropriate by Council.

City of Casper Administrative Policy	
Policy Number:	Subject: Fund Reserve Policy
Effective:	
Supersedes All Previous Policies	Category: Finance

I. Purpose and Scope

To identify major funds within the City’s accounting structure for which establishment of a targeted reserve balance is appropriate and for what purpose the reserves are intended.

II. Goal

To establish minimum levels of reserves for designated funds to ensure stable service delivery, meet future needs, and protect against financial instability.

III. Funds

The following Funds shall fall under the provisions of this policy:

- Fund 101 – General Fund
- Fund 110 – Weed & Pest Fund
- Fund 201 – Water Fund
- Fund 203 – Sewer Fund
- Fund 204 – Waste Water Treatment Plant
- Fund 205 – Refuse Fund
- Fund 206 – Balefill Fund
- Fund 222 – Golf Fund
- Fund 251 – Fleet Maintenance
- Fund 252 – Buildings and Structures
- Fund 254 – Property Insurance Fund

IV. Definitions

Fund Reserve: That portion of fund balance assigned and designated for the protection of the financial integrity of the Fund. Any cash balances in excess of the reserve requirements shall be referred to as “unassigned cash”.

Operating expense: Those expenditures incurred necessary to conduct daily operational activities exclusive of capital related expenses and debt principal payments.

Capital expense: Those expenditures incurred to acquire assets that meet the depreciation threshold.

Debt Service: Those expenditures required to meet the principal payment obligations related to incurred debt.

V. Reserve Levels/Purpose

The following reserve levels and intended purpose for each Fund shall be as follows:

General Fund:

Operating Reserve: 120 days of budgeted operating expense as calculated from most recent Council approved annual budget.

Weed and Pest Fund:

Operating Reserve: 90 days of budgeted operating expense as calculated from the most recent Council approved annual budget.

Water/Sewer/WWTP/Refuse/Balefill Funds:

Operating Reserve: 90 days of budgeted operating expense as calculated from most recent Council approved annual budget.

Capital Reserve: One year annual depreciation expense as taken from most recent annual audit.

Debt Service Reserve: The greater of one year annual principal payments or as mandated through negotiated contractual agreements and/or terms of debt issuance agreements.

Golf Fund:

Capital Reserve: One year annual depreciation expense as taken from most recent annual audit.

Fleet Maintenance Fund

Operating Reserve: 30 days of budgeted operating expense as calculated from the most recent Council approved annual budget.

Buildings and Structures Fund:

Operating Reserve: 30 days of budgeted operating expense as calculated from the most recent Council approved annual budget.

Property Insurance Fund:

Operating Reserve: Most recent five year average of actual out-of-pocket claims expense

VI. Use and Replenishment of Reserves

As stated in Section II, reserves are maintained to ensure stable service delivery, meet future needs, and protect against financial instability. As such, utilization of reserves should only be considered in response to a temporary economic downturn, planned stabilization of rates, or funding for unplanned/emergency expenditures. Council shall direct the use of reserves through a budget appropriation process which should include a plan for replenishment.

Target and actual reserve levels will be calculated annually as part of the budget process. Additional contributions that may be needed to obtain the target reserve levels will be budgeted from applicable fund resources over a period of time as deemed appropriate by Council.

Approved as to Form:

Approved By:

Date:

J. Carter Napier
City Manager

City of Casper Administrative Policy	
Policy Number:	Subject: Special Council Designated Funds
Effective:	
Supersedes All Previous Policies	Category: Finance

I. Purpose and Scope

To identify funds within the City’s accounting structure created to set aside funds for specific, Council directed, activities and to establish guidelines for use of and access to such funds.

II. Goal

To ensure fund balances in Council Designated Funds are maintained at a level acceptable to Council and spent for only projects/events as directed by Council.

III. Funds

The following Funds shall have been determined to fall under the provisions of this policy:

- Fund 102 – Opportunity Fund
- Fund 103 – Perpetual Care Fund
- Fund 113 – Revolving Land Fund

IV. Fund History/Purpose

Opportunity Fund

The Opportunity Fund was created in 2015 from Optional One Cent #14 dollars “to be used primarily for City’s basic infrastructure projects (i.e.; water, sewer, streets, and public safety)”.

Perpetual Care Fund

The Perpetual Care Fund was established through contributions from Optional One Cent sales tax and the General Fund. The Fund was established to account for funds set aside to support certain City facilities (constructed or improved using Optional One Cent Sales Tax funds) and operations. Historically, only the interest earnings generated from the Fund corpus has been allocated to spend. Loans have also been authorized from this Fund.

Revolving Land Fund

The Revolving Land Fund was established in fiscal year 2006 to acquire and resell land for redevelopment. It was started with Optional Once Cent sales tax dollars and replenished through land sale proceeds.

V. Authorized Use of Funds/Minimum Fund Balance

Opportunity Fund

Utilization of funds can only be authorized by Council for infrastructure and public improvement projects. No minimum balance requirement shall be associated with this fund. Unassigned Optional One Cent sales tax collections in excess of the amount projected and allocated through the Council approved Resolution Approving The Community Priorities For Use Of The Optional Sales Tax Special Projects Funds shall be allocated to this Fund. Further contributions to the Fund and the source derived shall be at the discretion of Council.

Perpetual Care Fund

Utilization of funds can only be authorized by Council for support of plant and operational needs of facilities that have been recipients of optional one cent sales tax dollars for construction or improvement. The Fund shall maintain a minimum corpus balance of \$30,000,000 with annual interest earnings allocated for eligible facility maintenance/operational needs. Any authorized expenditure of the fund corpus must include a defined plan for replenishment.

Revolving Land Fund

Utilization of funds can only be authorized by Council for acquisition costs of real property and/or City owned facility improvements. The Fund shall strive to maintain a minimum balance of \$1,000,000. Planned expenditures that would deplete the fund balance below the minimum requirement must include a defined plan for replenishment.

VI. Loans Not Authorized

Authorizing the issuance of loans from Council Appropriated Funds to non-City of Casper owned entities shall be prohibited.

Approved as to Form:

Approved By:

Date:

J. Carter Napier
City Manager

March 10, 2020

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Fleur Tremel, Assistant to the City Manager/City Clerk
Carla Mills-Laatsch, Licensing Specialist
SUBJECT: Changes to Liquor Licenses ordinances.

Meeting Type & Date

Work Session
March 24, 2020

Action type

Direction Requested

Recommendation

That Council provide direction on the possible changes to city ordinances.

Summary

At the work session on February 11, 2020 staff was given direction to move forward with ordinance changes regarding late liquor license renewals, and relaxing the open container permit for set period of time.

Council directed staff to look at sanctions for liquor dealers that do not turn in their renewal application on time. Each year the liquor licenses dealers have to renew their license. Every year several liquor license holders turn their application for renewal in late. Staff suggests changing the city ordinance to say all renewals are due by the 2nd Monday in December of every year. Renewals that are late will be charged a monetary fee as follows: 1-5 days late will be \$250, 6-10 days late will be \$500, and day 11 the license will not be eligible for renewal and will revert back to the City at the end of the current license year.

Council leadership further directed Staff to look at relaxing the open container laws regarding alcoholic beverages in the area between from Center St to Elm St and the Collins Dr. to 2nd St. for a set time frame that would begin with Memorial Day in May and end with Labor Day in September.

Council also was made aware of changes in the State Statutes, which permit Council to increase the number of malt beverage permits, catering permits, diminishes the requirements for the issuance of special malt beverage permits, and allows for self-distribution for microbreweries and distilleries.

Financial Considerations

Small loss of revenue with relaxed open container permits. We will only require one person to apply for a liquor permit and open container. Usually, as many as 4-6 would apply. Liquor permits are \$50 per permit. We would receive additional revenue if renewal applications are late. Currently, we do not charge if the application is late.

Oversight/Project Responsibility

John Henley, City Attorney (Ordinance Amendments)
Carla Mills-Laatsch, Licensing Specialist

Attachments

None

ORDINANCE NO. _____

AN ORDINANCE UPDATING AND AMENDING SECTIONS 5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140, 5.08.150, 5.08.280, 5.08.480, 5.08.530, and 5.08.535 OF THE CASPER MUNICIPAL CODE

- 5.08.010** - Definitions. Page 2
- 5.08.050** – License application – Contents and fees., Page 5
- 5.08.080** - License application—Notice, hearing and appeals procedure. Page 7
- 5.08.100** Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees, Page 9
- 5.08.105** – Manufacturing and rectifying. Page 15
- 5.08.130** - Special malt beverage permit. Page 16
- 5.08.140** - Malt beverage and catering permits for public events. Page 17
- 5.08.150** - License holder restrictions. Page 20
- 5.08.280** – Repealed Page 21
- 5.08.480** - Open container restrictions. Page 21
- 5.08.530** – Violation/Enforcement. Page 23
- 5.08.535** - Licensure Considerations and Administrative Fees Page 23

WHEREAS, the current Casper Municipal Code regarding alcohol beverages requires updating from time to time; and,

WHEREAS, authority is granted to cities and towns by W.S. 15-1-103(a) (iv), (xiii) and (xli) to adopt ordinances and regulations for the health, welfare, and safety of the city and to license and regulate business activities within the City for the health, safety, and welfare of its citizens; and,

WHEREAS, the governing bodies of cities and towns may perform all acts in relation to the property and concerns of the city or town necessary to the exercise of its corporate powers; and,

WHEREAS, the City Council of Casper, has recently authorized the renewal of numerous liquor licenses, notwithstanding that some of the licenses are in essence parked or not being used as intended; and,

WHEREAS, incorporated cities, towns and counties within Wyoming are the entities which are charged with licensing, regulating and prohibiting the retail sale of alcoholic and malt beverages within their jurisdictions (Wyo. Stat. §12-4-101(a)); and,

WHEREAS, pursuant to state law, liquor licenses are to be operational within one (1) year after license issuance or transfer and remain operational thereafter (Wyo. Stat. §12-4-103 (a)(iv)); and,

WHEREAS, “remains operational” means operational consecutively, in any license term year, for twelve (12) months unless the license was issued for a seasonal operation (Wyo. Stat. §12-4-103(a)(iv); and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following sections of Chapter 5.08 of the Casper Municipal Code are hereby updated and amended as follows:

5.08.010 - Definitions.

As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains at least more than one-half of one percent of alcohol by volume. As used in this paragraph, “beverage” does not include liquid filled candies containing less than six and one quarter percent of alcohol by volume.
2. "Bar and grill liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. "Barrel" is a unit of liquid measure equal to thirty-one- U.S. gallons.
4. “Brewery” means a commercial enterprise at a single location producing more than fifty thousand barrels per year of malt beverage.
- 4.5. "Building" means a roofed and walled structure built or set in place for permanent use.
- 5.6. "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 subdivision, 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;
 - c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, 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 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 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. A social club shall, upon applying for a license, file with the licensing authority and the ~~division~~ commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the ~~commission~~ 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 this chapter, shall be in good standing by having paid at least one full year in dues;
- f. Club does not mean college fraternities or labor unions.

~~6.7.~~ 6.7. "Conviction" shall mean a finding of guilty, the entry of a guilty or no contest plea, or the entry of a guilty or no contest plea as part of a deferred sentence in any court.

~~7.8.~~ 7.8. "Division" means the Wyoming Liquor Division.

~~"Drugstore" means space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.~~

~~8.9.~~ 8.9. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.

~~9.10.~~ 9.10. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.

~~10.11.~~ 10.11. "Licensee" means a person holding a:

- a. Retail liquor license;
- b. Limited retail liquor license;
- c. Resort liquor license;
- d. Malt beverage permit;
- e. Restaurant liquor license;
- f. Catering permit;
- g. Special malt beverage permit; or

- h. Bar and grill liquor license;
- i. Manufacturer's license-granted by the Wyoming Liquor Division and a City issued satellite manufacturer's permit.

j. Micro brewing and/or winery permits.

- ~~11.12.~~ "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
- ~~12.13.~~ "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.
- ~~13.14.~~ "Malt beverage permit" means the **authorization** ~~authority~~ under which the licensee is permitted to sell malt beverages only.
- ~~14.15.~~ "Manufacture" or "manufactures" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent alcohol by volume;
- ~~15.16.~~ "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(~~xix~~~~xx~~).
- ~~16.17.~~ ~~"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 consecutive months during any calendar year.~~ **"Operational", for nongovernmental owned properties, means offering for sale on an ongoing weekly basis for twelve (12) months per year during the license term year to the general public, alcohol and malt beverages as authorized, and as stated herein."**
- ~~17.18.~~ "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
- ~~18.19.~~ "Person" includes an individual person, partnership, corporation, limited liability company or association.
- ~~19.20.~~ "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
- ~~20.21.~~ "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. 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.

~~21-22.~~ "Restaurant liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.

~~22-23.~~ "Retail liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.

~~23-24.~~ "Room" means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

~~24-25.~~ "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging 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.

~~25-26.~~ "Special malt beverage permit" means the authority under which a licensee is permitted to sell malt beverages at public auditoriums, civic centers or events centers, meeting the qualifications hereinafter provided.

27. "Weekly basis" means at least eight hours per day five days per week for forty-six weeks for retail, and bar and grill licenses at a location not owned by the State of Wyoming, Natrona County or the City of Casper, and at least five hours per day five days per week for fifty weeks per year for a restaurant license.

~~26-28.~~ "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.

~~27-29.~~ "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

(Ord. 33-06 §§ 1, 2, 2006; Ord. 24-96 § 1, 1996; Ord. 22-93 § 1, 1993; Ord. 8-88 § 1, 1988; Ord. 25-86 (part), 1986; prior code § 3-1)

(Ord. No. 34-15, § 1, 12-15-2015; Ord. No. 2-19, 3-5-2019)

5.08.050 – License application – Contents and fees.

Any person desiring a license or permit, including a satellite manufacturer's permit, under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney general of the state and furnished to the city. It shall be sworn to by the applicant, filed timely in the office of the city clerk and be accompanied by the sum of fifteen dollars in the event that it is submitted as an application for annual renewal to become effective on the annual renewal date of April 1st, and in the sum of thirty-eighty dollars for an application submitted at any other time or

for any other purpose. The set amount is intended to defray the expense including of publishing notice of such application as required by law. Such application shall contain the following the information:

A. The location and description of the 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 plan of the licensed building and premises to be licensed;

B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;

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

D. If the applicant is a corporation:

1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and

2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;

E. A statement indicating the financial condition and financial stability of a new applicant;

F. The site and the zoning of the site where the applicant will sell under the license;

G. If the applicant is a limited liability company:

1. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, and

2. If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided under subsection C of this section;

H. 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 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 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 of the officers, managers, or if there are no officers or managers, at least one 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.

(Ord. No. 9-17, § 2, 6-20-2017; Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-10)

(Ord. No. 2-19, 3-5-2019)

5.08.080 - License application—Notice, hearing and appeals procedure.

A. When an application for a license, special malt beverage permit, satellite manufacturer's permit, or renewal, or a transfer of location or ownership thereof has been filed with the city clerk, 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 consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. 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 _____, ~~19-20~~,
(name of applicant) filed an application for a _____ license (permit), in the office of the Clerk of the City of Casper for the following building (insert 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 _____, ~~19-20~~, in the (meeting place of the governing body).

Dated _____

Signed
City Clerk

B. Any license or other permit authorized under this chapter shall not be issued, renewed, expanded 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 days preceding the expiration date of the license or special malt beverage permit. A license or special malt beverage permit shall not be issued, renewed, expanded or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;

2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;

3. The number, type and location of existing licenses or special malt beverage 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, renewal or transfer of the license or special malt beverage 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, renewal, expansion or transfer of the license or permit.

C. When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the division. The city council shall not 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 working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the division.

D. An applicant for a renewal license or special malt beverage permit may appeal to the district court from an adverse decision by the city council. No applicant for a new license or permit shall have a right of appeal from the decision of the city council denying an application.

E. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the city council named as defendant. During the pendency of an appeal, a renewal license denied by the city council shall not be granted to any other applicant. Upon notice of appeal the city 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 city clerk. 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.

F. The date the renewal application is due to the city clerk's office for renewal will be set by the city clerk. Renewal applications received after this date will be assessed a late fee or the license will be deemed as abandoned: a late fee of two hundred and fifty dollars shall be assessed for applications received one to five days late; a late fee of five hundred dollars shall be assessed for applications received six to ten days late; greater than ten days the license shall be deemed as abandoned and the clerk shall not accept a renewal application eleven (11) days after the renewal application. Late fees must be paid before the city clerk will accept a renewal application. ~~— Late fee will be One Hundred Dollars and must be paid before the City Clerk will accept the renewal application. Late applications more than 3 weeks late may not be renewed.~~

(Ord. No. 9-17, § 3, 6-20-2017; Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986: prior code § 3-15)

(Ord. No. 2-19, 3-5-2019)

5.08.100 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), the city council may issue:~~

~~1(a). 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;~~

~~1(b). A satellite manufacturer's permit authorizes the permittee to sell the permittee's product at the satellite location consistent with the manufacturer's license.~~

~~2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.~~

~~3. Satellite winery permits, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the city clerk for each location following approval of the city council after a public hearing for consideration of the permit application. Satellite winery permits shall be subject to the applicable terms and conditions of this chapter.~~

~~4. Every applicant for a satellite winery permit shall file with the city clerk, at the time of application for the initial permit, and any subsequent permit or renewal thereof, an affidavit in a form approved by the city clerk attesting that the applicant does not have more than the number~~

~~of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.~~

~~5.—No satellite winery permit shall be eligible for renewal in the event the applicant thereof has more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.~~

~~B.—The city council:~~

~~1.—May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;~~

~~2.—May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;~~

~~3.—May approve the dual holding of a microbrewery permit or winery permit and one of the following:~~

~~a.—A retail liquor license;~~

~~b.—Subject to subsection C of this section, a restaurant license;~~

~~c.—A resort license;~~

~~d.—A microbrewery permit;~~

~~e.—A winery permit; or~~

~~f.—A bar and grill liquor license. Provided, however, the provisions of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:~~

~~i.—May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption.~~

~~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.~~

~~iii.—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.~~

~~4.—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 ounces per sale;~~

~~a. — All microbrewery products for off premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.~~

~~5. — 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 ounces per sale;~~

~~a. — All winery products for off premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.~~

~~6. — 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;~~

~~7. — 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~~

~~8. — Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a fee of one hundred dollars annually for up to three satellite winery permits issued within the city to the same applicant. 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. — Restaurant license restrictions of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:~~

~~1. — May sell the brewed malt beverage or manufactured wine for limited off premises personal consumption pursuant to subsections (B)(4) and (5) of this section;~~

~~2. — 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~~

~~3. — 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 this chapter.~~

A. Subject to restrictions imposed under Casper City Code Section 5.08.150 excluding Section 5.08.150(A)(4), the City may issue:

1. 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;

2. 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. A Casper microbrewery permit or a winery permit:

1. Allows the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

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

3. Is approved for 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 12-4-201;

b. Subject to subsection C of this section, a restaurant license as authorized in this chapter.

c. A resort license as provided in this chapter;

d. A microbrewery permit as provided under paragraph (A)(1) of this section;

e. A winery permit as provided under paragraph (A)(2) of this section;
or

f. Subject to subsection E of this section, a bar and grill liquor license as provided in this chapter.

4. Allows 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 ounces per sale;

5. Allows 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 ounces per sale;

6. The number of microbreweries or the number of wineries are limited to no more than those allowed in W.S. 12-4-201(d) for each permit;

7. 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

8. Shall be assessed a fee of subject to the renewal each year 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)(3)(a) of this section, except the dual holder:

1. Reserved

2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

3. 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

4. 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, a winery permit under this section will include the availability to apply for an issued satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three 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 application will require a public hearing and the payment of an additional permit fee of 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 established by this chapter and the licensed building 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)(3)(f) of this section, except the dual holder:

1. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

2. 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

3. 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)(5) 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 household in this state in any twelve (12) month period.

G. Notwithstanding paragraph (B)(5) 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 winery permit holder pursuant to this section shall:

1. Reserved.

2. Reserved.

3. 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;

4. 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";

5. 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;

6. Reserved.

7. Maintain records for at least three 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.

I. In addition to the one additional license or permit authorized under paragraph (b)(iii) of this section, the holder of a microbrewery or winery permit under this section may also hold a malt beverage permit under Casper City Code Section 5.08.140.

(Ord. No. 9-17, § 1, 6-20-2017; Ord. No. 11-14, § 1, 6-3-2014; Ord. 33-06 § 3, 2006; Ord. 24-96 § 2, 1996; Ord. 22-93 § 3, 1993)

(Ord. No. 2-19, 3-5-2019)

5.08.105 – Manufacturing and rectifying.

A. A holder of a manufacturer's license who is a federally licensed distiller or rectifier may dispense free of charge at the site identified on the manufacturer's license samples in quantities not to exceed one and one-half ounces of their product manufactured at the site identified on the manufacturer's license and no more than three ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions provided in W.S. 12-5-201.

B.

1. The local licensing authority may issue to the holder of a manufacturer's license granted 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 product manufactured at the site identified on the manufacturer's license at not more than one 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~~ shall require a public hearing and the payment of an additional permit fee ~~of not to exceed~~ one hundred dollars. The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~set pursuant to W.S. 12-5-101~~ established in this chapter and the licensed building provisions pursuant to W.S. 12-5-201.

1.2. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners

and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises permit shall be issued for one twenty-four hour period, subject to the schedule of operating hours set in this chapter. No holder of a manufacturer's license shall receive more than twelve off-premises permits in any one calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of an additional permit fee of not less than _____ nor more than _____ per twenty-four hour period.

C. For purposes of this section:

1. "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 operation at the site identified on the manufacturer's license.

2. "In operation" for this section means is currently being operated or has been operated in the preceding twelve (12) months with all necessary permits;

3. "Manufacture" or "manufactured" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%) alcohol by volume;

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

(Ord. No. 2-19, 3-5-2019)

5.08.130 - Special malt beverage permit.

- A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.
- B. To qualify for a special malt beverage permit an applicant must meet the following requirements:
 - 1. The applicant must be a responsible person or organization;
 - 2. The public auditorium, civic center or events center shall be ~~an enclosed building~~ owned by the city, ~~or the~~ county, the state, or the DDA containing meeting rooms, kitchen facilities and at least one auditorium which has an attendance seating capacity for no less than ~~five thousand~~ four hundred persons and is used for public gatherings;
 - 3. The person or organization applying for the permit must hold a written agreement with the owner of the public auditorium, civic center or events center, giving said applicant the right to sell concessions within the building or location for a period of no greater than one license year (April 1st to March 31st). ~~for the period for which the license will be effective.~~
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises or location described on the permit, nor shall any malt beverage be sold for consumption off the premises or outside the location authorized by the permit. It shall be an the duty and obligation and a responsibility of the holder of the permit to see that no sales are made to any person under the age of twenty-one years and there are no other violations of this chapter.
- D. The permits authorized by this section shall be issued after a hearing on the application, and the license fee shall be ~~one thousand five hundred dollars; five hundred dollars~~ payable annually in advance.
- E. The permit shall be subject to such rules and regulations as ~~are~~ may be established by the city council. ~~for the following:~~
 - ~~1. The hours and days of operation of the licensed building.~~

(Ord. No. 9-17, § 4, 6-20-2017; Ord. 8-88 § 3, 1988; Ord. 25-86 (part), 1986: prior code § 3-22)

(Ord. No. 2-19, 3-5-2019)

5.08.140 - Malt beverage and catering permits for public events.

- A.1. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee 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~~ at the location ~~premises~~ described on the permit, nor shall any malt beverage be sold or consumed ~~off~~ outside the ~~premises~~ location authorized by the permit. Privately

owned or leased ~~premises~~locations shall be subject to the restrictions set forth in subsections G and H.

2. Any person selling or dispensing a malt beverage pursuant to this subsection shall have completed successfully an alcohol server training program as approved by W.S. Section 12-2-402.

~~The penalty for a violation of this subsection shall be \$150.00, and shall be paid by the~~ person and the organization which requested and were issued the malt beverage ~~permit.~~permit are jointly and severally liable for any fine imposed by the court for a violation of chapter 5.08 of the Casper Municipal Code.

- B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the city manager or his or her designee to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not ~~capable of being~~ held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic liquor or malt beverage ~~off~~outside the ~~premises~~location described in the permit, ~~except as to a special area or district as authorized by resolution adopted by the City Council pursuant to Casper Code Section 5.08.480 4.~~
- C. The permits authorized by this section shall be issued for one twenty-four-hour period, subject to the schedule of operating hours provided by this chapter. No person or organization shall receive more than a total of twelve malt beverage and thirty-six catering permits for sales at the same ~~premises~~location in any one year. ~~In no event shall more than twenty four malt beverage permits be issued for any given premises in any one year.~~
- D. The malt beverage permit and the catering permit shall be issued on application to the city manager or his or her designee 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 fifty dollars per twenty-four-hour period, payable to the city.
- F. Applications shall be submitted on a form approved by the city manager or his or her designee.
- G. Applications for malt beverage permits ~~shall~~may be denied due to any of the following conditions:
 1. Conviction of the following individuals and entities for one or more of the following offenses related to a similar event or location within the preceding five years prior to the date of the application as follows:

- a. Applicant or applicant's entity principals, employees, agents, or representatives while travelling to or from the event or at the event:
 - i. Driving while under the influence,
 - ii. Public intoxication,
 - iii. Disturbing the peace/noise offense,
 - iv. Serving after hours at location,
 - v. Controlled substances offenses,
 - vi. Serving to a minor,
 - vii. Selling alcohol without a license,
 - viii. Violation of any provision of Chapter 5.08 of the Casper Municipal Code.
2. Convictions of any patron, guest, attendee, employee, owner, applicant, or principal resulting from four or more of any of the following offenses occurring at, or stemming from, an event location for which a permit is being applied for, within three hundred sixty-five days prior to the date of the application as follows:
 - a. Minor in possession,
 - b. Disturbing the peace/noise offense,
 - c. Selling alcohol without a license,
 - d. Furnishing alcohol to minor,
 - e. Driving while under the influence,
 - f. Controlled substances offense.
3. Applicant's business entity is not in good standing with the State of Wyoming Secretary of State.
4. Applicant lack of valid Wyoming sales tax permit.
5. Applicant nonresident of Wyoming.
6. Applicant not obtaining other required permits, including, but not limited to, open container, street closure, and food service permits.

Any denial by the city manager or his designee may be appealed to the city council by the applicant filing a written notice of appeal with the city manager within ten days of the denial. The appeal will be considered within thirty days of the written notice of appeal being filed. Council's decision is final.

Upon denial, or final denial of any malt beverage permit for any of the reasons listed in this section, applicant may apply for future malt beverage permits after the expiration of three hundred sixty-five days from the date of any such denial.

The provisions of this section shall become applicable for any license applied for or any conviction of the listed offenses occurring after the effective date of this ordinance.

H. Any permit issued under this section may be revoked at any time on the discretion of the city manager, or his or her designee, or the chief of police, or his or her designee, if the event poses a risk to public safety or welfare. Upon revocation, all sales and consumption of alcohol shall cease.

(Ord. 11-05 § 1, 2005; Ord. 30-04 §§ 1 (part), 2, 2004; Ord. 33-02 § 1, 2002; Ord. 17-02 § 1, 2002; Ord. 2-91, 1991; Ord. 69-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-28)

(Ord. No. 33-11, §§ 1—3, 12-20-2011; Ord. No. 2-19, 3-5-2019)

5.08.150 - License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any party who does not own the licensed building or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 2 of this subsection;
 2. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one year after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one 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 subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
 3. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 2 of this subsection;
 4. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture or sale of malt beverages under a microbrewery license issued pursuant to this chapter or an off-premises permit pursuant to Section 5.08.105 B1 and B2; ~~and except as provided in Section 5.08.100 I.~~
 5. A person under twenty-one years of age;
 6. A college fraternity or organization created by one or more college fraternities;
 7. A chamber of commerce;
 8. A corporation or a limited liability company which has not qualified to do business in Wyoming;
 9. An individual who is not a resident; or

10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
 11. Except as provided in subsection 12 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;
 12. Subsection 11 of this section shall not apply to:
 - a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;
 - b. Holders of special permits issued under Sections 5.08.130 and 5.08.140 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as hereinafter provided.

(Ord. No. 9-17, § 5, 6-20-2017; Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986: prior code § 3-12) (Ord. No. 2-19, 3-5-2019)

5.08.280 - ~~Sales by drugstores. Repealed~~

~~All sales of alcoholic liquor or malt beverages by drugstores holding a retail liquor license under the provisions of this chapter shall be made only in the container received by the druggist in the original package. No such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore. Any such sale shall be made by a licensed pharmacist or by an adult clerk. The drugstore shall be limited in its sales to the amount provided in this chapter that may be sold by holders of other retail licenses.~~

(Ord. 25-86 (part), 1986: prior code § 3-20) (Ord. No. 2-19, 3-5-2019)

5.08.480 - Open container restrictions.

A. It is unlawful:

1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";

2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. [The City Council too, may by resolution create special areas of districts, in which the possession of open containers may be expanded or limited between Memorial Day and Labor Day of each calendar year; however, the periods of time for expansion or limitation may be established and/or modified by resolution adopted by the City Council.](#) ~~However, n~~ Nothing in this chapter shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;
5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in the Restaurant License section.

B. Definitions.

1. "Certain structures" means any city owned, operated or leased offices, public safety or maintenance facility and any building or structure used primarily for public entertainment, i.e., theaters, amusement centers, restaurants and the like, excluding, however, structures duly licensed to sell or dispense alcoholic liquor or malt beverages.
2. "Open container" means any glass, cup, bottle, can or other receptacle used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the city limits shall not be considered open space.

(Ord. 11-05 § 4, 2005; Ord. 30-04 § 1 (part), 2004; Ord. 25-99 § 1, 1999; Ord. 25-86 (part), 1986: prior code § 3-8)

(Ord. 25-86 (part), 1986: prior code § 3-5) (Ord. No. 2-19, 3-5-2019)

5.08.530 – Violation/Enforcement.

Violations of this chapter may be enforced in the Municipal Court of the City of Casper as misdemeanor offenses punishable by up to a Seven Hundred Fifty Dollar fine for each offense unless otherwise specified in the section from which a violation is alleged and, in the manner authorized and described in Wyoming State Statutes 12-1-101 et. seq. as they may be amended from time to time. Appeals of any of these actions may be taken as allowed and in the manner specified by applicable state statutes. Any law enforcement agency issuing a citation or other charging document for a violation of this chapter shall notify the City Clerk of said charge within five business days of its issuance. (Ord. No. 2-19, 3-5-2019)

5.08.535 - Licensure Considerations and Administrative Fees

Violations of the Casper Municipal Code and/or Wyoming State Statutes may also be factors in the consideration of suspensions, revocations, nonrenewals or conditional renewals of licenses and permits.

In recognition of the fact that license holders who repeatedly violate the provisions of this Code create an undue burden of the City in administering liquor licenses, in addition to any other penalties or remedies, licensees shall be subject to administrative fees of One Thousand Dollars (\$1000.00) for the third violation of this Chapter within any consecutive twenty-four month period, and Five Thousand Dollars (\$5000.00) for a ~~fifth~~ fourth or subsequent violation within a consecutive twenty-four month period. Any violation relating to the license holder or licensed premises shall apply to this subsection, regardless of whether separate individual employees or agents of the licensee committed the individual violations. The violations need not be of the same section or subsection of this chapter to be counted in this total.

A notice to pay said fee shall be issued by the City Clerk to the licensee upon notification by the court of licensee's convictions for the relevant offenses. The time frame for accumulation of the violations shall be the date of violations, not the dates of conviction. If such fee is not paid, or an appeal hearing before Council requested in writing to the City Clerk and accompanied by a bond in the amount of the fee at issue within ten (10) days of the notice being given by the Clerk, the license shall be suspended until such time as the fee is paid to the City Clerk. If an appeal hearing is requested, it shall be in Council's sole discretion, after hearing all the relevant facts in the matter, whether to suspend part or all of the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedure Act shall not apply to such hearing. (Ord. No. 2-19, 3-5-2019)

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

Fleur Tremel
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Steven K. Freel
Mayor

March 19, 2019

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Fleur Tremel, Assistant to the City Manager/City Clerk *FT*
SUBJECT: Community Promotions–Preliminary Voting Results

Meeting Type & Date:

Work Session
March 24, 2019

Recommendation:

That Council review the attached voting results for the Community Promotions process to confirm that they accurately reflect the will of the Council and make any necessary changes that Council deems appropriate.

Summary:

The City of Casper received twenty-one applications for Community Promotions funding this year. The attached voting sheet is a compilation of the Councilmembers' votes. At this time, Council does have the option to change their votes. Council previously set the limit at \$25,000.00 for the Community Promotions. At this time, Staff is seeking direction on how Council would like to proceed in the form of which agencies to support.

Financial Considerations:

Funding for this project could come from the 1% fund.

Oversight/Project Responsibility:

Fleur Tremel, Assistant to the City Manager/City Clerk

Attachments:

Voting Compilation

FY21 Community Promotions Compilation - Voting Results

	Organization	Event Name	Eligible?	Cash		In Kind		Facilities		Total Request	Final Result
				Cash Requested	Cash Result	In Kind Requested	In Kind Result (50%)	Facilities Requested	Facilities Result (50%)		
1	Casper Amateur Hockey Club	Season Events	Yes	\$14,100.00	\$1,441.11	\$0.00		\$22,859.38	\$5,858.01	\$36,959.38	\$7,299.12
2	Casper College T-Bird Trek	2019 T-Bird Trek	Yes	\$1,000.00	\$472.22	\$0.00		\$0.00		\$1,000.00	\$472.22
3	Casper Housing Authority CARES	Annual Father's Day Event	Yes	\$0.00		\$0.00		\$560.00	\$233.33	\$560.00	\$233.33
4	Casper Soccer Club	Casper Fall Classic 2020	Yes	\$0.00		\$169.00	\$70.39	\$1,000.00	\$444.44	\$1,169.00	\$514.83
5	Casper Soccer Club	Spring Jamboree	Yes	\$0.00		\$169.00	\$70.39	\$1,000.00	\$444.44	\$1,169.00	\$514.83
6	Casper Soccer Club	Wyoming State Cup	Yes	\$0.00		\$203.00	\$84.61	\$1,560.00	\$693.33	\$1,763.00	\$777.94
7	Central Wyoming Corvettes	Central Wyoming Corvette Roundup	Yes	\$0.00		\$0.00		\$1,000.00	\$388.89	\$1,000.00	\$388.89
8	Community Rec Foundation	2020 Holiday Craft Fair	Yes	\$0.00		\$6,000.00	\$1,333.33	\$5,500.00	\$1,771.88	\$11,500.00	\$3,105.21
9	DCBA/Proud to Host	Downtown Casper Christmas Parade	Yes	\$0.00		\$2,497.06	\$1,093.90	\$0.00		\$2,497.06	\$1,093.90
10	Fort Caspar Museum association	Caspar Collins Day	Yes	\$500.00	\$193.65	\$0.00		\$0.00		\$500.00	\$193.65
11	Natrona County Fair	Central WY Fair & Rodeo	Yes	\$0.00		\$30,235.00	\$5,505.56	\$0.00		\$30,235.00	\$5,505.56
12	Natrona County Fair	CWFR Banner Downtown Advertising	Yes	\$0.00		\$243.24	\$112.23	\$0.00		\$243.24	\$112.23
13	Natrona County Fair	Downtown Sidewalk Chalk Art	Yes	\$5,000.00	\$444.44	\$0.00		\$0.00		\$5,000.00	\$444.44
14	Natrona County Fair	Downtown Parade	Yes	\$0.00		\$3,204.30	\$1,056.27	\$0.00		\$3,204.30	\$1,056.27
15	Serve Wyoming	2020 9-11 Memorial mural	Yes	\$3,000.00	\$555.56	\$0.00		\$0.00		\$3,000.00	\$555.56
16	Special Olympics	2020 Special Olympics Fall Tournament	Yes	\$1,500.00	\$583.33	\$2,926.24	\$1,063.91	\$1,000.00	\$444.44	\$5,426.24	\$2,091.68
17	Special Olympics	2020 Special Olympics Summer Sports Classic	Yes	\$500.00	\$250.00	\$2,688.00	\$907.50	\$190.00	\$73.89	\$3,378.00	\$1,231.39
18	WY Central ABATE	Motorcycle Safety and Awareness Day Run	Yes	\$0.00		\$420.00	\$127.22	\$0.00		\$420.00	\$127.22
19	WY Central ABATE	Toy Run	Yes	\$0.00		\$420.00	\$151.11	\$0.00		\$420.00	\$151.11
20	WY Fiddler's Association	Regional Fiddle Championship	Yes	\$1,000.00	\$377.78	\$0.00		\$0.00		\$1,000.00	\$377.78
21	Wyoming Juneteenth Education Committee	Juneteenth Freedom Celebration	Yes	\$500.00	\$205.56	\$2,780.00	\$632.86	\$120.00	\$53.33	\$3,400.00	\$891.75
				\$27,100.00	\$4,523.65	\$51,954.84	\$12,209.27	\$34,789.38	\$10,406.00	\$113,844.22	\$27,138.92

FY21 Community Promotions Compilation - Cash Requests Voting Results

	Organization Name	Event Name	Cash Requested	Cash Result	Lutz	Johnson	Hopkins	Freel	Pacheco	Cathey	Powell	Bates	Huber	Blank Cells
1	Casper Amateur Hockey Club	Season Events	\$15,600.00	\$1,441.11	\$0.00	\$0.00	\$1,100.00	\$0.00	\$1,000.00	\$0.00	\$2,000.00	\$3,870.00	\$5,000.00	0
2	Casper College T-Bird Trek	2020 T-Bird Trek	\$1,000.00	\$472.22	\$0.00	\$0.00	\$500.00	\$750.00	\$1,000.00	\$0.00	\$500.00	\$1,000.00	\$500.00	0
3	Casper Housing Authority CARES	Annual Father's Day Event	\$0.00											
4	Casper Soccer Club	Casper Fall Classic 2020	\$0.00											
5	Casper Soccer Club	Spring Jamboree	\$0.00											
6	Casper Soccer Club	Wyoming State Cup	\$0.00											
7	Central WY Corvettes	Roundup	\$0.00											
8	Community Rec Foundation	2020 Holiday Craft Fair	\$0.00											
9	DCBA/Proud to Host	Downtown Casper Christmas Parade	\$0.00											
10	Fort Caspar Museum association	Caspar Collins Day	\$500.00	\$193.65	\$0.00	\$0.00	\$250.00	\$250.00	\$500.00	\$0.00	\$242.88	\$500.00	\$0.00	0
8	Natrona County Fair	Central WY Fair & Rodeo	\$0.00											
9	Natrona County Fair	CWFR Banner Downtown Advertising	\$0.00											
10	Natrona County Fair	Downtown Sidewalk Chalk Art	\$5,000.00	\$444.44	\$0.00	\$0.00	\$1,500.00	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$500.00	\$0.00	0
11	Natrona County Fair	Downtown Parade	\$0.00											
12	Serve Wyoming	2020 9-11 Memorial mural project	\$3,000.00	\$555.56	\$0.00	\$0.00	\$1,000.00	\$1,500.00	\$1,000.00	\$0.00	\$1,000.00	\$500.00	\$0.00	0
13	Special Olympics	2020 Special Olympics Fall Tournament	\$1,500.00	\$583.33	\$0.00	\$0.00	\$1,000.00	\$750.00	\$500.00	\$0.00	\$0.00	\$1,500.00	\$1,500.00	0
14	Special Olympics	2020 Special Olympics Summer Classic	\$0.00	\$250.00	\$0.00	\$0.00	\$250.00	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	\$500.00	0
15	WY Central ABATE	Safety and Awareness	\$0.00											
16	WY Central ABATE	Toy Run	\$0.00											
20	WY Fiddler's Association	Regional Fiddle Championship	\$1,000.00	\$377.78	\$0.00	\$0.00	\$500.00	\$500.00	\$1,000.00	\$0.00	\$400.00	\$1,000.00	\$0.00	0
17	Imitate the Image Min.	Juneteenth	\$500.00	\$205.56	\$0.00	\$0.00	\$250.00	\$500.00	\$500.00	\$0.00	\$100.00	\$500.00	\$0.00	0
TOTAL			\$28,100.00	\$4,523.65	\$0.00	\$0.00	\$6,350.00	\$5,750.00	\$7,000.00	\$0.00	\$4,242.88	\$9,870.00	\$7,500.00	


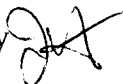
FY21 Community Promotions Compilation - In-Kind Requests Voting Results

#	Organization Name	Event Name	In Kind Requested	In Kind Result	Lutz	Johnson	Freel	Huber	Bates	Hopkins	Powell	Cathey	Pacheco	Blank Cells
1	Casper Amateur Hockey Club	Season Events	\$0.00											
2	Casper College T-Bird Trek	2020 T-Bird Trek	\$0.00											
3	Casper Housing Authority CARES	Annual Father's Day Event	\$0.00											
4	Casper Soccer Club	Casper Fall Classic 2020	\$188.00	\$70.39	84.50	84.50	0.00	84.50	84.50	42.00	84.50	84.50	84.50	0
5	Casper Soccer Club	Spring Jamboree	\$188.00	\$70.39	84.50	84.50	0.00	84.50	84.50	42.00	84.50	84.50	84.50	0
6	Casper Soccer Club	Wyoming State Cup	\$226.00	\$84.61	101.50	101.50	0.00	101.50	101.50	51.00	101.50	101.50	101.50	0
7	Central WY Corvettes	Roundup	\$0.00											
8	Community Rec Foundation	2020 Holiday Craft Fair	\$6,000.00	\$1,333.33	500.00	2500.00	0.00	3000.00	1000.00	1000.00	2000.00	1500.00	500.00	0
9	DCBA/Proud to Host	Downtown Casper Christmas Parade	\$2,497.06	\$1,093.90	1248.53	1248.00	1200.00	1200.00	1000.00	1000.00	700.00	1248.53	1000.00	0
10	Fort Caspar Museum association	Caspar Collins Day	\$0.00											
11	Natrona County Fair	Central WY Fair & Rodeo	\$30,478.24	\$5,505.56	5000.00	5000.00	7000.00	10000.00	7500.00	4000.00	2500.00	7550.00	1000.00	0
12	Natrona County Fair	CWFR Banner Downtown Advertising	\$243.24	\$112.23	121.62	121.00	100.00	120.00	121.62	61.00	121.62	121.62	121.62	0
13	Natrona County Fair	Downtown Sidewalk Chalk Art	\$0.00											
14	Natrona County Fair	Downtown Parade	\$3,204.30	\$1,056.27	1602.15	1000.00	1000.00	600.00	1602.15	800.00	800.00	1602.15	500.00	0
15	Serve Wyoming	2020 9-11 Memorial	\$0.00											
16	Special Olympics	2020 Special Olympics Fall Tournament	\$2,926.24	\$1,063.91	1463.12	1400.00	0.00	1463.00		1422.00	800.00	1463.12	500.00	1
17	Special Olympics	2020 Special Olympics Summer Classic	\$2,688.00	\$907.50	1344.00	1300.00	0.00	1300.00		672.00	800.00	1344.00	500.00	1
18	WY Central ABATE	Safety and Awareness Run	\$420.00	\$127.22	0.00	210.00	0.00	0.00	210.00	105.00	200.00	210.00	210.00	0
19	WY Central ABATE	Toy Run	\$420.00	\$151.11	0.00	210.00	210.00	0.00	210.00	100.00	210.00	210.00	210.00	0
20	WY Fiddler's Association	Regional Fiddle Championship	\$0.00											
21	Imitate the Image Min.	Juneteenth	\$2,780.00	\$632.86	0.00		0.00	1340.00		700.00	1390.00	0.00	1000.00	2
TOTALS			\$52,259.08	\$12,209.27	11549.92	13259.50	9510.00	19293.50	11914.27	9995.00	9792.12	15519.92	5812.12	

FY21 Community Promotions Compilation - Facilities Requests Voting Results

#	Organization Name	Event Name	Facilities Requested	Facilities Result	Count of Yes Votes	Count of No Votes	Freel	Johnson	Lutz	Bates	Huber	Hopkins	Powell	Cathey	Pacheco	Blank Cells
1	Casper Amateur Hockey Club	Season Events	\$22,859.38	\$5,858.01	0	0	\$4,000.00	\$11,429.00	\$9,735.08		\$5,000.00	\$5,700.00	\$5,000.00	\$5,000.00	\$1,000.00	1
2	Casper College	2019 T-Bird Trek	\$0.00													
3	Casper Housing Authority CARES	Annual Father's Day Event	\$560.00	\$233.33	0	0	\$280.00	\$280.00	\$280.00	\$280.00	\$0.00	\$140.00	\$280.00	\$280.00	\$280.00	0
4	Casper Soccer Club	Casper Fall Classic 2020	\$1,000.00	\$444.44	0	0	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$250.00	\$500.00	\$250.00	\$500.00	0
5	Casper Soccer Club	Spring Jamboree	\$1,000.00	\$444.44	0	0	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$250.00	\$500.00	\$250.00	\$500.00	0
6	Casper Soccer Club	Wyoming State Cup	\$1,560.00	\$693.33	0	0	\$780.00	\$780.00	\$780.00	\$780.00	\$780.00	\$390.00	\$780.00	\$390.00	\$780.00	0
7	Central Wyoming Corvettes	Central Wyoming Corvette Roundup	\$1,000.00	\$388.89	0	0	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00	\$250.00	\$500.00	\$250.00	\$500.00	0
8	Community Rec Foundation	2020 Holiday Craft Fair	\$5,500.00	\$1,771.88	0	0	\$2,750.00	\$2,500.00	\$500.00		\$2,500.00	\$1,350.00	\$2,750.00	\$1,325.00	\$500.00	1
9	DCBA/Proud to Host	Downtown Casper Christmas Parade	\$0.00													
10	Fort Caspar Museum association	Caspar Collins Day	\$0.00													
11	Natrona County Fair	Central WY Fair & Rodeo	\$0.00													
12	Natrona County Fair	CWFR Banner Downtown Advertising	\$0.00													
13	Natrona County Fair	Downtown Sidewalk Chalk Art	\$0.00													
14	Natrona County Fair	Downtown Parade	\$0.00													
15	Serve Wyoming	2020 9-11 Memorial mural project	\$0.00													
16	Special Olympics	2020 Special Olympics Fall Tournament	\$1,000.00	\$444.44	0	0	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$250.00	\$500.00	\$250.00	\$500.00	0
17	Special Olympics	2020 Special Olympics Summer Classic	\$190.00	\$73.89	0	0	\$95.00	\$95.00	\$95.00	\$95.00	\$0.00	\$45.00	\$95.00	\$50.00	\$95.00	0
18	WY Central ABATE	Motorcycle Safety Awareness Run	\$0.00													
19	WY Central ABATE	Toy Run	\$0.00													
20	WY Fiddler's Association	Regional Fiddle Championship	\$0.00													
21	Imitate the Image Min.	Juneteenth	\$120.00	\$53.33	0	0	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$30.00	\$60.00	\$30.00	\$60.00	0
TOTALS			\$34,789.38	\$10,406.00			\$9,965.00	\$17,144.00	\$13,450.08	\$3,215.00	\$9,840.00	\$8,655.00	\$10,965.00	\$8,075.00	\$4,715.00	

March 19, 2020

MEMO TO: Casper City Council
J. Carter Napier, City Manager 
FROM: John Henley, City Attorney 
SUBJECT: Citizen concern over the lack of sidewalk snow removal.

Meeting Type & Date:
Council Work Session
March 24, 2020

Action Type

Information only; discussion of concerns and examination of Casper Municipal Code on the issue of sidewalk snow removal.

Recommendation

That Council determine if it wants to take affirmative action to encourage or mandate snow removal by private property owners.

Summary

The issue of snow removal is not new. Within the last several years the Council examined whether snow, which had been removed from private sidewalks and driveways, should be prohibited from being placed on city streets. That is not part of the current Casper Municipal Code.

In fact, the only code section that references together, snow and sidewalks, states:

“No person shall drive, propel or move a dray, cart, wagon, buggy, motor vehicle or vehicles, or drive a team, or lead, ride or drive any animal (except pets, as defined in Section 17.08.010 of this code, or in the performance of snow removal) upon or across any sidewalk in the city, or knowingly or negligently suffer or permit any animal (except pets, as defined in Section 17.08.010 of this code) to go upon or across any such sidewalk.” Casper Municipal Code §12.08.050

The Casper Municipal Code currently has no provision requiring snow removal from sidewalks.

However, the Code does mandate that the owner or person in control of property maintain their premises free of litter and that the litter should not be swept into the streets:

“The owner or person in control of any private property shall at all times maintain the premises free of litter. This requirement

applies not only to removal of loose litter, but to materials on, or that become trapped on, such locations as abutting city sidewalks, strips and parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points.” Casper Municipal Code 8.40.020 A.

“Persons owning or occupying places of business which face on municipal sidewalks and strips or parkways between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter. Cleanliness of the alleyways is the responsibility of the contiguous property owners.” Casper Municipal Code 8.40.020 B.

“ It is unlawful to sweep or push litter from sidewalks and strips or parkways into streets. Sidewalk and strip or parkway sweepings must be picked up and put into household or commercial solid waste containers.” Casper Municipal Code 8.40.020 C.

The potential that a city may want to encourage or mandate that snow be removed by owners or occupant of property within the municipality was contemplated by the Wyoming Legislature; Wyoming Statute § 15-4-311 provides:

“If the owners or occupants of property within the city fail to promptly remove accumulations of snow or other obstructions from the sidewalks, or streets or alleys on which their property abuts, when required to do so by ordinance, the manager may have it removed and the cost of removal assessed against the property. The cost of removal constitutes a lien against the property to be collected in the same manner as special assessments.”

Attached for reference and discussion purposes are three current examples of ordinances that the municipalities of Cheyenne, Jackson and Sheridan have adopted.

Financial Considerations

The financial costs for community service officers, the filing of liens and then the collection of the liens almost certainly outweigh any fine and/or charge that the city may adopt; however, the net loss to enforce such ordinances is not known.

Oversight – Responsibility

Ongoing responsibility:

Community Service Officers
Casper Police Department

8.60.090 - Snow, ice or slush as a nuisance.

- A. Sidewalks. Snow, ice or slush on a sidewalk is a nuisance, whether the sidewalk is on a vacant lot or a lot containing a building of any kind. For purposes of this subsection, sidewalk includes any space where a sidewalk should or may be constructed. In the event of a dispute as to where a sidewalk should or may be constructed, the chief of police shall make the determination. Owner(s) and/or, if appropriate, the occupant(s) of property abutting a sidewalk shall within a twenty-four (24) hour period, after a snowfall, remove snow, ice or slush from such sidewalks and maintain them free of the same. If any owner(s) and/or, if appropriate, the occupant(s) of the property fails to comply with this subsection, the nuisance officers may, after a reasonable effort to contact the owner and/or occupant either in person or by telephone, have the snow, ice or slush removed and charge the owner(s) and/or, as appropriate, the occupant(s) for the costs thereof as set forth in Section 8.60.160.
- B. Piling of Snow, Ice or Slush in Streets. The piling of snow, ice or slush from sidewalks, parking areas and driveways in a manner that creates an unreasonable hindrance or safety hazard to pedestrians or vehicles in the public streets is a nuisance. If any owner(s) and/or, if appropriate, occupant(s) of property violate, or permit the violation of, this subsection, the nuisance officers may, after a reasonable effort to contact the owner and/or occupant either in person or by telephone, abate such nuisance and charge the owner(s) and/or occupant(s) for the costs as set forth in Section 8.60.160. This subsection does not apply to properties with zero foot setbacks in the central business district zone.

(Ord. 3585 § 1 (part), 2004; 2001 In-house code § 29-9)

8.60.160 - Costs of abatement; notice of assessment.

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[EMAIL SECTION](#)

A.

Upon completion of abatement by the city, the city shall complete a statement of costs. The statement shall include the costs of abatement and any other expenses incurred by the city, plus an administrative fee in the amount of fifty (50) percent of the abatement costs.

B.

The city shall send written notice of the city's costs of the abatement to the owner of the property by certified mail, return receipt requested.

C.

If abatement for junk, trash, or appliances is completed by the city using the city's sanitation services, the sanitation division is authorized to bill the costs of any such abatement, plus the administrative fee provided by subsection A., of this section, to the owner of the property that is the subject of the abatement.

D.

If the city engages an independent contractor for abatement of grass, weeds, snow, or ice, the police department is authorized to bill the costs of the abatement plus the administrative fee provided by subsection A., of this section, to the owner of the property that is the subject of the abatement.

Chapter 12.20

SNOW AND ICE REMOVAL

Sections:

12.20.010 Definitions.

12.20.020 Snow and ice to be removed from sidewalks by private persons.

12.20.030 Depositing of snow and ice restricted.

12.20.040 Violations--Work done--Liability therefor--Penalty.

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12.20.010 Definitions.

A. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

B. "Business day" means any day not a Sunday or a national holiday.

C. "Business hours" means the hours between eight a.m. and six p.m. on any business day.

D. The building inspector is the duly appointed town building inspector and town engineer or, in his absence, his duly designated and acting representative. (Ord. 236 § 1 (part), 1977.) ✓

12.20.020 Snow and ice to be removed from sidewalks by private persons.

A. Every person, partnership, corporation, joint-stock company or syndicate, or other entity, which is in charge or control of any building or lot of land within the Town fronting or abutting on a paved sidewalk or board sidewalk whether as tenant, owner, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of the sidewalk as is in front of or abuts on the building or lot of land, pursuant to any Town of Jackson snowplowing policy set forth by a resolution of the Town Council.

1. Except as provided in subsection B of this section, snow and ice shall be removed from sidewalks in all business districts within the Town by six (6) business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is longer.

2. Except as provided in subsection B of this section, snow and ice shall be removed from all other included sidewalks within the town of the same day of the cessation of any fall of snow, sleet or freezing rain or within the first six (6) hours of daylight after the cessation of any such fall, whichever period is longer.

(Ord. 1075 § 1, 2014) ✓

B. In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal,

shall, within the time mentioned in subsection A of this section, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause the sidewalk to be thoroughly cleaned. (Ord. 476 § 1, 1994: Ord. 236 § 1 (part), 1977.)

12.20.030 Depositing of snow and ice restricted.

No person, partnership, corporation, joint-stock company or syndicate shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk or roadway, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks in business districts. (Ord. 236 § 1 (part), 1977.)

12.20.040 Violations--Work done--Liability therefor--Penalty.

A. In the event of the failure of any person, partnership, corporation, joint-stock company or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as provided in this chapter, or cause this to be done, the building inspector, as soon as practicable after such failure, shall cause such work to be done by town personnel or by independent private persons or firms.

B. The building inspector shall ascertain and keep a record of the exact cost of all work he causes to be done or contracts to be done in accordance with this section on account of each act or omission of each person, partnership, corporation, joint-stock company or syndicate; and he shall identify these persons with particularity.

C. Each person, partnership, corporation, joint-stock company or syndicate whose act or omission makes it necessary that the building inspector cause work to be done or contract work to be done in accordance with this section shall be liable to the town for the cost of such work plus an amount equal to twenty percent of such costs for administration, record keeping and notice. It shall be the duty of the town clerk to sue for these costs and penalties, and it shall be the duty of the town attorney to assist in the bringing of these suits. (Ord. 262 § 1, 1979: Ord. 236 § 1 (part), 1977.)

12.20.050 Penalties.

Any person, partnership, corporation, joint-stock company or syndicate who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1.12.010. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this chapter. (Ord. 236 § 1 (part), 1977.)

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23-4 Removal of snow, etc., from sidewalk—Duty of owner, etc., of abutting property.

The owners, agents and occupants of any house, warehouse, store, tenement house or any other building, and the ground belonging thereto or occupied by them, and the owner and agent of any vacant lot within the city, shall keep the sidewalks, whether paved or not, in front of and adjoining such property, clean, and after any fall of snow, shall cause the snow and all slush and ice to be immediately removed from the sidewalk fronting their respective lot into the carriageway of the street. (R.O. 1937, § 761.)

23-5 Same—City may remove; assessment of cost.

If snow, ice or accumulations from abutting property are not removed from sidewalks with reasonable dispatch by the owner or occupant of such abutting property, the same shall be removed by the city, without notice to the property owners or other notice, and the expense of such removal shall be assessed on the property abut-

ting from the front of which such snow, ice or other accumulations shall be removed, and such expense shall be certified and collected as other taxes; provided, that nothing in this section shall be construed to relieve owners, occupants or other parties from any obligation or penalty in relation to keeping sidewalks free from accumulations of snow, ice, mud, waste and offensive material and removing same with reasonable dispatch, under any ordinance now in force or hereafter passed. (R.O. 1937, § 765.)

23-5.1 Depositing snow, etc., upon streets, etc.—Prohibited.

No person shall deposit, or cause to be deposited, any snow, slush or ice upon the public streets, alleys or sidewalks within the city; except that snow, slush or ice removed from the public sidewalk, and the area between the sidewalk and the street roadway may be deposited into the street roadway. (Ord. No. 1123, § 1.)

23-5.2 Same—Penalty and fine for violations.

Any person violating any provision of this section shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in an amount not to exceed one hundred dollars, to which may be added the costs of prosecution. (Ord. No. 1123, § 2.)