

WORK SESSION AGENDA



**Casper City Council
 City Hall, Council Meeting Room
 Tuesday, June 22, 2021, 4:30 p.m.**

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.	DEA Grant	Information Only	30 min	4:35
3.	Cable RFP	Direction Requested	30 min	5:05
4.	Liquor Ordinance Changes & Limo Exemption	Move Forward for Approval	30 min	5:35
5.	Agenda Review		20 min	6:05
6.	Legislative Review		20 min	6:25
7.	Council Around the Table		10 min	6:45
Approximate End Time:				6:55

Please silence cell phones during the meeting

We are **CASPER**

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

June 16, 2021

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Keith McPheeters, Police Chief *fillup 307*
Shane Chaney, Police Captain
SUBJECT: DEA Grant Requested Information Presentation

Meeting Type & Date

June 22, 2021
Council Work Session

Action type

Information only

Recommendation

Information only

Summary

At the February 2, 2021 regular Council Meeting, the Casper Police Department requested acceptance of funds awarded from the Drug Enforcement Administration (DEA), in the amount of Thirty Five Thousand Dollars (\$35,000), to be used for overtime reimbursement of officers that are directly involved in the grant funded operation to increase community safety and decrease criminal activity in Casper. Council approved the acceptance of the grant money, however asked that the Casper Police Department return later to give a more detailed presentation on the utilization of the grant funds

The presentation this evening will include a statistical review of the DEA grant award, along with a historical understanding of grant usage at the Casper Police Department and crime prevention methodology.

The nature of the information provided is a fact-based approach of traffic enforcement, crime prevention, and community safety.

Financial Considerations

N/A

Oversight/Project Responsibility

N/A

Attachments

Power Point



DEA Grant Funded Operation Results and Analysis



History of Grant Usage at CPD

Federal and State grants allow small municipal agencies to pursue local community safety goals through high visibility operations that otherwise, would not happen due to lack of financial resources. The tactics and purpose of the operation are not strictly mandated by the source of the funding dollars. Numerous community safety goals are accomplished through these grants – it’s not just about drugs.

February 2021 Operation

Paid for by a Wyoming Highway Traffic Safety Grant
Focus: DUI and Occupant Protection
Allocated funds: \$2,790
Funds Used: \$2,753.90

Traffic Stops: 93

Citations

- Speeding: 43
- Occupant Protection (No seatbelt/No Child Restraint): 23
- Moving Violation: 2

Warnings: 42

Arrests

- DUI: 1

Other Citations or Arrests: 30

March 2021 Operation

Paid for by a Wyoming Highway Traffic Safety Grant
Focus: DUI and Occupant Protection
Allocated funds: \$10,905
Funds Used: \$10,129.19

Traffic Stops: 286

Citations

- Speeding: 141
- Occupant Protection (No seatbelt/No Child Restraint): 58
- Moving Violation: 15

Warnings: 160

Arrests

- DUI: 5

Other Citations or Arrests: 61

March 29/30, 2021 Operation

Paid for by a DEA Domestic Cannabis Eradication/Suppression Program Grant Fund
Allocated funds: \$35,000
Funds Used: \$10,0067

Traffic Stops: 381

Citations

- Speeding: 80
- Moving Violations: 26
- Occupant Protection (No seatbelt/No Child Restraint): 9

Warnings: 269

Arrests

- 13 Drug Related
- 6 Warrant Related
- 4 Alcohol-Related

Drugs Seized

- 520.82 grams Marijuana
- 66.7 grams Meth
- 1 gram Cocaine

April 2021 Operation

Paid for by a Wyoming Highway Traffic Safety Grant (Federally Funded through NHITSA, Administered through the State)
Allocated Funds: \$7,755
Funds Used: \$7,924

Traffic Stops: 97

Citations

- Speeding: 48
- Occupant Protection (No seatbelt/No Child Restraint): 30
- Moving Violations: 4

Warnings: 103

Arrests

- DUI: 6

Other Citations or Arrests: 58

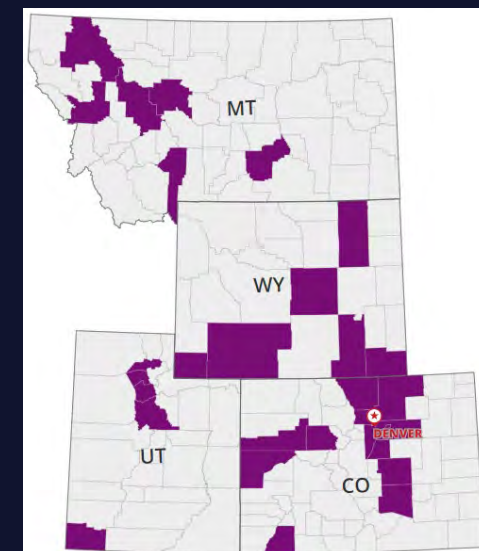
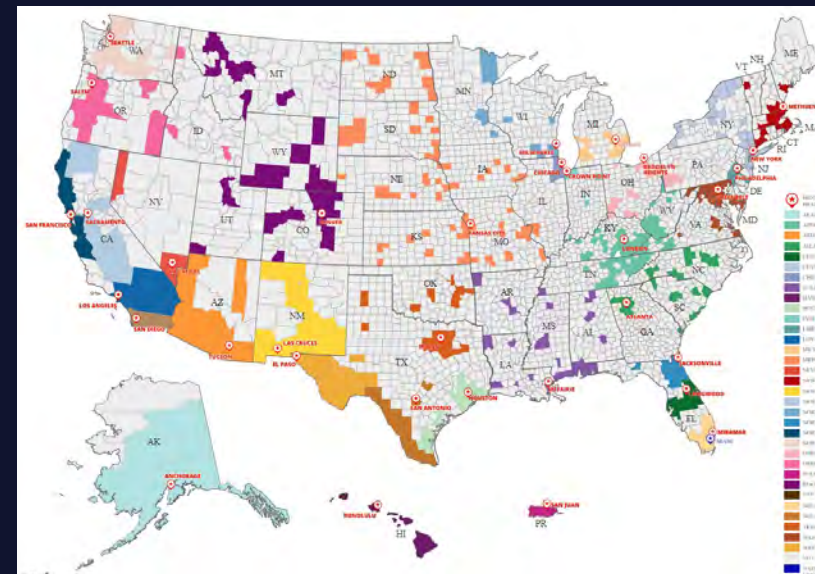


Natrona County's National Drug Trafficking Status

When we have the resources to do so, many high visibility operations center around traffic safety and a high number of traffic stops.

This is because Natrona County is designated by the DEA as a HIDTA (High Intensity Drug Trafficking Area). This means that the federal government has recognized this area of the country as a significant center of illegal drug production, manufacturing, importation, or distribution – and one that requires federal assistance.

Which means – when the Casper Police Department has the ability to make a big, high visibility, impact on our roadways that sends a message to drug traffickers, those efforts help keep every single person who visits, and calls Casper home, safe.





Traffic Stops are Data Driven to Increase Local Traffic Safety, Reduce Crashes...and Reduce Violent Crime.

In 2019, the Casper Police Department implemented the nationally recognized and renowned program, DDACTS (Data Driven Approaches to Crime and Traffic Safety).

Focusing on specific areas, DDACTS is successful in driving down crime while improving Quality of Life and decreasing the Cost of Living in Communities

This program identifies where high incidents of crashes and high incidents of criminal activity overlap. Using that information, an area is identified and receives concentrated and focused attention by officers with the goal of lowering crashes, criminal activity, and making that area feel safer. DDACTS, because it focuses on driving habits and public safety threats, is recognized as being non-disparate in communities.

When officers are seen making traffic stops on a regular basis, criminals take note, every day drivers slow down – it keeps communities safer and decreases violent crime.

We all want Casper to stay safe, and continue to be a safer community, evidence based practices such as DDACTS help make that happen.

May 17 – May 31 DDACT Operation Results

*(area of 2nd Street: Jackson
to David, 1st to 3rd)*

46 traffic stops
resulting in:
4 warrant arrests,
1 public
intoxication arrest,
1 driving under
suspension
(without interlock
device),
2 meth arrests
(one felony)



Federal and State Grants are Necessary for Pro-active Policing.

Self initiated police activities, such as a traffic stop, designed to *prevent* crime, rather than responding to and documenting crimes which have already occurred, can only occur when officers are free from responding to or investigating another call for service.

On average, during a 12 hour shift, a Casper Police Officer will be responsible for 6.5 calls for service. Depending on the type of call, it can take anywhere from 30 minutes to 2 hours, or potentially an entire 12 hour shift to complete.

CPD has three traffic officers whose primary purpose is traffic education and enforcement, they, however, are often-times tied up on traffic crashes or other planned city events during their shift.

This means that pro-active policing, which is primarily executed through traffic stops, is often relegated to the whims of seasonal and daily call loads.

This is how state and federal funding helps us – and every single citizen of Casper.

State and Federal funds provide us with the ability to pay our officers for working overtime assignments, where they are allowed to focus entirely on crime prevention, while other officers respond to the normal crime investigations. This is how we accomplish our community safety goals and be more proactive in preventing criminal activity.



Focus on the Facts.

There are hundreds of federally funded programs that provide money to municipal police departments to help local organizations keep our communities safe.

Each program has it's own purpose and goals as to why it provides the funding – but they all want the same results. *They want safe communities.*

When accepting state and federal funds, the Casper Police Departments creates operations that fit the needs of Casper and the citizens we serve, within the parameters of the grant guidelines.

Accepting a DEA Marijuana Interdiction Grant, does *not* require CPD to solely seek out marijuana users and arrest them. It *does* require CPD to create an enforcement and educational operation that shows all drug traffickers Casper is not the community to come to for their criminal activity – of any kind.

That is exactly why CPD chose to pursue this grant funding.

The Casper Police Department enforces City of Casper municipal ordinances and Wyoming State Statutes.



June 11, 2021

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Fleur Tremel, Assistant to the City Manager/City Clerk
SUBJECT: Cable Channel 192 Programming RFP

Meeting Type & Date:

Work Session
June 22, 2021

Recommendation:

That Council provide staff direction on reopening the RFP.

Summary:

At Council's work session on October 27, 2020, Council discussed the proposal from a private individual whereby the City would enter into an agreement with a non-profit organization to manage and provide content for the City's cable television channel.

At the November 17, 2020 Council Pre-meeting, Council directed Staff to proceed with a Request for Proposals. Staff developed an RFP and issued it on January 29, 2021 with a requested due date of April 5, 2021. At the request of the proposer, the City of Casper extended this deadline to May 20, 2021.

After the May 20, 2021 deadline, the City of Casper received one response to the Request for Proposals for Cable Channel 192 programming. The proposal came from Casper One. However, at a meeting on June 16, 2021, the Casper 1 board requested that their proposal be withdrawn. The board has also requested that Council reopen the RFP for Cable programming with new extended deadlines.

Financial Considerations:

None.

Oversight/Project Responsibility:

Fleur Tremel, Assistant to the City Manager/City Clerk

Attachments:

None

June 3, 2021

MEMO TO: City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney
Fleur Tremel, Assistant to the City Manager/City Clerk
Carla Mills-Laatsch, Licensing Specialist

SUBJECT: AN ORDINANCE UPDATING AND AMENDING CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE, INCLUDING SECTIONS 5.08.010, 5.08.080, 5.08.085, 5.08.090, 5.08.100, 5.08.105, 5.08.110, 5.08.130, 5.08.140, 5.08.150, 5.08.220, 5.08.290, 5.08.330, 5.08.350, 5.08.390 AND 5.08.430.

Meeting Type & Date

Work Session
June 22, 2021

Action type

Information, discussion and direction.

Recommendation

Council review the proposed draft ordinance and provide recommendations and direction.

Summary

The Wyoming Legislature, in the past general session, amended and updated the Wyoming liquor laws. To maintain consistency where required and to point out some changes and some local options, a proposed ordinance is attached for your review.

The proposed ordinance states that full retail liquor holders, microbrewers, wineries, winery satellite and distilleries under satellite permits can deliver alcoholic beverages. No other license types can deliver; so restaurant, club, resort, bar and grill cannot deliver alcoholic beverages (see 5.08.110).

It is contemplated by the Liquor Division that delivery by the local package store will not include shipping because deliveries shall be completed during the licensee's operating hours on the same day the alcoholic liquor or malt beverages are removed from the inventory of the licensed premises. Retailers will be able to contract deliveries with delivery companies like Uber Eats or Door Dash, and delivery companies, to deliver alcoholic liquor or malt beverages, must comply with health and safety codes such as TIPS training (alcohol server training).

Proposed Code Section 5.08.110 3. a-c, also defines what a sealed container is for off-premises transport. By defining sealed containers, both law enforcement and retailers will not have to guess what is and is not allowed for package sales.

One of the big changes to state law addresses restaurant licenses. Archaic restrictions are removed for qualifications for a restaurant liquor license. The main requirement now is that meals must be prepared and served for on premises consumption. The 60/40 split of food sales versus alcohol sales will remain. However, it will now be up to the City Council to decide if a restaurant qualifies for a restaurant liquor license. Previously, the service of “only fry orders” or “such food and victuals as sandwiches, hamburgers, or salads” did not qualify an establishment as a restaurant. If you wish to license a Burger King to sell beer, you will now have that opportunity. (However, the draft ordinance prohibits restaurant liquor licenses for premises with a functional drive up window.) (see 5.08.330 B.3.).

Another big change to obtain a restaurant license is the elimination of the room requirement and other archaic restrictions for restaurant liquor licenses. Restaurants will no longer need to construct a “room” or frame around a fridge to have a restaurant liquor license.

City Council will now approve a dispensing “area” and the area will be restricted to individuals 18 and over. No consumption can take place in this area. (See 5.08.330)

A small change is an addition of a fee for manufacture’s permits. This permit was added to our muni code in June of 2020 but it did not have a fee associated with it. Typically, off site alcohol permits are assessed a fee of \$50 (fifty dollars). Minimal permits have been issued.

Financial Considerations

Liquor License Renewal Revenue for 2021-2022 was \$99,200.

Oversight/Project Responsibility

John Henley, City Attorney (Ordinance Amendments)

Carla Mills-Laatsch, Licensing Specialist

Attachments

Proposed Ordinance

Enrolled Act No. 17 engrossed (Principal Act adopted by the State legislature in the 2021 general session)

ORDINANCE NO. 9-20

AN ORDINANCE UPDATING AND AMENDING
CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE,
INCLUDING: SECTIONS 5.08.010, 5.08.080, 5.08.085,
5.08.090, 5.08.100, 5.08.105, 5.08.110, 5.08.130, 5.08.140,
5.08.150, 5.08.220, 5.08.290, 5.08.330, 5.08.350, 5.08.390
AND 5.08.430.

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 body 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, 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, the Casper Municipal Code regarding alcohol beverages requires updating from time to time; 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 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.
5. "Building" means a roofed and walled structure built or set in place for permanent use.
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 a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to this chapter, shall be in good standing by having paid at least one full year in dues;
 - f. Club does not mean college fraternities, sororities or labor unions.
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.
8. "Division" means the Wyoming Liquor Division.
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.

10. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
11. "Licensee" means a person holding a:
 - a. Retail liquor license;
 - b. Limited retail liquor license;
 - c. Resort liquor license;
 - d. ~~Malt beverage permit~~ Twenty-four (24) hour malt beverage permits;
 - e. Restaurant liquor license;
 - f. Catering permit;
 - g. Special malt beverage permit;
 - h. Bar and grill liquor license;
 - i. ~~Manufacturer's license granted by the Wyoming Liquor Division and a City-~~ issued satellite manufacturer's permit; ~~{or}~~
 - j. Microbrewery permit;
 - k. ~~and/or w~~ Winery permit;
 - l. Winery satellite permit;
 - m. Special malt beverage permit for events conducted at rodeo arenas issued pursuant to Wyoming Statute Section 12-4-507.

12. "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.

12.13. "Local licensing authority" means the City Council of Casper, Wyoming.

13.14. "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.

14.15. "Malt beverage permit" means the authorization under which the licensee is permitted to sell malt beverages only.

15.16. "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;

16.17. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(xix).

17.18. "Operational," for nongovernmental owned properties, means offering for sale on an ongoing weekly basis for twelve months per year during the license term year to the

general public, alcohol and malt beverages as authorized, and as stated herein excluding periods of time where government issued community public health orders restrict the licensee's business operations.

~~18-19.~~ 18-19. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

~~19-20.~~ 19-20. "Person" includes an individual person, partnership, corporation, limited liability company or association.

~~20-21.~~ 20-21. "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.

~~21-22.~~ 21-22. "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.~~ space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages.

~~22-23.~~ 22-23. "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.

~~23-24.~~ 23-24. "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.

~~24-25.~~ 24-25. "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.

~~25-26.~~ 25-26. "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.

~~26-27.~~ 26-27. "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.

~~27-28.~~ 27-28. "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, unless the license was issued as a seasonal license and excluding periods of time where government issued public health orders restrict community wide business operations.

~~28-29.~~ "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.

~~29-30.~~ "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

5.08.080 License application—Notice, hearing and appeals procedure.

- A. When an application for a license, ~~permit, 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 _____, 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 _____, 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 of license 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 is the second Monday in December of each calendar year. 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 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 days after the renewal application. Late fees must be paid before the city clerk will accept a renewal application.

5.08.085 Suspension of license by licensing authorities for failure to pay sales tax.

The city council may suspend any license issued under this title if the licensee fails to pay sales taxes and the division has ceased sales of alcoholic liquor to the licensee. The licensee may appeal license suspension to the district court in the manner specified under Wyoming Statutes Section 12-4-104 and the appeal proceedings shall be in accordance with the Wyoming Rules of

Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

5.08.090 Suspension of license by licensing authorities for failure to pay sales tax. Winery permits; authorized; conditions; satellite winery permits; direct shipment of wine; fees.

~~A. The city council may suspend any license issued under this title if the licensee fails to pay sales taxes and the division has ceased sales of alcoholic liquor to the licensee. The licensee may appeal license suspension to the district court in the manner specified under Wyoming Statutes Section 12-4-104 and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.~~

A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the local licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

B. The local licensing authority:

1. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division;
2. May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale;
3. In accordance with the process established under this chapter, may allow the transfer of a winery permit to another location and ownership of the winery may be transferred upon approval by the local licensing authority;
4. Shall assess a fee of five hundred dollars (\$500.00) payable annually in advance for each winery permit. When dual ownership of a winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

C. W.S. 12-4-410 shall apply to any person holding a winery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a winery permit and a bar and grill liquor license, except that either dual holder:

1. May sell the manufactured wine for limited off-premises personal consumption pursuant to paragraph B.2 of this section;
2. May upon cessation of full service restaurant operations, serve a limited menu and continue to serve wines authorized under the winery permit;

3. Shall not include sales of wines authorized under the 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. The local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee 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, and the licensed building provisions of W.S. 12-5-201.
- E. Notwithstanding paragraph B.2. 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.
- F. Any licensed winery holding a winery permit pursuant to this section shall:
1. Not ship more than a total of one hundred eight (108) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;
 2. Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactured wine to any combination of households or licensed retailers in this state;
 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. ADULT (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. Maintain records for at least three (3) years that will permit the local licensing authority to ascertain the truthfulness of the information filed and permit the City to examine licensee's records upon reasonable request.
- G. The local licensing authority may issue to a winery permit holder an off-premises wine permit for the purpose of selling its own manufactured wine at meetings, conventions, private parties, dinners and other similar gatherings to promote the holder's product. No permittee holding an off-premises wine permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises wine permit shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No holder of a wine permit shall receive more than twelve (12) off-premises wine permits in any one (1) calendar year. An off-premises wine 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 ten dollars (\$10.00) nor more than fifty dollars (\$50.00) per twenty-four (24) hour period.

H. The holder of a winery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

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 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 of the following:
 - ~~a. A retail liquor license as provided in Wyoming Statutes Sections 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 Wyoming Statutes Section 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. Wyoming Statutes Section 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph B.3.b 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 Wyoming Statutes Section 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 may allow 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 regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of Wyoming Statutes Section 12-4-106, the schedule of operating hours established by this chapter and the licensed building provisions of Wyoming Statutes Section 12-5-201.~~
- ~~E. The provisions of Wyoming Statutes Section 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-premises 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 Wyoming Statutes Section 12-4-408(e).~~

~~F. Notwithstanding paragraph B.5 of this section and Wyoming Statutes Section 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 liters of its manufactured wine directly to any one household in this state in any twelve-month period.~~

~~G. Notwithstanding paragraph B.5 of this section and Wyoming Statutes Section 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 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.3 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(C).~~

A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the local licensing authority may issue 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. ~~Notwithstanding W.S. 12-5-201 and for~~ For the purposes of this section, "on-premises" may include a fenced or enclosed area immediately adjacent to the licensed brewing site as approved by the local licensing authority. The

dispensing of malt beverages in an immediately adjacent area authorized by this paragraph shall be subject to the schedule of operating hours set by the local licensing authority. Any microbrewery permit holder shall:

1. Maintain records for at least three (3) years that will permit the local licensing authority to ascertain the truthfulness of the information filed within the state and permit the City to examine the licensee's records upon reasonable request.

B. The local licensing authority:

1. May allow the sale of malt beverage obtained through a contract brewing arrangement and other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
2. May allow the microbrewery to sell on site its brewed product and its malt beverage obtained through a contract brewing arrangement for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;
3. In accordance with the process established under this chapter, may allow the transfer of a microbrewery permit to another location and ownership of the microbrewery may be transferred upon approval by the local licensing authority; and
4. Shall assess a fee of five hundred dollars (\$500.00) payable annually in advance for each microbrewery permit. When dual ownership of a microbrewery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

C. W.S. 12-4-410 shall apply to any person holding a microbrewery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a microbrewery permit and a bar and grill liquor license, except that either dual holder:

1. May sell the brewed malt beverage for limited off-premises personal consumption pursuant to paragraph B.2. (b)(ii) 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;
3. Shall not include sales of malt beverages authorized under the microbrewery 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. The local licensing authority may authorize a microbrewery to operate at more than one (1) location. The local licensing authority may require the payment of an additional permit fee of one hundred dollars (\$100.00) regardless of the number of locations authorized for the microbrewery. All locations shall be subject to all provisions of this chapter related to the operation of a microbrewery.

E. The holder of a microbrewery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

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 ~~Wyoming Statutes Section 12-5-101~~ and the licensed building provisions provided in Wyoming Statutes Section 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 shall require a public hearing and the payment of an additional permit fee of one hundred dollars. The satellite manufacturer's permit shall be subject to the terms and conditions of Wyoming Statutes Section 12-4-106, the schedule of operating hours established in this chapter and the licensed building provisions pursuant to Wyoming Statutes Section 12-5-201.
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 fifty dollars (\$50.00)~~zero dollars~~ 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 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 alcohol by volume;
4. "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

5.08.110 ~~Reserved.~~ Delivery of alcoholic liquors and malt beverages.

A. Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

1. All sales of alcoholic liquors and malt beverages under this subsection shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online or through a mobile application. All deliveries under this subsection shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licensed premise;
2. No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older;
3. All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed:
 - a. In its original package and unopened;
 - b. In a plastic bag and heat sealed closed; or
 - c. In a container that has a breakable seal incorporated in the container cap.
4. Any contract delivery service shall adhere to the requirements of this chapter when delivering alcoholic liquors and malt beverages; and

5. Microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

6. Only retail liquor licenses, microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licenses with a satellite location, which have been issued licenses or permits by the City Council of Casper, Wyoming, may engage in the delivery of alcoholic liquor and malt beverages within the confines of Casper's City limits. Wine sold pursuant to federal and state laws must be "shipped" to residences or wholesalers within the Casper City Limits.

5.08.130 Special malt beverage permit; public auditoriums, civic centers or event cents.

A. Location owner or operation licenses:

1. 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.

2. B.———To qualify for a special malt beverage permit an applicant must meet the following requirements:

a. 1.——The applicant must be a responsible person or organization;

b. 2.——The public auditorium, civic center or events center shall be owned by the city, county, the state, or the DDA which has an attendance capacity for no less than four hundred persons and is used for public gatherings;

c. 3.——The person or organization applying for ~~the~~an operating permit, if not the owner of the public auditorium, civic center, or events center, 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 less than the license year (April 1 to March 31 for which the application is made.)

3. 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 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 be no violations of this chapter.

4. D.———The permits authorized by this section shall be issued after a hearing on the application, and the license fee of one thousand dollars shall be payable annually in advance.

5. E.———The permit shall be subject to such rules and regulations as may be established by the city council.

B. Non owner or operator

1. The city council may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers.
2. The daily fee for such permit shall be two hundred and fifty dollars (\$250.00) per day.
3. The city council may limit the duration of the permit and where the malt beverages may be sold and consumed under the permit.
4. The city council may provide rules to implement this section.

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 at the location described on the permit, nor shall any malt beverage be sold or consumed outside the location authorized by the permit. Privately owned or leased 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 person and the organization which requested and were issued the malt beverage 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 events~~ 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 outside the 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. Catering permits under this subsection shall not be valid to operate a continuing business.
- 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 location in any one year. The holder of a Casper microbrewery permit issued under this Chapter may hold a malt beverage permit for the purpose of selling the permittee's own brewed malt beverages.

- 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 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.

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 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, except a twenty-four hour malt beverage permit holder, who does not annually purchase at least ~~two hundred fiftyseven thousand five hundred~~ (\$7,500.00) 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; or in the case of a manufacturer, micro-brewery, or -winery the sale of seven thousand five hundred dollars (\$7,500.00) of product annually, except any licensee having a planned building not in existence or operational pursuant to subsection 2., of this section.

4. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture from the sale of alcoholic beverages manufactured by the Casper licensed manufacturer or the sale of malt beverages under a microbrewery license issued pursuant to this Chapter or an off-premises permit pursuant to Section 5.08.105(B)(1) and (B)(2) 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 provided in this chapter.

5.08.220 License—Transfer conditions and procedures.

- A. Except as otherwise provided, after public hearing and subject to the approval of the city council, a license or permit may be transferred to or renewed on different premises on the same basis as the original application or a licensed or permitted facility may be expanded.

An additional license fee of not more than one hundred dollars, as specified by city council resolution, is required for the remaining term of the license or permit. A transferred license or permit shall expire on the same day as the original license or permit.

- B. A licensee, or the executor or administrator of the estate of a deceased licensee, may assign or transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the city council, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the city council if proceedings, including an action to collect delinquent sales tax payments pursuant to Wyoming Statutes Section 12-2-306, are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the city of not more than one hundred dollars for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.
- C. No license or permit shall be transferred or sold except as provided in this chapter, or used at or for any location not described in the license or permit at the time of issuance. No license or permit shall be subject to attachment, garnishment or execution.

5.08.290 Resort retail license.

- A. The city council may issue resort retail liquor licenses to applicants who meet the requirements of Wyoming Statutes Section 12-4-401. All applicants for issuance or renewal of a resort liquor license shall comply with all applicable state statutes as they may be amended from time to time.
- B. A resort liquor licensee may contract or subcontract for the provision of food and beverage services on the licensed premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103 and this chapter.

5.08.330 Restaurant license—Sale and consumption conditions.

- A. Except as provided in subsection F of this section, restaurant liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections B and F of this section, alcoholic or malt beverages shall be served for on-premises consumption only, in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.
- B. 1. Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in the licensed building in areas approved by the local licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, areas nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing areas

2. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge

3. No restaurant liquor license shall be issued to a restaurant with an operation drive-up window.

~~Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in one room, and one additional room if authorized by the city council upon the licensed premises separated from the dining area in which alcoholic liquor and malt beverages may be served, and in the case of a golf course upon which a restaurant liquor license is operational, at dispensing areas on the premises of the golf course as provided by subsection E hereof. No consumption of alcoholic liquor or malt beverages shall be permitted within the dispensing room or rooms, nor shall any person other than employees who are at least eighteen years of age be permitted to enter a dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979, for purposes of alcoholic liquor or beverage sales and consumption, the restaurant may dispense alcoholic liquor or malt beverages in the separate dispensing room under a restaurant liquor license, and any person who is at least eighteen years of age is permitted to enter the separate dispensing room.~~

- C. No alcoholic liquor or malt beverages shall be served to an individual person unless served in conjunction with meals served to, and eaten by, the individual person. However, nothing herein provided shall prohibit the sale of alcoholic liquor or malt beverages to any person whom the licensee, his agents or employees, reasonably believe has the intention of ordering and eating a meal.
- D. All sales of alcoholic or malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease, or at the hours specified by Section 5.08.390, if food sales and services extend beyond the hours specified therein.
- E. With the approval and on the conditions imposed by the city council, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course, and such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.
- F. A restaurant liquor licensee may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine

to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of Section 5.08.480.

- G. No restaurant liquor licensee shall promote the restaurant as a bar and/or lounge nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions, and other social gatherings.

5.08.350 Location—General conditions.

- A. Except as provided in paragraph G., ~~T~~the principal place in which alcoholic liquor and malt beverages are sold under a retail liquor license shall be located in one building upon the premises for which the retail liquor license is issued and as approved by the licensing authority.
- B. Except as provided in paragraph G., ~~A~~alcoholic beverages secured in the licensed building by a server may be served only in the licensed building, and in an immediately adjacent fenced or enclosed area as approved by the city council. This area shall not be in another building.
- C. The retail licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption.
- D. A separated facility for making sales for off-premises consumption shall be separated by a glass or other suitable partition when a connection doorway exists to permit persons to pass freely between the two facilities.
- E. The licensee, an employee, or a licensed operator is to be present in the licensed building used for the selling or dispensing of malt beverages or alcoholic liquors at all times during hours of operation.
- F. All licensees, other than resort licensees and limited retail licensees, are required to post signage on all exits from the licensed building stating:

"No alcohol beyond this point per City of Casper Ordinance."

All licensees of limited retail or resort liquor licenses shall post signage on all driveway and pathway exits from the legal boundary of the lot or lots under the ownership or lease by the licensee stating:

"No alcohol beyond this point per City of Casper Ordinance."

- G. A holder of a resort retail liquor license, a golf club that holds a retail liquor license, a restaurant liquor license or a club limited retail liquor license or a holder of a retail liquor license or restaurant liquor license operating on a guest ranch may dispense alcoholic beverages from any location within the boundaries of the licensee's premises. The premises shall be a single property within a contiguous boundary upon which the licensee is located and which shall be identified in the license. Any location on the premises where alcoholic beverages are dispensed as approved by the city council shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The city council shall, as often as necessary, have inspected the licensed location where alcoholic beverages are

dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements.

~~HG.~~ No person under the age of twenty-one shall enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one years of age or older.

5.08.390 Hours of sale generally—Exceptions—Designation of dates for unrestricted operation.

A. All licensees except club licensees ~~and satellite manufacturer's permit holding liquor licenses~~ shall be controlled by the following schedule for operating hours:

1. A licensee may commence the selling, serving, or dispensing of alcoholic liquors or malt beverages at six a.m. and shall cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. the following day. Any portion of any building used by the licensee for the selling, serving, dispensing, or consumption of alcoholic liquors or malt beverages shall be cleared of all persons other than employees by two-thirty a.m. The licensee shall ensure that all consumption of alcoholic liquors or malt beverages has ceased by two-thirty a.m. within all areas of the licensed building, or in the case of resort licensees, within the boundary of the lot or lots under the ownership or lease by the licensee, other than in private hotel or motel rooms;
2. Clubs holding a limited retail liquor license may commence the selling, serving, or dispensing of alcoholic liquors or malt beverages each day at nine a.m. and shall cease sales of alcoholic liquor and malt beverages promptly at the hour of two a.m. of the following day and shall clear the licensed building of all persons other than employees by two-thirty a.m. Clubs holding a limited retail liquor license may remain open past two a.m. on the morning of January 1st.
3. The hours of operating designated in subsection A of this section may be modified on no more than four days each calendar year by a resolution of the city council, designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may continuously operate their licensed building, or licensed resort or club premises for a period of twenty-four hours beginning at six a.m.

5.08.430 Minors—Possession of alcohol or public intoxication.

- A. ~~For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages. Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor. This subsection does not apply to sales by the division or a wholesaler to a licensee under this chapter.~~
- B. Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

1. Purchase or attempt to purchase any alcoholic liquor or malt beverage;
2. Solicit another person to purchase alcoholic liquor or malt beverage;
3. Possess any alcoholic liquor or malt beverage;
4. Consume any ethyl alcohol;
5. Have measurable blood, breath or urine alcohol concentration in his body;
6. Enter or remain in designated sales areas approved by the local licensing authority that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
7. Dispense or sell any alcoholic liquor or malt beverage The term “dispensing” means mixing or pouring alcoholic liquors or malt beverages.

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C. This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:

1. Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;
2. As part of a church’s or religious organization’s religious services; or
3. For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 - a. By the person’s parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 - b. Pursuant to a lawful prescription.

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

1. When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;
2. When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term “serving” in this paragraph does not include the mixing or dispensing of alcoholic beverages; or
3. To a person who is a licensee under this title.

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E. Any person under the age of twenty-one (21) years who attempts in any manner to purchase

alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

F. It is declared to be illegal for any person to attempt to commit any offense under this section. Any person convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.

~~It is declared to be illegal and a violation of this chapter for any person under the age of twenty one years to have alcoholic liquor or malt beverages in his or her possession, or to be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. Provided, however, this subsection does not apply to possession of alcoholic liquor or malt beverages by a person under the age of twenty one years:~~

- ~~1. When making delivery of alcoholic or malt beverages pursuant to his lawful employment;~~
- ~~2. Who is in the physical presence of his or her parents or legal guardian;~~
- ~~3. Is a licensee under this title; or~~
- ~~4. When serving alcoholic or malt beverages pursuant to his or her employment if the person is at least eighteen years of age.~~G.

~~C. It is declared to be illegal for any person to attempt to commit any offense under this section. Any person convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.~~

PASSED on 1st reading the ____ day of _____, 2021

PASSED on 2nd reading the ____ day of _____, 2021

PASSED, APPROVED, AND ADOPTED on third and final reading the _____ day
of _____, 2021.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

ENROLLED ACT NO. 17, HOUSE OF REPRESENTATIVES

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AN ACT relating to the regulation of alcoholic and malt beverages; creating, revising and repealing provisions governing the regulation of alcoholic and malt beverages; and providing for an effective date.

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

Section 1. W.S. 12-4-414, 12-4-415 and 12-5-601 are created to read:

12-4-414. Winery permits; authorized; conditions; satellite winery permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

(b) The local licensing authority:

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

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

(iii) In accordance with the process established under article 1 of this chapter, may allow the transfer of

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a winery permit to another location and ownership of the winery may be transferred upon approval by the local licensing authority;

(iv) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each winery permit. When dual ownership of a winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a winery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a winery permit and a bar and grill liquor license, except that either dual holder:

(i) May sell the manufactured wine for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section;

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

(iii) Shall not include sales of wines authorized under the 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) A local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer's

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license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions of W.S. 12-5-201.

(e) Notwithstanding paragraph (b)(ii) 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.

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

(i) Not ship more than a total of one hundred eight (108) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

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

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

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

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

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

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

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

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

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**12-4-415. Microbrewery permits; authorized;
conditions; fees.**

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue 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. Notwithstanding W.S. 12-5-201 and for the purposes of this subsection, "on-premises" may include a fenced or enclosed area immediately adjacent to the licensed brewing site as approved by the local licensing authority. The dispensing of malt beverages in an immediately adjacent area authorized by this paragraph shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101. Any microbrewery permit holder shall:

(i) File a monthly report of brewed malt beverage the permit holder produced on a form provided by the liquor division. The report shall be filed with the liquor division not later than the tenth day of each month following the month in which the brewed malt beverage was produced. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00);

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

(b) The local licensing authority:

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

(ii) May allow the microbrewery to sell on site its brewed product and its malt beverage obtained through a contract brewing arrangement for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;

(iii) In accordance with the process established under article 1 of this chapter, may allow the transfer of a microbrewery permit to another location and ownership of the microbrewery may be transferred upon approval by the local licensing authority; and

(iv) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each microbrewery permit. When dual ownership of a microbrewery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a microbrewery permit and a bar and grill liquor license, except that either dual holder:

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(i) May sell the brewed malt beverage for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section;

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

(iii) Shall not include sales of malt beverages authorized under the microbrewery 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) A local licensing authority may authorize a microbrewery to operate at more than one (1) location. The local licensing authority may require the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of locations authorized for the microbrewery. All locations shall be subject to all provisions of this title related to the operation of a microbrewery.

ARTICLE 6
DELIVERY

12-5-601. Delivery of alcoholic liquors and malt beverages.

(a) Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

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(i) All sales of alcoholic liquors and malt beverages under this subsection shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online or through a mobile application. All deliveries under this subsection shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licensed premise;

(ii) No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older;

(iii) All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed:

(A) In its original package and unopened;

(B) In a plastic bag and heat sealed closed; or

(C) In a container that has a breakable seal incorporated in the container cap.

(iv) Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages; and

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(v) Microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

Section 2. W.S 12-1-101(a) (viii) (E), (G), by creating new subparagraphs (J) through (U) and (xiv), 12-2-201(g) (intro) and (iii), 12-2-203(b), (c) and (e), 12-2-204(a) and (d) (i), 12-4-101(a), 12-4-103(a) (vi), 12-4-104(a) and (f), 12-4-201(f) (iii) and by creating a new subsection (k), 12-4-301(c) and (e), 12-4-403(b), 12-4-410(b) and (d), 12-4-411, 12-4-502(a) through (c), 12-4-504(a), 12-4-603(a), 12-4-604, 12-5-201(f), 12-5-401(a) and (b) (ii) and 12-6-101(c) (v), (vi) and by creating a new paragraph (vii) are amended to read:

12-1-101. Definitions.

(a) As used in this title:

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

(E) Twenty-four (24) hour malt beverage permit;

(G) Catering permit;~~or~~

(J) Malt beverage wholesale license;

(K) Limited transportation liquor license;

(M) Manufacturer's license;

(N) Manufacturer's satellite permit;

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(O) Winery permit;

(P) Winery satellite permit;

(Q) Out-of-state shipper's license;

(R) Microbrewery permit;

(S) Malt beverage permit for the University
of Wyoming;

(T) Special malt beverage permit issued
under W.S. 12-4-504; or

(U) Malt beverage permit for events
conducted at rodeo arenas issued under W.S. 12-4-507.

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

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

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

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

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

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

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

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class A industry representative designating any vendor whose products he is authorized to represent.

(e) No class A industry representative shall be employed by a licensee as defined by W.S. 12-1-101(a)(viii), except that this subsection shall not apply to malt beverage wholesalers authorized under W.S. 12-2-201, manufacturers authorized under this section, microbrewery permit holders authorized under W.S. 12-4-415 or winery permit holders authorized under W.S. 12-4-414.

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

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of ~~thirty-six (36)~~ one hundred eight (108) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

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

(i) Not ship more than a total of ~~thirty-six (36)~~ one hundred eight (108) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell

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the manufactured wine to the liquor division at wholesale prices;

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

(a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable ~~retail~~ liquor licenses pursuant to ~~W.S. 12-4-201, less than the allowable bar and grill liquor licenses pursuant to W.S. 12-4-413~~ or from refusing to issue any license or permit authorized by this title.

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

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

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as authorized under W.S. 12-2-203(g) or as otherwise provided ~~in W.S. 12-4-412(j)~~ by law;

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

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof

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

NOTICE OF APPLICATION FOR A

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

Dated

Signed

(f) Upon an appeal the person applying for renewal of a license ~~and claiming renewal preference~~ shall be named as

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

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

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

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

(k) A retail liquor licensee may ship not more than a total of one hundred eight (108) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period provided the licensee:

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(i) Ships the 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;

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

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

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

(c) Except as otherwise provided by W.S. ~~12-5-201(g)~~ 12-5-201(f), a club holding a limited retail license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises for consumption by its members and their accompanied guests only as approved by the local licensing authority.

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

12-4-403. Population formula not applicable; contracting for services.

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(b) ~~No~~^A resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or licensee of the licensed premises with the approval of the licensing authority. No transfer of a resort liquor license shall be required where the license is used by a person with whom the licensee has contracted may contract or subcontracted subcontract for the provision of food and beverage services on the licensed premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103.

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

(b) Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in ~~one (1) room, and one (1) additional room if authorized and~~ the licensed building in areas approved by the local licensing authority., ~~upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority.~~ No consumption of alcoholic or malt beverages shall be permitted within the dispensing ~~room,~~ areas nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing ~~room.~~ ~~If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage~~

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~~sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over eighteen (18) years of age is permitted to enter the separate dispensing room areas.~~

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

12-4-411. License fee.

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

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

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be

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sold or consumed off the premises authorized by the permit. Malt beverage permits under this subsection shall not be used to operate a continuing business.

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

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

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

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers. The licensing authority shall establish an appropriate fee for the permit. Additionally, the licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The issuing body may provide rules to implement this section.

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

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

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

No license or permit shall be transferred or sold except as provided by W.S. 12-4-601 ~~through 12-4-603~~ and 12-4-602, used for any place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution.

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

(f) A holder of a resort retail liquor license, a golf club that holds a retail liquor license, a restaurant liquor license or a club limited retail liquor license or a holder of a retail liquor license or restaurant liquor license operating on a guest ranch may dispense alcoholic beverages from any location within the boundaries of the ~~resort-licensee's~~ premises. The ~~resort-~~premises shall be a single property within a contiguous boundary upon which the ~~resort-licensee~~ is located and which shall be identified in the license. Any location on the ~~resort-~~premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements.

12-5-401. Interests in licenses or permits to sell.

(a) No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery ~~or winery~~ permit pursuant to W.S. ~~12-4-412 12-4-415~~ or a winery permit pursuant to W.S. 12-4-414. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) when the license is held under the complete ownership of a retail business and to the extent he may be permitted one (1)

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satellite manufacturer's permit pursuant to W.S. 12-2-203(g)(i) or an off-premises permit pursuant to W.S. 12-2-203(g)(ii).

(b) As used in subsection (a) of this section:

(ii) "Retail business" means the holder of a microbrewery or winery permit, ~~who also holds a license or permit enumerated under W.S. 12-4-412(b)(iii) or (k).~~

12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

(v) Have measurable blood, breath or urine alcohol concentration in his body; ~~or~~

(vi) Enter or remain in ~~an establishment~~ designated sales areas approved by the local licensing authority that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older; ~~or~~

(vii) Dispense or sell any alcoholic liquor or malt beverage. The term "dispensing" means mixing or pouring alcoholic liquors or malt beverages.

Section 3. W.S. 12-2-201(g)(i) and (ii), 12-2-501 through 12-2-505, 12-4-102(a)(vii) and (viii), 12-4-103(b) through (d), 12-4-201(g), 12-4-407(d), 12-4-409,

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12-4-410(f), 12-4-412, 12-4-505(a) and (b), 12-4-602(c),
12-4-603(b) and 12-5-201(g) through (j) are repealed.

Section 4. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk