

**COUNCIL WORK SESSION**  
Tuesday, February 9, 2016, 4:30 p.m.  
Casper City Hall  
Council Meeting Room

AGENDA

1. Alcohol Demerit Report (Chief Wetzel)
2. Murals & Traffic Box Wraps Discussion (Pete Meyers, Beth Address)
3. Street Banner Ordinance (Liz Becher)
4. Recreation Center Fees (Carolyn Griffith)
5. City Manager Report
6. Future Agenda Review
7. Council Around the Table

City of  
Casper:  
Liquor  
License  
Review

2015



## **Table of Contents**

<b>Memo From the Chief .....</b>	<b>2</b>
<b>Liquor License Ordinance Provisions .....</b>	<b>3</b>
<b>Violations and Demerits Summary .....</b>	<b>4</b>
<b>Calls for Service Summary .....</b>	<b>5</b>
<b>Tipsy Taxi Statistics .....</b>	<b>11</b>
<b>City Ordinances .....</b>	<b>12</b>

January 26, 2016

TO: V.H McDonald, City Manager  
FROM: Jim Wetzal, Chief of Police   
SUBJECT: CY2015 Liquor Dealers Demerit Report

Recommendation:

No Recommendation. Informational only.

Summary:

This document serves to provide a summary of 2015 police response to the physical location of each city-issued liquor license and any corresponding demerit points received by the license holder as a result of license infractions.

None of the liquor license holders accrued the designated minimum number of points to merit suspension of their license.

# Liquor License Ordinance Provisions

The current Liquor Ordinance specifies the following:

- I. Every Licensee acquiring one hundred twenty five (125) demerits in twelve month period shall have its license suspended for seven (7) days;
- II. Every Licensee acquiring more than one hundred seventy five (175) but less than two hundred fifty (250) demerit points, in a twelve month period, shall have its license suspended for thirty (30) days; and,
- III. Every licensee acquiring more than two hundred fifty (250) demerit points in a twenty-four month period shall have its license suspended for sixty days.

## 2015 Alcohol Violations Summary

<b>Business</b>	<b>Date</b>	<b>Demerit Points</b>	<b>Disposition</b>	<b>License Type</b>
The Keg & Cork	2/9/2015	25	No Contest	Retail
Fire Rock Steakhouse	2/9/2015	0	Suspended	Retail
Parkway Plaza	2/9/2015	25	Guilty	Resort
La Cocina Mexican Restaurant	2/9/2015	25	Guilty	Restaurant
Buffalo Wild Wings	2/9/2015	25	Guilty	Bar & Grill
Famous Dave's Bar-B-Que	2/9/2015	0	Suspended	Bar & Grill
Holiday Inn	5/11/2015	0	Dismissed	Resort
Armor's Restaurant	6/18/2015	25	Guilty	Retail
J's Pub & Grill	6/18/2015	25	Guilty	Bar & Grill
Pizza Hut	6/18/2015	25	Guilty	Restaurant
Pizza Hut	6/18/2015	25	Guilty	Restaurant
Three Crown's Golf Club	6/18/2015	0	Pending Adjudication	Limited Retail
The 19th Hole	6/18/2015	0	Pending Adjudication	Limited Retail
Galles Liquor Mart	6/18/2015	25	Guilty	Retail

# Liquor Retailer Calls for Service Summary

## 2nd Street Liquor & Wine

939 E 2ND ST  
License Type: Retail

Total Incidents: 37  
Total Demerit Points: 0

## Albertsons #2062

2625 E 2ND ST  
License Type: Retail

Total Incidents: 72  
Total Demerit Points: 0

## Albertsons Liquors #2060

1076 CY AVE  
License Type: Retail

Total Incidents: 64  
Total Demerit Points: 0

## Alibi Bar & Lounge

1740 E YELLOWSTONE HWY  
License Type: Retail

Total Incidents: 29  
Total Demerit Points: 0

## Armor's Restaurant

3422 ENERGY LN  
License Type: Retail

Total Incidents: 5  
Total Demerit Points: 25

## Best Western Ramkota

800 N POPLAR ST  
License Type: Retail

Total Incidents: 58  
Total Demerit Points: 0

## Botticelli Restaurant

129 W 2ND ST  
License Type: Restaurant

Total Incidents: 0  
Total Demerit Points: 0

## Buffalo Wild Wings

5071 E 2ND ST  
License Type: Bar & Grill

Total Incidents: 18  
Total Demerit Points: 25

## Casper Events Center

1 EVENTS DR  
License Type: Retail

Total Incidents: 44  
Total Demerit Points: 0

## Casper Petroleum Club

1301 WILKINS CIR  
License Type: Limited Retail

Total Incidents: 7  
Total Demerit Points: 0

## Casper VFW Memorial Post 9439

1800 BRYAN STOCK TRL  
License Type: Limited Retail

Total Incidents: 9  
Total Demerit Points: 0

## Charlie T's Pizzeria

112 E 2ND ST  
License Type: Restaurant

Total Incidents: 3  
Total Demerit Points: 0

## Chopstix Asian Bistro Casper Inc.

1937 E 2ND ST  
License Type: Restaurant

Total Incidents: 2  
Total Demerit Points: 0

**Courtyard by Marriott**

4260 HOSPITALITY LN  
License Type: Resort

Total Incidents: 21  
Total Demerit Points: 0

**CY Discount Liquor**

840 CY AVE  
License Type: Retail

Total Incidents: 26  
Total Demerit Points: 0

**Denny's Dinner**

4220 HOSPITALITY LN  
License Type: Restaurant

Total Incidents: 28  
Total Demerit Points: 0

**Don Juan's Mexican Restaurant**

144 S CENTER ST  
License Type: Restaurant

Total Incidents: 2  
Total Demerit Points: 0

**Dorn's Fireside Lounge**

1745 CY AVE  
License Type: Retail

Total Incidents: 18  
Total Demerit Points: 0

**Eagles Lodge**

306 N DURBIN ST  
License Type: Limited Retail

Total Incidents: 10  
Total Demerit Points: 0

**Eggington's**

229 E 2ND ST  
License Type: Restaurant

Total Incidents: 5  
Total Demerit Points: 0

**Elixirs**

800 ANTLER DR  
License Type: Retail

Total Incidents: 1  
Total Demerit Points: 0

**Elks Lodge #1353**

1112 E 2ND ST  
License Type: Limited Retail

Total Incidents: 10  
Total Demerit Points: 0

**Famous Dave's Bar-B-Que**

5900 E 2ND ST  
License Type: Bar & Grill

Total Incidents: 3  
Total Demerit Points: 0

**Fire Rock Steakhouse**

6100 E 2ND ST  
License Type: Retail

Total Incidents: 13  
Total Demerit Points: 0

**Flat Iron Grill**

3400 E 2ND ST  
License Type: Restaurant

Total Incidents: 6  
Total Demerit Points: 0

**Forward Development**

441 LANDMARK DR  
License Type: Retail

Total Incidents: 9  
Total Demerit Points: 0

**Frosty Lounge**

520 S CENTER ST  
License Type: Retail

Total Incidents: 14  
Total Demerit Points: 0

<b>Galles Liquor Mart</b>	
748 E YELLOWSTONE HWY	Total Incidents: 18
License Type: Retail	Total Demerit Points: 25
<b>Galloway's Irish Pub</b>	
2800 CY AVE	Total Incidents: 44
License Type: Retail	Total Demerit Points: 0
<b>Guadalajara Mexican Restaurant</b>	
3350 CY AVE	Total Incidents: 5
License Type: Restaurant	Total Demerit Points: 0
<b>Hilton Garden Inn</b>	
1150 N POPLAR ST	Total Incidents: 38
License Type: Resort	Total Demerit Points: 0
<b>Holiday Inn</b>	
721 GRANITE PEAK DR	Total Incidents: 23
License Type: Resort	Total Demerit Points: 0
<b>House of Sushi</b>	
260 S CENTER ST	Total Incidents: 3
License Type: Restaurant	Total Demerit Points: 0
<b>JS Chinese</b>	
116 E 2ND ST	Total Incidents: 4
License Type: Restaurant	Total Demerit Points: 0
<b>J's Pub &amp; Grill</b>	
3201 SW WYOMING BLVD	Total Incidents: 6
License Type: Bar & Grill	Total Demerit Points: 25
<b>Karen &amp; Jim's Restaurant</b>	
520 S ASH ST	Total Incidents: 7
License Type: Retail	Total Demerit Points: 0
<b>La Cocina Mexican Restaurant</b>	
321 E E ST	Total Incidents: 6
License Type: Restaurant	Total Demerit Points: 25
<b>La Costa Mexican Restaurant</b>	
1600 E 2ND ST	Total Incidents: 1
License Type: Restaurant	Total Demerit Points: 0
<b>Midwest Market</b>	
319 W MIDWEST AVE	Total Incidents: 0
License Type: Restaurant	Total Demerit Points: 0
<b>Moonlight Liquors</b>	
2305 E 12TH ST	Total Incidents: 93
License Type: Retail	Total Demerit Points: 0
<b>Old Chicago</b>	
3580 E 2ND ST	Total Incidents: 37
License Type: Microbrewery	Total Demerit Points: 0

**Olive Garden Italian Restaurant #1828**

5070 E 2ND ST  
License Type: Bar & Grill  
Total Incidents: 10  
Total Demerit Points: 0

**On the Border**

71 SE WYOMING BLVD  
License Type: Bar & Grill  
Total Incidents: 12  
Total Demerit Points: 0

**Outlet Liquor & Tobacco**

627 N POPLAR ST  
License Type: Retail  
Total Incidents: 32  
Total Demerit Points: 0

**Paradise Valley Country Club**

70 MAGNOLIA  
License Type: Limited Retail  
Total Incidents: 1  
Total Demerit Points: 0

**Paradise Valley Liquors**

401 VALLEY DR  
License Type: Retail  
Total Incidents: 6  
Total Demerit Points: 0

**Parkway Plaza Hotel & Conference Centre**

123 W E ST  
License Type: Resort  
Total Incidents: 166  
Total Demerit Points: 25

**Partytime Liquors**

1335 S MCKINLEY ST  
License Type: Retail  
Total Incidents: 5  
Total Demerit Points: 0

**Pizza Hut #238**

3738 CY AVE  
License Type: Restaurant  
Total Incidents: 4  
Total Demerit Points: 50

**Pizza Hut #239**

3741 E 2ND ST  
License Type: Restaurant  
Total Incidents: 2  
Total Demerit Points: 0

**Pizza Ranch - Casper**

5011 E 2ND ST  
License Type: Restaurant  
Total Incidents: 14  
Total Demerit Points: 0

**Poor Boys Steakhouse**

739 N CENTER ST  
License Type: Retail  
Total Incidents: 3  
Total Demerit Points: 0

**Poplar Wine & Spirits**

1016 S POPLAR ST  
License Type: Retail  
Total Incidents: 11  
Total Demerit Points: 0

**Prime Time**

4370 S POPLAR ST  
License Type: Retail  
Total Incidents: 9  
Total Demerit Points: 0

**Racca's Pizzeria Napoletana**

319 S WILSON ST  
License Type: Bar & Grill  
Total Incidents: 4  
Total Demerit Points: 0

<b>Ramada Plaza Riverside</b>	
300 N FOREST DR	Total Incidents: 2
License Type: Retail	Total Demerit Points: 0
<b>Red Lobster #6374</b>	
5010 E 2ND ST	Total Incidents: 7
License Type: Retail	Total Demerit Points: 0
<b>Rena's Lime Leaf Asian Bistro Inc.</b>	
845 E 2ND ST	Total Incidents: 8
License Type: Restaurant	Total Demerit Points: 0
<b>Ridley's Family Markets</b>	
1375 CY AVE	Total Incidents: 29
License Type: Retail	Total Demerit Points: 0
<b>Sam's Club #6425</b>	
4600 E 2ND ST	Total Incidents: 36
License Type: Retail	Total Demerit Points: 0
<b>Sandbar Lounge</b>	
100 N ASH ST	Total Incidents: 38
License Type: Retail	Total Demerit Points: 0
<b>Sanford's Grub &amp; Pub</b>	
61 SE WYOMING BLVD	Total Incidents: 10
License Type: Restaurant	Total Demerit Points: 0
<b>Shogun Japanese Steak House</b>	
3095 TALON DR	Total Incidents: 7
License Type: Restaurant	Total Demerit Points: 0
<b>Shrine Club</b>	
1501 W 39TH ST	Total Incidents: 0
License Type: Limited Retail	Total Demerit Points: 0
<b>Smith's Food &amp; Drug #185</b>	
2405 CY AVE	Total Incidents: 60
License Type: Retail	Total Demerit Points: 0
<b>Table Mountain Vineyards</b>	
731 E 2ND ST	Total Incidents: 1
License Type: Satellite Winery	Total Demerit Points: 0
<b>Taco's Mexico</b>	
2117 E 12TH ST	Total Incidents: 7
License Type: Restaurant	Total Demerit Points: 0
<b>The 19th Hole</b>	
2120 ALLENDALE BLVD	Total Incidents: 2
License Type: Limited Retail	Total Demerit Points: 0
<b>The Fort Saloon</b>	
500 W F ST	Total Incidents: 0
License Type: Bar & Grill	Total Demerit Points: 0

**The Keg & Cork**

5371 BLACKMORE RD

License Type: Retail

Total Incidents: 15

Total Demerit Points: 25

**The Liquor Shed**

4241 E 2ND ST

License Type: Retail

Total Incidents: 11

Total Demerit Points: 0

**Three Crown's Golf Club**

1601 KING BLVD

License Type: Limited Retail

Total Incidents: 10

Total Demerit Points: 0

**TJ's Bar & Grill**

2024 CY AVE

License Type: Retail

Total Incidents: 6

Total Demerit Points: 0

**Urban Market Wines - NON-OPERATIONAL**

320 W 1ST ST

License Type: Retail

Total Incidents: 8

Total Demerit Points: 0

**VFW Post 10677**

300 N FOREST DR

License Type: Limited Retail

Total Incidents: 2

Total Demerit Points: 0

**Wal-Mart Supercenter #3778**

4255 CY AVE

License Type: Retail

Total Incidents: 429

Total Demerit Points: 0

**Wonder Bar**

256 S CENTER ST

License Type: Retail

Total Incidents: 19

Total Demerit Points: 0

**Wonderful House 3 Restaurant**

221 S MONTANA AVE

License Type: Restaurant

Total Incidents: 1

Total Demerit Points: 0

**Wyoming State Brewing Company**

256 S CENTER ST

License Type: Microbrewery

Total Incidents: 0

Total Demerit Points: 0

**Z Financial Administration & Management Inc/TBA**

1121 WILKINS CIR

License Type: Retail

Total Incidents: 2

Total Demerit Points: 0

## 2015 Tipsy Taxi Voucher Usage

Tipsy Taxi Voucher Usage	
Beacon	122
Alibi	97
Moonlight	60
Bryan Stock VFW	47
Butch's	45
Eagles	40
Keg & Cork	29
Galloway's	23
Movie Star Lounge	21
Old Chicago	16
Backdoor Lounge	12
Firerock	12
Baja	10
Fireside	7
Wonder Bar	7
J's Pub	6
Casper Country Club	4
Elks	4
On the Border	3
Paradise Country Club	3
Taylor's	3
Armors	2
Horseshoe	2
Powder River Veterans Club	2
All That Jazz	1
Bayou	1
Casper Events Center	1
Frosty's	1
Poplar Wine & Spirits	1
Poorboys	1
Total Vouchers	583

## Chapter 5.08 – Alcoholic Beverages

### 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 more than one-half of one 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. "Building" means a roofed and walled structure built or set in place for permanent use.
5. "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 commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the commission 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 Section 5.08.060, shall be in good standing by having paid at least one full year in dues;
  - f. Club does not mean college fraternities or labor unions.
6. "Commission" means the Wyoming Liquor Commission.
7. "Drugstore" means space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.

8. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.
9. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
10. "Licensee" means a person holding a:
  - a. Retail liquor license;
  - b. Limited retail liquor license;
  - c. Resort liquor license;
  - d. Malt beverage permit;
  - e. Restaurant liquor license;
  - f. Catering permit;
  - g. Special malt beverage permit; or
  - h. Bar and grill liquor license.
11. "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
12. "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
13. "Malt beverage permit" means the authority under which the licensee is permitted to sell malt beverages only.
14. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(ixx).
15. "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year.
16. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
17. "Person" includes an individual person, partnership, corporation, limited liability company or association.
18. "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.
19. "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.

20. "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.
21. "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.
22. "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.
23. "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging for goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.
24. "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.
25. "This chapter" means Ordinance 25-86.
26. "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.
27. "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

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

5.08.025 - Microbrewery and winery permits—Authorized—Conditions—Dual permits and licenses—Fees—Satellite winery permits.

- A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the city council may issue:
  1. A 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.
  3. Satellite winery permits, subject to the terms and conditions of Section 5.08.140, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the city clerk for each location following approval of the city council after a public hearing for consideration of the permit application. Satellite winery permits shall be subject to the applicable terms and conditions of this chapter.
  4. Every applicant for a satellite winery permit shall file with the city clerk, at the time of application for the initial permit, and any subsequent permit or renewal thereof, an affidavit in a form approved by the city clerk attesting that the applicant does not have more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
  5. No satellite winery permit shall be eligible for renewal in the event the applicant thereof has more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
- B. The city council:

1. May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;
3. May approve the dual holding of a microbrewery permit or winery permit and one of the following:
  - a. A retail liquor license as provided in Section 5.08.120 of this chapter;
  - b. Subject to subsection C of this section, a restaurant license as provided in Section 5.08.120 of this chapter;
  - c. A resort license as provided in Section 5.08.120 of this chapter;
  - d. A microbrewery permit as provided under subsection (A)(1) of this section;
  - e. A winery permit as provided under subsection (A)(2) of this section; or
  - f. A bar and grill liquor license as provided in Section 5.08.285 of this chapter. Provided, however, the provisions of Section 5.08.285 of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:
    - i. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to subsections (B)(4) and (B)(5) of this section.
    - ii. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit.
    - iii. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under Section 5.08.260 of this chapter.
4. May allow the microbrewery to sell on-site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;
  - a. All microbrewery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.
5. May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;
  - a. All winery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.
6. Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;
7. May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and
8. Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a

fee of one hundred dollars annually for up to three satellite winery permits issued within the city to the same applicant. When dual ownership of a microbrewery or winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant or resort license fee.

- C. Section 5.08.280 of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:
1. May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons under the age of twenty-one years are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;
  2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to subsections (B)(4) and (5) of this section;
  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 Section 5.08.260(C) of this chapter.

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

#### **Editor's note—**

Ord. No. 11-14, § 1, adopted June 3, 2014, amended the title of § 5.08.025 to read as set out herein. Previously § 5.08.025 was titled microbrewery and winery permits—authorized—conditions—dual permits and licenses—fees.

#### **5.08.030 - License—Required.**

It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or give away to the public, as an inducement to the public to patronize any business, place or person within the city, any alcoholic liquor or malt beverage as defined in this chapter, or to operate a microbrewery within the city without first obtaining a license to do so and paying the license fees therefor.

(Ord. 22-93 § 2, 1993; Ord. 25-86 (part), 1986; prior code § 3-9)

#### **5.08.035 - 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 commission has ceased sales of alcoholic liquor to the licensee pursuant to W.S. 12-2-306. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104(F) and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

(Ord. 24-96 § 3, 1996)

#### **5.08.040 - License application—Contents and fees.**

Any person desiring a license or permit under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney general of the state and furnished to the city. It shall be sworn to by the applicant, filed in the office of the city clerk and be accompanied by the sum of fifteen dollars in the event that it is submitted as an application for annual renewal to become effective on the annual renewal

date of April 1st, and in the sum of thirty dollars for an application submitted at any other time or for any other purpose. The set amount is intended to defray the expense of publishing notice of such application as required by law. Such application shall contain the following information:

- A. The location and description of the room in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed;
- B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;
- C. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic or malt beverages within ten years prior to the filing of the application;
- D. If the applicant is a corporation:
  - 1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and
  - 2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;
- E. A statement indicating the financial condition and financial stability of a new applicant;
- F. The site and the zoning of the site where the applicant will sell under the license;
- G. If the applicant is a limited liability company:
  - 1. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, and
  - 2. If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided under subsection C of this section;
- H. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or if there are no officers or managers, at least one of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

(Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-10)

#### 5.08.050 - License application—Change of ownership and other information.

- A. Corporate and limited liability company licensees and permittees shall advise the city council within thirty days in writing of any change in the information in any application required under this chapter. The city shall provide the commission a copy of a notification of change.
- B. Whenever an interest of more than ten percent of the whole interest in any corporation, association or organization holding a retail liquor license is sought to be sold, assigned or otherwise transferred, a new application as described in Section 5.08.040 shall first be filed with the city clerk and no such sale, assignment or transfer shall be made without the prior approval of the city council.

- C. Whenever ownership of a license or permit is proposed to be transferred, or a retail or limited retail liquor license moved to a different location, or a licensed or permitted facility is proposed to be expanded, a new application as described in Section 5.08.040 shall first be filed with the city clerk, and no such transfer, move or expansion shall be made without the prior approval of the city council as set forth in Section 5.08.170

(Ord. 24-96 § 5, 1996; Ord. 25-86 (part), 1986: prior code § 3-13)

5.08.060 - License application—Affidavits required.

In addition to the application form described in Section 5.08.040, each applicant shall furnish the city an affidavit in duplicate, setting forth the names and addresses of all stockholders and their respective stockholdings if the applicant is a corporation, and the names and addresses of all members if the applicant is an association or organization. Such affidavit shall also state whether or not any relative by blood or marriage of an individual applicant, partner, stockholder of a corporation or a member of an association or organization making application has any interest in any retail liquor license issued by the city and, if so, the name and address of each such person; such affidavit shall also state whether or not any person, other than the applicant, has any interest, whether direct or indirect, in the license and, if so, the nature of the interest.

(Ord. 2-87 § 2, 1987; Ord. 25-86 (part), 1986: prior code § 3-14)

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

- A. When an application for a license, special malt beverage permit, renewal, expansion or any 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 four consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A \_\_\_\_\_

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, (name of applicant) filed an application for a \_\_\_\_\_ license (permit), in the office of the Clerk of the City of Casper for the following described place (and room) (insert description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, in the (meeting place of the governing body).

_____	_____
Dated	Signed
	City Clerk

- B. Any license or special malt beverage 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. The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the city council.
- D. When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the commission. The city council shall not approve or deny an application until the commission has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the commission within ten working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the commission.
- E. 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.
- F. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the city council named as defendant. During the pendency of an appeal, a renewal license denied by the city council shall not be granted to any other applicant. Upon notice of appeal the city clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest, if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the city clerk. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

(Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986; prior code § 3-15)

#### 5.08.080 - Special malt beverage permit.

- A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.
- B. To qualify for a special malt beverage permit an applicant must meet the following requirements:
  1. The applicant must be a responsible person or organization;
  2. The public auditorium, civic center or events center shall be an enclosed building owned by the city or the county, containing meeting rooms, kitchen facilities and at least one auditorium which has a seating capacity for no less than five thousand persons and is used for public gatherings;

3. The person or organization applying for the permit must hold a written agreement with the owner of the public auditorium, civic center or events center, giving said applicant the right to sell concessions within the building for the period for which the license will be effective.
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the holder of the permit to see that no sales are made to any person under the age of twenty-one years.
  - D. The permits authorized by this section shall be issued after a hearing on the application, and the license fee shall be one thousand five hundred dollars, payable annually in advance.
  - E. The permit shall be subject to such rules and regulations as are established by the city council for the following:
    1. The location of the dispensing rooms;
    2. The furnishings and other features of the dispensing rooms; and
    3. The hours and days of operation of the dispensing rooms.

(Ord. 8-88 § 3, 1988; Ord. 25-86 (part), 1986: prior code § 3-22)

#### 5.08.090 - Malt beverage and catering permits for public events.

- A. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. Privately owned or leased premises shall be subject to the restrictions set forth in subsections G and H, except that premises owned or leased from the city of Casper shall be exempt from these restrictions. Sections 5.08.290, 5.08.300 and 5.08.310 do not apply to this subsection.
- B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the city manager or his or her designee to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic liquor or malt beverage off the premises described in the permit.
- 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 Section 5.08.320. No person or organization shall receive more than a total of twelve malt beverage and twenty-four catering permits for sales at the same premises in any one year. In no event shall more than twenty-four malt beverage permits be issued for any given premises in any one year.
- D. The malt beverage permit and the catering permit shall be issued on application to the city manager or his or her designee without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.
- E. The fee for the malt beverage permit and the catering permit shall be fifty dollars per twenty-four-hour period, payable to the city.
- F. Applications shall be submitted on a form approved by the city manager or his or her designee.
- G. Applications for malt beverage permits shall 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:
    - 1) Driving while under the influence,
    - 2) Public intoxication,
    - 3) Disturbing the peace/noise offense,
    - 4) Serving after hours at location,
    - 5) Controlled substances offenses,
    - 6) Serving to a minor,
    - 7) Selling alcohol without a license,
    - 8) Violation of any provision of Chapter 5.08 of the Casper Municipal Code.
2. Convictions of any patron, guest, attendee, employee, owner, applicant, or principal resulting from four or more of any of the following offenses occurring at, or stemming from, an event location for which a permit is being applied for, within three hundred sixty-five days prior to the date of the application as follows:
  - a. Minor in possession,
  - b. Disturbing the peace/noise offense,
  - c. Selling alcohol without a license,
  - d. Furnishing alcohol to minor,
  - e. Driving while under the influence,
  - f. Controlled substances offense.
3. Applicant's business entity is not in good standing with the State of Wyoming Secretary of State.
4. Applicant lack of valid Wyoming sales tax permit.
5. Applicant nonresident of Wyoming.
6. Applicant not obtaining other required permits, including, but not limited to, open container, street closure, and food service permits.

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

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

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

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

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

(Ord. No. 33-11, §§ 1—3, 12-20-2011)

5.08.100 - License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any member of the city council or county commissioners;
  2. Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;
  3. Any party who does not own the building in which the licensed room is located 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 4 of this subsection;
  4. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
  5. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 4 of this subsection;
  6. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture or sale of malt beverages under a microbrewery license issued pursuant to this chapter;
  7. A person under twenty-one years of age;
  8. A college fraternity or organization created by one or more college fraternities;
  9. A chamber of commerce;
  10. A corporation or a limited liability company which has not qualified to do business in Wyoming;
  11. An individual who is not a resident; or
  12. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
  13. Except as provided in subsection 14 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;
  14. Subsection 13 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 5.08.080 and 5.08.090 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as hereinafter provided.

(Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986: prior code § 3-12)

#### 5.08.110 - License interest restrictions.

No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit and no corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions are true.

(Ord. 25-86 (part), 1986: prior code § 3-11)

#### 5.08.120 - Retail, resort and restaurant license fees.

Every person holding a retail, resort or restaurant license authorized by the provisions of this chapter shall pay annually in advance, for a license hereunder, the sum of one thousand five hundred dollars. The license fee shall be paid to the clerk of the city before the license is issued.

(Ord. 25-86 (part), 1986: prior code § 3-18)

#### 5.08.130 - Fee disposition—Refunds prohibited.

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

(Ord. 25-86 (part), 1986: prior code § 3-16)

#### 5.08.140 - License and permit term.

- A. A license or permit is considered a personal privilege to the holder and the term of the license or permit is for one year unless sooner revoked, except for twenty-four-hour catering and malt beverage permits. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.
- B. The term of a license or special malt beverage permit may be less than one year if specified by the city council to coincide with the annual date or dates set by the authority for consideration of license and permit issuance, renewals and transfers. In the event that the city council issues a license or permit for a term less than one year, it shall prorate the fee accordingly. Any licensee not attempting to renew a newly issued prorated license or permit valid for a term of less than one year shall not be eligible for any license or permit authorized under this chapter for a period of two years after the expiration date of the prorated license or permit.

(Ord. 25-86 (part), 1986: prior code § 3-17)

#### 5.08.150 - Number of licenses allowed—Council authority.

The city council may issue less than the total number of allowable liquor licenses allowed by state statutes and may issue any license or permit authorized by this chapter.

(Ord. 25-86 (part), 1986: prior code § 3-46)

#### 5.08.160 - License—Display required.

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

(Ord. 25-86 (part), 1986: prior code § 3-36)

#### 5.08.170 - 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 W.S. 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.

(Ord. 24-96 § 8, 1996; Ord. 25-86 (part), 1986; prior code § 3-42)

5.08.180 - Transfer, sale or attachment restrictions.

No license or permit shall be transferred or sold, or licensed or permitted facility expanded except as provided by Section 5.08.170, nor used for any place not described in the license or permit at the time of issuance, nor shall any license be subject to attachment, garnishment or execution.

(Ord. 25-86 (part), 1986; prior code § 3-43)

5.08.185 - Liquor license application information.

All applicants for liquor licenses shall provide accurate information in conjunction with their applications. Providing false information is declared to be violation of law and may be penalized accordingly.

(Ord. 1-95 § 1, 1994)

5.08.190 - Demerit point values for alcoholic beverage violations—Hearings—Suspensions and revocation petition consideration—Procedure.

- A. The city council shall use an alcoholic liquor and malt beverage demerit point system to assist it in identifying licensees which repeatedly violate the provisions of this code relating to alcoholic liquor and malt beverages, and in determining when liquor licenses should be suspended or revoked as a result of such violations. Violations of this chapter by an employee or agent of a licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section. Accordingly, a licensee will acquire demerit points upon the conviction of its employees and/or agents for violations of city code Chapter 5.08 committed while acting in the service of the licensee. References to "violations by a licensee," "convictions of a licensee," "demerit points acquired by a licensee," and similar references shall be construed in a manner consistent with this intent. Upon conviction for any offense specified in subsection B of this section, the number of demerit points specified in subsection B shall be acquired by the licensee. Points shall be considered "acquired" by a licensee on the date Chapter 5.08 of this code is violated by the licensee. In attributing points to a licensee, the section number of the city code which the licensee is convicted of violating and the points ascribed to the violation by subsection B are controlling.
- B. The number of demerit points specified below will be acquired by a licensee as a result of a conviction of it, its employees or agents for violations of the corresponding sections of this chapter.

Alcoholic Liquor and Malt Beverage Demerit Points

City Code Section	Type of Violation	Point
-------------------	-------------------	-------

or Chapter		Value
5.08.050	Failure to notify city of changes in application information	25
5.08.080(C)	Special malt beverage permit violation:	
	Selling alcoholic liquor other than malt beverages	25
	Malt beverage sold for consumption off authorized premises	25
5.08.090(B)	Catering permit violation:	
	Selling or permitting consumption of alcoholic liquor or malt beverage off the authorized premises	25
5.08.160	Failure to display license	10
5.08.180	Unlawful sale or transfer of license or permit	5
5.08.180	Unlawful expansion of license or permitted facility	50
5.08.185	Providing false information on license application	50
5.08.200	Fraternal club permit violation:	
	Selling alcoholic liquor or malt beverage for consumption off the licensed premises	25
	Selling alcoholic liquor or malt beverage for consumption by other than members and their accompanied guests	25
5.08.210	Drive-in area violation	25
5.08.230	Drugstore sale violation	25
5.08.240	Resort retail license violation:	
	Improper transfer of license	50
	Selling alcoholic beverages or malt liquor for consumption off premises	25

	owned or leased by the licensee	
5.08.280	Restaurant license sale violation	25
5.08.290(B)	Retail liquor license location violation	25
5.08.290(C)	Retail liquor license sale violation	25
5.08.290(E)	Repealed	
5.08.290(H)	Licensee, employee, or licensed operator off premises violation	50
5.08.290(I)	Signage violation	10
5.08.320	Hours of sale violation:	
	Per violation	25
5.08.330	Off-premises storage violation	25
5.08.340	On-premises violations:	
	Prostitution	50
	Public indecency	10
	Obscenity	10
5.08.290(D) or 5.08.340	Gambling	10
	Any other violation of this chapter	25
Chapter 15.40	Violation of occupancy limit (fire code)	25
	Failure to maintain:	
	Exits and emergency escapes	25
	Fire protection and life safety systems	25

	Unauthorized use of pyrotechnic special effects material	25
5.08.350	Minor illegally on premises	
5.08.360(B)	Failure to check identification	
5.08.360(A)(B)	Sale or gift to minor	
5.08.350 to 380	First violation within 12 months	25
	Second violation within 12 months	50
	Third violation within 12 months	75

1. Liquor licensee will be granted a one-time, non-accumulation of points for first-time violations of any of the codes numbered 5.08.350 through 5.08.380, provided that the establishment has all alcohol server staff/employees "tips" trained (training for intervention procedures).
  2. Licensee new hires will be granted a thirty-day grace period to obtain their tips training to be eligible for the non-accumulation of points described above in Section 5.08.190(B)(1).
- C. Not later than thirty days following disposition of a charge alleging a violation of state law, this chapter, or Chapter 15.40 of the city code in any court which results in a conviction, the chief of police shall report the following information to the administrative services director who in turn, shall notify the licensee of the demerit points acquired as a result of the conviction:
1. The fact that a licensee, its employee or agent has been convicted of a violation of state law, this chapter or Chapter 15.40 of the city code;
  2. The date of the alleged violation;
  3. The demerit points as specified in this chapter that are acquired by the licensee as a result of the conviction; and
  4. Whether the court disposition has been appealed.
- The administrative services director shall maintain the total of all demerit points acquired by each licensee. The total of any demerit points acquired by a licensee shall be reported by the administrative services director to the city council at the time of application for renewal and at any time the total points acquired by a licensee reach the limits for suspension actions of this chapter.
- D. 1 In the event that a licensee, or with the licensee's prior knowledge of the action leading to the conviction, its agent or employee is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, in any court, the licensee shall acquire one hundred fifty points.
2. In the event that a third party is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, and the city council finds that there is substantial evidence that such occurred with the licensee's, or its agent's or employee's prior knowledge while employed within the licensee's establishment, of the action leading to the conviction, and that licensee, its agent or employee did not report his or her knowledge of such

sale or possession to a peace officer, as that term is defined in Wyoming Statutes Section 7-2-101 (1977), as soon as practicable, the licensee shall acquire one hundred fifty points.

3. Should the city council become aware that an event, as described in subsection (D)(1), (D)(2) or (E) of this section, may have occurred, it shall provide the licensee with notice and an opportunity for a hearing. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:
    - a. That the city council has been informed that one or more of the events described in subsection (D)(1), (D)(2) or (E) of this section, has occurred and that as a result demerit points may be attributed to the licensee and that a suspension and/or revocation of the license is possible;
    - b. Summarizing the nature and date(s) of the alleged event(s) and the number of demerit points which would be attributed to the licensee if the city council finds that such event(s) occurred;
    - c. That a hearing on the subject has been scheduled before the city council, and further informing the licensee of the time and place of the hearing; and
    - d. That the purpose of the hearing is to hear evidence, including that presented by the licensee, on the issue.
  4. In the event that the city council concludes that there is substantial evidence that a licensee, its agent or employee has refused to allow entry and inspection pursuant to Section 5.08.295, the licensee shall acquire one hundred demerit points for each day that a refusal occurs.
- E. 1 Except as otherwise provided, the following suspension periods shall be imposed:
- a. Every licensee acquiring one hundred twenty-five points in a twelve-month period shall have its license suspended for seven days;
  - b. Every licensee acquiring more than one hundred seventy-five but less than two hundred fifty points in a twelve-month period shall have its license suspended for thirty days; and
  - c. Every licensee acquiring more than two hundred fifty points in a twenty-four month period shall have its license suspended for sixty days.
2. It is declared to be a gross violation, both of this chapter and for the purposes of license revocation as provided in Title 12, Chapter 7, of the Wyoming Statutes, for a licensee to have its license suspended three times in any twenty-four-month period. In the event of a gross violation, the city council may authorize a petition to the district court pursuant to Wyoming Statutes Section 12-7-201 to revoke a licensee's license.
  3. The sanctions provided in this section for demerit points are cumulative, and therefore points may result in multiple sanctions. Accumulated points shall not be excused at the end of the license year, but shall instead continue to be counted against a licensee for the periods described in this section of the Casper Municipal Code.
- F. If it appears to the city council that a licensee has acquired sufficient points to result in a suspension or revocation of its license, the licensee shall be afforded an opportunity for hearing before the city council. The purpose of such hearing is to allow the licensee to provide information demonstrating that such points have not been acquired. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:
1. That it appears to the city council that the licensee has acquired points such that a suspension and/or revocation of the licensee's license is appropriate;
  2. Summarizing the nature and date(s) of the incidents resulting in points and the number of demerit points alleged to have been acquired by the licensee as a result of such incidents;

3. That a hearing on the subject has been scheduled before the city council, and further informing the licensee of the time and place of the hearing; and
  4. That the purpose of the hearing is to allow the licensee to offer corrections to the information demonstrating such points have not been acquired.
- G. At a hearing, a licensee may appear in person or through counsel. A licensee will be given an opportunity to present evidence and argument on the relevant issue. Evidence relied on shall consist of information commonly relied upon by reasonably prudent people in the conduct of their serious affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A record shall be made of the proceeding and shall include the following:
1. All notices and intermediate rulings;
  2. Evidence received or considered by the city council including information officially noticed and received from the municipal court;
  3. Questions and offers of proof, objections and rulings thereon;
  4. Any proposed findings and exceptions thereto; and
  5. Any opinion, findings, decision or order of the city council and any report by any hearing officer.
- H. Nothing shall preclude the city council from appointing one or more hearing examiners to conduct any hearing called for by this section for the purpose of assembling a record for subsequent consideration by the city council. If a hearing examiner is appointed, the council shall direct the examiner to forward the record of the hearing to the council either with or without proposed findings of fact and conclusions of law, and with or without the opinion/recommendation of the examiner.
- I. Following the hearing described in this section, and based upon the information considered and received at such hearing, and the sanctions described, the city council shall:
1. Order the suspension of the license in question;
  2. Authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license; or
  3. Find that suspension or revocation is not required by the terms of this section.
- City council decisions shall be in writing, shall be supported by findings of fact and conclusions of law, and shall be delivered to the licensee in interest either personally or by mail at the address listed on the licensee's most recent liquor license application to the city.
- J. The city council's action suspending a licensee shall be subject to review in the district court in accordance with the procedural rules heretofore or hereinafter adopted by the Wyoming Supreme Court concerning the review of administrative actions. Filing an appeal as provided in such rules, stays enforcement of the suspension decision pending final order on the appeal. The city council's action may be set aside by the district court if it finds the action to be:
1. Arbitrary, capricious, or otherwise not in accordance with law;
  2. Without observance of the procedure required by law; or
  3. Unsupported by substantial evidence.
- K. If a license is revoked, except as provided in Wyoming Statutes Section 12-7-201(d) concerning the expiration of a licensee while a revocation order is under appeal, the holder of such revoked license shall not be eligible to apply for a new license for a period of twelve months from the date of revocation.

(Ord. No. 3-14, §§ 2—4, 2-4-2014; Ord. No. 2-10, § 1, 1-5-2010; Ord. 8-99 § 1, 1999; Ord. 24-96 § 9, 1996; Ord. 19-95 §§ 3, 4, 1995; Ord. 5-95 § 1, 1995; Ord. 25-86 (part), 1986; prior code § 3-44)

#### 5.08.195 - Administrative fees.

In addition to any other penalty, sanction or fee authorized by law, if a licensee, either as an entity or by virtue of its employees or agents, violates Casper Municipal Code Section 5.08.360 for the sale or furnishing of alcohol to a minor, the licensee shall, upon notice, pay to the city clerk, an administrative fee in the amount of one thousand dollars for the first instance of reaching three convictions for violations occurring within a twelve-month period, and two thousand dollars for a fourth violation within a twelve-month period, and five thousand dollars for a fifth or subsequent violation within that twelve-month period. Such fee shall be paid within ten days of the notice to pay. The notice to pay shall be issued by the city clerk upon notification by the court of convictions for the relevant offenses, but the time frame for accumulation of the fees shall be based on date of violation, not conviction. If such fee is not paid, or a hearing before council is not requested within ten days of notice being given, the license shall be suspended until such time as the fee is paid to the city clerk.

It shall be in council's sole discretion, after hearing, whether to impose or suspend the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedures Act shall not apply to such hearing.

(Ord. 19-06 § 1, 2006)

#### 5.08.200 - Sales by clubs—Petition—Duties and restrictions.

- A. Bona fide clubs, as defined in Section 5.08.010(5), shall be licensed under a limited retail liquor license for which they shall pay a license fee of one hundred dollars annually in advance, which license fee shall be paid to the city.
- B. At least fifty-one percent of the membership of a social club as defined by Section 5.08.010(5)(e), shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the commission and shall include the residence address of each member signing the petition. The petition shall be submitted with the initial application for a limited retail liquor license.
- C. A club holding a limited retail liquor license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to ensure that all alcoholic or malt beverages sold are consumed within the building, space or premises.
- D. Any golf club as defined by Section 5.08.010(5) which holds a club limited retail liquor license may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. Any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws.

(Amended during Supp. No. 26, 1-07; Ord. 9-05 § 2, 2005; Ord. 25-86 (part), 1986; prior code § 3-19)

#### 5.08.210 - Use of drive-in areas—Restrictions.

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

- A. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;
- B. No part of the area used for orders, delivery and making payment shall be more than forty feet distant from the licensed room;
- C. The area shall be well lighted and subject to inspection by the city council or its designees at any and all times;

- D. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;
- E. No order shall be received from, nor delivery made to, a person under twenty-one years of age or an intoxicated person in the area;
- F. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales;
- G. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package, and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted; and
- H. No retail liquor license may be renewed, granted or transferred for any establishment having what is commonly known as a "drive-up" window, door or other service area intended to allow the purchase of alcohol from a motor vehicle. However, nothing in this section shall prohibit the renewal or transfer of a license for an existing establishment having a "drive-up" window in operation prior to the effective date of the ordinance codified in this section at its current location or on adjacent and abutting real property. Should the license be transferred to a new location which is not on adjacent and abutting real property, a "drive-up" window shall not be allowed.

(Ord. 20-06 § 1, 2006; Ord. 8-88 § 4, 1988; Ord. 25-86 (part), 1986: prior code § 3-34)

#### 5.08.220 - Use of drive-in areas—Council authority.

The agents and officers of the city administering the liquor licenses shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales or delivery in any drive-in area, recommending appropriate action to the city council. If by resolution of the city council the right of a licensee to use certain drive-in areas is forbidden or restricted, that resolution shall be complied with by the licensee.

(Ord. 25-86 (part), 1986: prior code § 3-35)

#### 5.08.230 - Sales by drugstores.

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

(Ord. 25-86 (part), 1986: prior code § 3-20)

#### 5.08.240 - Resort retail license.

- A. The city council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection B of this section.
- B. To qualify for a resort retail liquor license, the city council shall require the resort complex to:
  1. Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars, excluding the value of the land;
  2. Include a restaurant and convention facility, which convention facility shall seat no less than one hundred persons; and
  3. Include motel or hotel accommodations with a minimum of one hundred sleeping rooms.
- C. No resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the city council.

- D. Resort liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. The dispensing of alcoholic liquor or malt beverages licensed to be sold hereunder shall be controlled by Sections 5.08.290 through 5.08.310

(Ord. 25-86 (part), 1986: prior code § 3-21)

#### 5.08.250 - Restaurant license issuance—Council authority.

- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010, may be licensed by the city council under a restaurant liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application.
- B. Any person holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under Sections 5.08.010 and 5.08.250 through 5.08.280, may be issued a restaurant liquor license by the city council.

(Ord. 33-06 § 4, 2006; Ord. 25-86 (part), 1986: prior code § 3-24)

#### 5.08.260 - Restaurant license—Food service requirements.

- A. An applicant for a restaurant liquor license shall satisfy the city council that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages.
- B. When renewing a restaurant liquor license, the city council shall condition renewal upon a requirement that not less than sixty percent of gross sales from the preceding twelve months' operation of a licensed restaurant be derived from food services.
- C. Upon application for license renewal, a license holder shall submit an annual report to the city council on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories:
  - 1. Food service sales; and
  - 2. Alcoholic liquor and malt beverage sales.

- D. The annual report shall be submitted upon a form approved by the city council.

(Ord. 25-86 (part), 1986: prior code § 3-25)

#### 5.08.270 - Restaurant licenses—Transfer.

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

(Ord. 33-06 § 5, 2006; Ord. 22-93 § 4, 1993; Ord. 25-86 (part), 1986: prior code § 3-26)

#### 5.08.280 - 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. Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic 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, nor shall any person other than employees over nineteen 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 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 over nineteen 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 5.08.320, 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 5.08.420
- 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.

(Ord. 33-06 § 6, 2006; Ord. 11-05 §§ 2, 3, 2005; Ord. 9-05 § 1, 2005; Ord. 25-86 (part), 1986: prior code § 3-27)

#### 5.08.285 - Bar and grill liquor license issuance, council authority, criteria and restrictions.

- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010 of this chapter, may be licensed by the city council under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. Criteria that may be considered by the city council in determining to whom any such license may be issued may include, but is not limited to the following:
  - 1. The location of the proposed business is in an area: (1) in need of redevelopment; (2) officially designated as an urban renewal area; or (3) that has been identified as being under served by food and beverage services.
  - 2. The issuance of the license will contribute to economic development goals or purposes of the city.
  - 3. Whether the applicant will be investing in the construction of a new structure or will otherwise be materially and substantially updating a current building.

4. If the applicant's business is a new business, the number of new jobs reasonably estimated to be created, or if an existing business, the number of new or additional jobs that will reasonably be created by use of the bar and grill liquor license.
- B. Bar and grill licenses shall be subject to the provisions of Sections 5.08.260 and 5.08.280(D) of this chapter to the same extent that those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under Section 5.08.280(F) of this chapter.
  - C. Every person holding a bar and grill liquor license authorized by the provisions of this chapter shall pay annually, in advance, a license fee for such license the sum of ten thousand five hundred dollars for the first license year; and, three thousand dollars for each year thereafter that such license is granted, in addition to any other fees due from such person otherwise holding a microbrewery or winery permit. The license fee shall be paid to the clerk of the city before the license is issued.
  - D. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder.  
(Ord. 33-06 § 7, 2006)  
(Ord. No. 1-09, § 1, 2-17-2009; Ord. No. 32-12, § 1, 12-4-2012)

5.08.290 - Location—General conditions.

- A. The principal place in which alcoholic liquor and malt beverages are sold under a retail liquor license shall be located in one room upon the premises for which the retail liquor license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds of the fee paid for the retail license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license.
- B. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located, and in an immediately adjacent fenced or enclosed area as approved by the city council. This area shall not be in another building and shall be located on the licensed premises.
- C. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose product the item is advertising may be sold and served in the licensed room.
- D. No gambling shall be permitted in a licensed room or dispensing room.
- E. Repealed.
- F. 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 without payment of an additional fee.
- G. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition when a connection doorway exists to permit persons to pass freely between the two facilities.
- H. Licensee, employee, or licensed operator is to be in licensed room at all times during hours of operation.
- I. All licensees are required to post signage on all exits from licensed rooms stating:

"No alcohol beyond this point per open container ordinance 5.08.420."

(Ord. No. 3-14, § 1, 2-4-2014; Ord. 19-95 § 1, 1995; Ord. 25-86 (part), 1986: prior code § 3-30(A))

5.08.295 - Right of entry—Inspection.

- A. In addition to all other rights of inspection which the city may now or hereafter possess, the public safety director or the designee(s) of the public safety director are empowered to enter and inspect every place of business which is licensed by the city to sell malt or alcoholic beverages or where malt or alcoholic beverages are sold, stored or kept for the purpose of sale pursuant to a city liquor license.
- B. Entry for purposes of inspection pursuant to this section is authorized only during open business hours unless it is in the presence of the licensee or his agent, employee or representative, or unless the person making entry does so under court order, or the person making entry has reasonable grounds to believe that evidence of a violation of this chapter is within the place to be entered and emergency or exigent circumstances exist such that a warrantless search is allowed by law.
- C. Reserved.
- D. A refusal to permit entry or inspection pursuant to this section shall result in the assignment of demerits to the offending licensee pursuant to city code.

(Ord. 19-95 § 2, 1995)

(Ord. No. 9-12, § 1, 3-6-2012; Ord. No. 32-12, § 2, 12-4-2012)

#### 5.08.300 - Convention facilities.

If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room under the same fee referred to in Section 5.08.290. For purposes of this section, a convention facility shall have and maintain all of the following:

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

(Ord. 25-86 (part), 1986: prior code § 3-30(B))

#### 5.08.310 - Twenty-four-hour permit for additional location.

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

(Ord. 30-04 § 1 (part), 2004; Ord. 25-86 (part), 1986: prior code § 3-30(C))

#### 5.08.320 - Hours of sale generally—Exceptions—Designation of dates for unrestricted operation.

- A. All licensees except club licensees holding liquor licenses shall be controlled by the following schedule for operating hours:
  - 1. On all days except Sunday, a licensee may open the dispensing room at six a.m. and shall close the dispensing room and cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. the following day and shall clear the dispensing room of all persons other than employees by two-thirty a.m.; and
  - 2. On Sundays, licensees may open the dispensing room between the hours of ten a.m. and ten p.m. and shall clear the dispensing room of all persons other than employees by ten-thirty p.m. However, on Sundays that occur on December 31st licensees may close the dispensing room and cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. on January 1st, and shall clear the dispensing room of all persons other than employees by two-thirty a.m.
- B. Clubs holding a limited retail liquor license may open each day at nine a.m. and shall close the dispensing room and cease sales of alcoholic liquor and malt beverages promptly at the hour of two

a.m. of the following day and shall clear the dispensing room 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.

- C. 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 dispensing rooms for a period of twenty-four hours beginning at six a.m. on days other than Sunday, and beginning at ten a.m. on Sundays.

(Ord. 43-00 § 1, 2000; Ord. 24-96 § 11, 1996; Ord. 25-86 (part), 1986: prior code § 3-29)

#### 5.08.330 - Off-premises storage prohibited—Exception.

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

(Ord. 25-86 (part), 1986: prior code § 3-31)

#### 5.08.340 - Prostitution, public indecency, gambling and obscenity prohibited.

- A. No licensee or agent or employee thereof shall knowingly permit prostitution, under Section 6-4-101 of the Wyoming Statutes, public indecency under Section 6-4-201 of the Wyoming Statutes, gambling under Section 6-7-102 of the Wyoming Statutes, or shall promote obscenity under Section 6-4-302 of the Wyoming Statutes within any dispensing room, building or premises licensed or permitted under this chapter.
- B. Any licensee, permittee or agent or employee thereof violating subsection A of this section, or aiding, abetting or inciting any violation thereof is, in addition to other penalties provided by law, subject to the suspension or revocation of his license or permit, and the violation, aiding, abetting or inciting a violation is sufficient cause for the suspension or revocation of the license or permit.

(Ord. 25-86 (part), 1986: prior code § 3-33)

#### 5.08.350 - Minors restricted from dispensing room—Exception—Penalty—Exceptions after violations.

- A. No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of twenty-one to enter or remain in the licensed room or rooms where alcoholic liquor or malt beverages are dispensed. No person under the age of twenty-one years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:
  - 1. Accompanied by his or her parent or guardian who is at least twenty-one years of age; and
  - 2. The licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; and
  - 3. With the approval of the City Council, in a dining or waiting area with an adult not later than ten p.m. if the dining or waiting area is part of the licensed room.
- B. When the licensed room or rooms are not open for the sale or dispensing of alcoholic liquor or malt beverages, employees of the licensee under the age of twenty-one may be permitted in the course of their employment to work in the room or rooms.
- C. Any person violating subsection A of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars for the first conviction. The person convicted of a subsequent violation of this section within twelve months, shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. The person convicted of a third violation of this section within twenty-four months shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars, plus not less than five days nor more than six months in jail.

(Ord. 24-96 § 12, 1996; Ord. 21-92 § 1, 1992; Ord. 25-86 (part), 1986: prior code § 3-32)

5.08.360 - Sale or gift to minors prohibited.

- A. It is declared to be illegal and a violation of this chapter for any person to sell, furnish, give or cause to be sold, furnished or given, any alcoholic liquor or malt beverage to any person under the age of twenty-one years, unless such person is his or her legal ward, medical patient or member of his or her own immediate family.
- B. For the purpose of establishing the age of any person proposing to buy alcoholic liquor or malt beverages, all licensees shall demand presentation of identification as provided for in Section 5.08.380

(Ord. 8-88 § 5, 1988; Ord. 25-86 (part), 1986: prior code § 3-37)

5.08.370 - 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.
- B. 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. When dispensing or serving alcoholic or malt beverages or otherwise working in dispensing room pursuant to his or her employment, if the person was at least nineteen years of age on the effective date of the ordinance codified in this section. This subdivision does not apply to persons otherwise authorized to serve alcoholic malt beverages under subdivision 4 of this subsection;
  - 4. Is a licensee under this title; or
  - 5. When serving alcoholic or malt beverages pursuant to his or her employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person is at least eighteen years of age.
- 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.

(Ord. 2-95 § 1, 1994; Ord. 12-90 § 1, 1990; Ord. 8-88 § 6, 1988; Ord. 25-86 (part), 1986: prior code § 3-38)

5.08.380 - Minors—Proof of age.

In order to safeguard against violations of this chapter, any licensee or his agent or employee may refuse to sell or serve alcoholic liquor or malt beverages to any person who is unable to produce bona fide evidence of his or her majority and identity. Bona fide evidence of majority and identity of a person is:

- A. As to residents of this state, a Wyoming State driver's license issued pursuant to state law;
- B. As to nonresidents of this state, identification shall include a state driver's license, or registration certificate issued under the Federal Military Selective Service Act, an internationally accepted passport document with a discernible date of birth and photograph, an identification card issued by the Department of Revenue, or a student identification card issued by any college or

university, or any identification issued to any member of the Armed Forces of the United States, all of which identification must be of the type that bears a photograph.

(Ord. 24-96 § 13, 1996: Ord. 25-86 (part), 1986: prior code § 3-39)

#### 5.08.390 - Minors—False proof of age.

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.

(Ord. 24-96 § 14, 1996: Ord. 8-88 § 8, 1988: Ord. 25-86 (part), 1986: prior code § 3-41)

#### 5.08.400 - Minors—Age violation—Defense to prosecution.

Proof that a licensee or his employee or agent has demanded, was shown and acted in reliance upon such bona fide evidence as required in this chapter in any transaction, employment, use or permission forbidden by Section 5.08.440 is a defense to any criminal prosecution for the sale of alcoholic or malt beverages or liquor to a person under the age of twenty-one years or to any proceedings for the suspension or revocation of any liquor license based thereon.

(Ord. 8-88 § 7, 1988: Ord. 25-86 (part), 1986: prior code § 3-40)

#### 5.08.410 - Bottle clubs prohibited.

- A. A "bottle club" is an operation or enterprise whereby space is given or rented to any person or persons upon the premises of such operation or enterprise for the keeping or storage of alcoholic or malt beverages for consumption upon such premises or in other rooms nearby, used for consumption by the owner of the beverages or guests, the income, profits or fees of the operator of the bottle club being secured from sales or furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards or assessments.
- B. It is unlawful to operate a bottle club in the city, and any person who operates a bottle club shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars for each offense. Each day of operation shall be deemed a separate offense. This subsection shall not apply to any person lawfully licensed under the liquor laws of the state or the city and operating in compliance with the law.

(Ord. 25-86 (part), 1986: prior code §§ 3-6, 3-7)

#### 5.08.420 - Open container restrictions.

- A. It is unlawful:
  - 1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
  - 2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
  - 3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
  - 4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. However, nothing in this chapter shall be

interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;

5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Section 5.08.280

B. Definitions.

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

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

5.08.430 - Evidence of sale—Possession of federal tax stamp.

The possession of any alcoholic beverage, as the same is defined in Section 5.08.010, and the possession of a special tax stamp from the government of the United States authorizing the sale of any alcoholic liquor or malt beverage by a person not licensed under this chapter is prima facie evidence that the person possessing the alcoholic beverage and special tax stamp is selling the alcoholic beverage in violation of this chapter. A certified copy of such special tax stamp verified by the proper authorities shall be admitted in evidence in all respects as the original special tax stamp might be received.

(Ord. 25-86 (part), 1986: prior code § 3-3)

5.08.440 - Evidence of sale—Persons and alcoholic beverages on premises.

The presence of any person in any unlicensed structure, room or place, other than the person maintaining the place, such person having upon any table, bench, bar or other article any container wherein there is any alcoholic liquor or malt beverage and in near proximity to where any such person is standing or sitting is prima facie evidence that the person maintaining the premises is maintaining a nuisance.

(Ord. 25-86 (part), 1986: prior code § 3-5)

5.08.450 - Public intoxication prohibited.

Every person within the limits of the city who is found drunk or in a state of intoxication within the city or who is found drunk or in a state of intoxication in the streets, alleys or other public places within the city, or who is found intruding upon any private premises without the consent of the owner or occupant thereof, or in that condition annoying and frightening passers-by on streets or sidewalks, or sleeping in that condition in any public place within the city, is guilty of a misdemeanor.

(Ord. 25-86 (part), 1986: prior code § 3-2)

5.08.460 - Unlicensed structures declared a nuisance.

Any building, house, structure, room or place, except as such is used exclusively as a dwelling, where alcoholic, spirituous, fermented, malt liquor beverage is offered for sale, exchanged for goods or in

any way delivered otherwise than in consummation of a gift, which house, building, structure, room or place is not licensed under the provisions of this chapter is declared to be a nuisance. It is unlawful to maintain a nuisance as defined herein and any person who maintains such nuisance is guilty of a misdemeanor and may, upon conviction, be punished as provided by Chapter 1.28 of this code or any amendments thereto.

(Ord. 25-86 (part), 1986: prior code § 3-4)

5.08.470 - Beer keg regulations.

- A. All licensees operating within the city who sell keg beer or party balls for consumption off licensed premises shall positively identify the purchaser by name, address, date of birth and other relevant information as prescribed by the police chief/public safety director, and shall require the signing of a receipt by the purchaser in order to allow kegs or party balls to be traced if the contents are used in violation of this chapter. The receipt shall be on a form prescribed by the police chief/public safety director and shall include the name and address of the purchaser and such other information as may be required by the police chief. All receipts shall be kept by the licensee for a period of six months and shall be subject to inspection by the police chief/public safety director or his/her agent when conducting an investigation.
- B. Anyone selling keg beer or party balls for off-premises consumption who fails to require the signing of a receipt at the time of sale is guilty of a misdemeanor. Such person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars for the first conviction of this section. For a second conviction of this section within twelve months, such person shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars.
- C. Any purchaser of keg beer or party balls who knowingly provides false information on the receipt required by subsection A above shall be guilty of a misdemeanor. Such person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars for the first conviction of this section. For a second conviction of this section within twelve months, such person shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars.
- D. As used in this section, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of seven and one-half gallons or more. "Party ball" means any brewery-sealed container of beer having a liquid capacity of five and one-quarter gallons.

(Ord. 22-92, 1992)

January 13, 2016

MEMO TO: V.H. McDonald, City Manager

FROM: Andrew Beamer, Public Services Director   
Peter Meyers, Assistant Public Services Director   
Beth Address, Keep Casper Beautiful Coordinator

SUBJECT: Wyocity Public Art Project

Recommendation:

That Council authorize staff to work on the Wyocity Public Art project, a public art project that includes a mural and four traffic signal cabinet vinyl wraps.

Summary:

Keep Casper Beautiful is looking to expand the anti-graffiti mural program with the Wyocity Public Art project for downtown Casper. The project will help explain the new city brand "Wyocity" to visitors and members of the community and also deter graffiti. The project will consist of a mural located in the downtown parking garage that can be viewed from Center Street and four traffic signal cabinets located at downtown intersections (2<sup>nd</sup> & Center, Center & Midwest, 2<sup>nd</sup> and Wolcott, 2<sup>nd</sup> & Durbin).

This project was developed in conjunction with the DDA and Art 321. The plan is for the mural to be designed by Fort Atelier, the local mural company that designed the mural in the Beverly Street Pedestrian Underpass and the small murals located at the corner of Poplar and CY. The plan for the traffic box wraps is to host a contest for local artists. Artists would submit designs for the traffic boxes, and the top four designs would be printed on vinyl and applied to the traffic boxes.

Background

Keep Casper Beautiful completed a mural in 2014 with the help of Serve Wyoming and Fort Atelier. The mural, the "Power of Actions," is located in the Beverly Street Underpass. The mural was dedicated to all those who serve their community. The project was also used to deter graffiti and has worked to prevent vandalism in the tunnel.

Government funded mural programs, especially within cities, are becoming more prominent. The best known program is within the city of Philadelphia. Murals, like statues, enhance public spaces and can communicate a city's history and identity. Work is usually developed between the artist and the municipality or art program board.

In 2012, Keep Casper Beautiful installed a traffic signal cabinet box wrap at the intersection of 2<sup>nd</sup> and Center. The wrap is of a historical picture of downtown Casper in 1922. The wrap was meant

as an experiment to test: 1) the deterrence of graffiti and 2) the longevity of the vinyl wrap. Due to a project that will replace old signal cabinet boxes; the cabinet will be removed in 2015. Keep Casper Beautiful decided to replace the wrap and install three more downtown.

Many cities, including Fort Collins, Colorado and Boise, Idaho install public art on traffic signal cabinets. The cabinets are located at every lighted intersection and can be a great way to install cost efficient art. Some communities select artists to paint directly on the traffic box and some use vinyl cabinet wraps. To ensure durability and make the art cleanable, vinyl wraps were selected.

#### Budget

The total project cost is \$7,400. \$3,700 will come from the Keep Casper Beautiful program budget. The City has applied for a Wyoming Community Foundation grant to help cover the remainder; grant awards will be announced in March 2016. Private fundraising will be sought to cover the shortfall if the grant is not awarded in full. The Downtown Development Authority has already committed to helping Keep Casper Beautiful with that fundraising, if necessary.

## Wyocity Public Art Project Plan



### Project Background

Keep Casper Beautiful completed a mural in 2014 with the help of Serve Wyoming and Fort Atelier. The mural, the “Power of Actions,” is located in the Beverly Street Underpass. The mural was dedicated to all those who serve their community. The project was also used to deter graffiti and has worked to prevent vandalism in the tunnel.

Keep Casper Beautiful is looking to expand the anti-graffiti mural program with the Wyocity Public Art project for downtown Casper. The project will help explain the new city brand “Wyocity” to visitors and members of the community and also deter graffiti. The project will consist of a mural located in the downtown parking garage that can be viewed from Center Street and four traffic signal cabinets located at downtown intersections (2<sup>nd</sup> & Center, Center & Midwest, 2<sup>nd</sup> and Wolcott, 2<sup>nd</sup> & Durbin).

The mural will be designed and painted by Tony and Amy Elmore with Fort Atelier. The mural will be developed with interested stake holders that may include the Downtown Development Authority, Keep Casper Beautiful, and the Branding Committee. The mural will also be used to explain the Wyocity brand.

The traffic signal cabinets will be wrapped with vinyl. The vinyl will be printed and installed by a wrap company. Designs will be submitted by local artists in a competitive process. Artists will receive a schematic of the traffic signal box to ensure that hinges, handles, and vents are taken into consideration as to not detract from the design. A preliminary design will be submitted with winning artists submitting work to cabinet size specifications in a digital format.

### Traffic Signal Cabinet Art Contest

A call to artists will be sent out by The Casper Artist’s Guild and details will be hosted on the Guild’s web site. Artists will submit a preliminary design to the Guild and all works will be displayed at a show in May. The public will vote on their favorite design. Along with the “People’s Choice” design, a panel of judges will select the contest winners. Selected artists will then be given a chance to finalize their design and submit it in the required format. All submitting artists must reside within Natrona County, Wyoming.

### Budget

	Cost	Description
Vinyl wraps and installation	\$2,400	4 traffic boxes at \$600 each
Mural paint and supplies	\$500	Includes primer
Mural Coating	\$100	Anti-graffiti coating applied by City of Casper
Mural Artist Services	\$3,600	Design and installation
Vinyl wrap artist services	\$800	\$200 per traffic box design
Total:	\$7400	

### Funding

Keep Casper Beautiful has budgeted \$3,700 for the mural project leaving a shortfall of \$3,700. Keep Casper Beautiful has explored the possibility of applying for a Wyoming Arts Council Anytime Grant, but all grant funds have been distributed for this fiscal year. Keep Casper Beautiful has applied for a Wyoming Community Foundation grant for \$2,000. The notification date for the grant is March 15. The Downtown Development Authority will raise the remaining amount for the project.

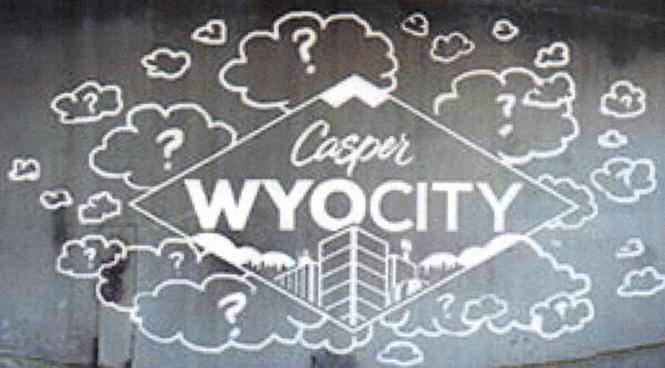
### Project Timelines

#### Wrap Timeline

Task Number	Suggested Start Date	Finish by Date	Timeframe	Task
1	October 1	October 31	2-3 weeks	Decide how vinyl wrap art contest will operated & select judging panel
2	August 10	September 1	3 weeks	Apply for Wyoming Arts Council Grant (must be 10 weeks prior to project start)
3	February 10	April 28 <sup>th</sup>	11 weeks	Call for traffic signal cabinet wrap artists (due 28 <sup>th</sup> drop off April 11-28)
4	May 2	May 13	2 weeks	Voting by public (art walk on May 5 <sup>th</sup> )
5	May 13		1 day	Select artist for signal cabinet wraps
6	May 13	June 10	4 weeks	Artists work on final designs and submit
7	June 13	June 30	3 weeks	Wrap designs installed
8	July 7 <sup>th</sup>		1 day	Mural and Vinyl wrap unveiling at July art walk

#### Mural Timeline

Task Number	Suggested Start Date	Finish by Date	Timeframe	Task
1	February 1	February 10	2 weeks	Contract with artist
2	February 19			Mural committee meets with artist to discuss preliminary design
3	February 10	March 25	5 weeks	Artist works on preliminary mural design
4	March 25			Mural committee meets with artists to discuss design
5	March 26	May 27	4 weeks	Final mural design created
6	May 29			Committee approves final design
11	June 1	June 30	3-4 weeks	Mural installation
12	July 7 <sup>th</sup>		1 day	Mural and Vinyl wrap unveiling at July art walk



&



Fort Atelier

## Color Casper Mural Project



1. Project Consultation
2. Location Assessment & Measurements
3. Concept Development & Sketches
4. Location Technical Setup & Troubleshooting Logistics
5. Mural Day Setup & Execution
6. Day of Volunteer Assistance
7. Final Touches to Mural



Color Casper  
MURAL PROJECT

[www.ColorCasper.com](http://www.ColorCasper.com)

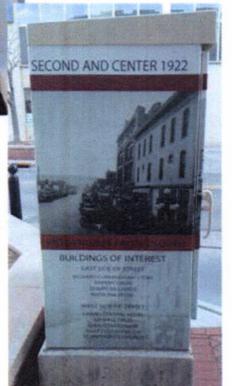
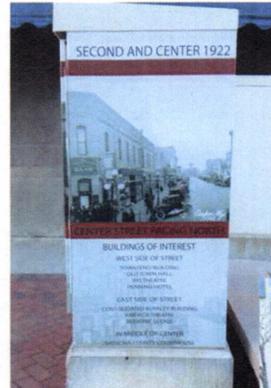
Fort Atelier © 2015

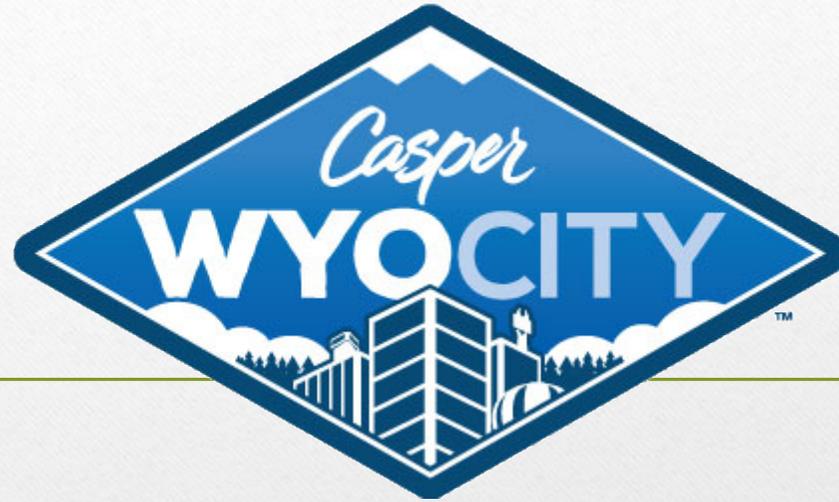


2014 "Power of Actions" Mural



## Traffic Box Wrap





Public Art Project



KEEP AMERICA BEAUTIFUL AFFILIATE

Keep Casper Beautiful believes that Casper and Wyoming are beautiful places. We think everyone deserves to feel that their state, county, town, and neighborhood are wonderful, beautiful places. We inspire and educate people to take action everyday that improves and beautifies their community environment.

### **How We Do It**

Keep Casper Beautiful is a volunteer organization--- we depend on ordinary people to get the job done

### **What we do**

Keep Casper Beautiful beautifies Casper through volunteer efforts in the following areas: litter clean up, tree and flower planting, graffiti abatement and public art and litter prevention

# Why public art?

---

- The project will help explain the new city brand “Wyocity” to visitors and members of the community and also deter graffiti.
- Murals, like statues, enhance public spaces and can communicate a city’s history and identity.
- Public art enhances the beauty of public spaces
- With the launch of the new brand, Keep Casper Beautiful wanted to provide a way for local artists to communicate the brand to the community



# Mural



Keep Casper Beautiful completed a mural in 2014 with the help of Serve Wyoming and Fort Atelier. The mural, the “Power of Actions,” is located in the Beverly Street Underpass.

The downtown parking garage wall located near the new public restrooms was selected as a possible mural site due to occasional graffiti vandalism and its visibility to a large number of people.

# Fort Atelier, LLC

---

- Local artists - Tony and Amy Elmore
- Have done other Casper murals- “The Power of Actions” in the Beverly Street underpass and the Indian Paintbrush murals located at CY Avenue and Poplar Street.
- Mural artist will work with Keep Casper Beautiful, the Downtown Development Authority, and other stakeholders to design a mural that communicates the essence of the Wyocity Brand.

# Mural Timeline

Suggested Start Date	Finish by Date	Timeframe	Task
February 1	February 10	2 weeks	Contract with artist
February 19			Mural committee meets with artist to discuss preliminary design
February 10	March 25	5 weeks	Artist works on preliminary mural design
March 25			Mural committee meets with artists to discuss design
March 26	May 27	4 weeks	Final mural design created
May 29			Committee approves final design
June 1	June 30	3-4 weeks	Mural installation
July 7 <sup>th</sup>		1 day	Mural and Vinyl wrap unveiling at July art walk

# Traffic Signal Cabinet Wraps



Keep Casper Beautiful had a wrap installed at 2<sup>nd</sup> & Center in 2012. Due to upgrades in signal cabinets, the cabinet will be replaced in 2016.

Four signal cabinets will be wrapped: 2nd & Center, Center & Midwest, 2nd and Wolcott, 2nd & Durbin.

Keep Casper Beautiful is partnering with Art 321 to host a contest for local artists. Artists will submit designs. The mural committee will decide on 3 art works and the fourth will be selected by popular vote during May Art Walk. Winning artists will receive payment for their work.

# Wrap Timeline

Start Date	Finish by Date	Timeframe	Task
February 15	April 28 <sup>th</sup>	11 weeks	Call for traffic signal cabinet wrap artists (due 28 <sup>th</sup> drop off April 11-28)
May 2	May 13	2 weeks	Voting by public (art walk on May 5 <sup>th</sup> )
May 13		1 day	Select artist for signal cabinet wraps
May 13	June 10	4 weeks	Artists work on final designs and submit
June 13	June 30	3 weeks	Wrap designs installed
July 7 <sup>th</sup>		1 day	Mural and Vinyl wrap unveiling at July art walk

# Wyocity Public Art Project Budget

	Cost	Description
Vinyl wraps and installation	\$2,400	4 traffic boxes at \$600 each
Mural paint and supplies	\$500	
Mural Coating	\$100	Anti-graffiti coating applied by City of Casper
Mural Artist Services	\$3,600	Design and installation
Vinyl wrap artist services	\$800	\$200 per traffic box design
<b>Total:</b>	<b>\$7400</b>	

\$3,700 will come from the Keep Casper Beautiful program budget. The City has applied for a Wyoming Community Foundation grant to help cover the remainder; grant awards will be announced in March 2016. Private fundraising will be sought to cover the shortfall if the grant is not awarded in full. The Downtown Development Authority has already committed to helping Keep Casper Beautiful with that fundraising, if necessary.

# Council Actions

---

- Council authorize staff to work on the Wyocity Public art project (mural & wraps)

Questions?

---

February 4, 2016

MEMO TO: V.H. McDonald, City Manager  
FROM: Liz Becher, Community Development Director *lb*  
SUBJECT: Street banners over public rights-of-way

Recommendation:

For informational purposes only.

Summary:

City staff was asked by Council to research the possibility of allowing for signs or banners to be displayed over public rights-of-way as a way to promote City-sponsored community events.

A synopsis is provided of the research:

1. The City does not own buildings or properties along both sides of Center or 2<sup>nd</sup> Streets (see attached maps). Therefore, the City would need to acquire permission from private land owners to construct anchor points on their buildings. The potential liability that the City would need to assume for damages to the private buildings from the installation of the anchor points, or if the banners were ripped down by the wind onto vehicles or pedestrians below, is a major consideration.
2. The minimum clearance for an apparatus over City right-of-ways is 14 feet, per the City Engineering Department. The City is unable to tie banners to our globe street lights because they are too short. The bottom of the glass globes is just under 12 feet from the sidewalk base. If the City were to approach Rocky Mountain Power about the possibility of attaching anchor points to tie the banners onto the poles that hold the cobra-head lights, a wind load study and design capacity study would be required with no guarantee that the banners would be allowed by Rocky Mountain Power.

In summary, staff feels that the vertical banners along the downtown streets have been an attractive promotional addition to the City streetscape. In addition, the digital signage that the City has invested in, at both the Casper Recreation Center and the Casper Events Center, does an outstanding job at promoting City and community events. Staff is not recommending in favor of street banners over public rights-of-way.

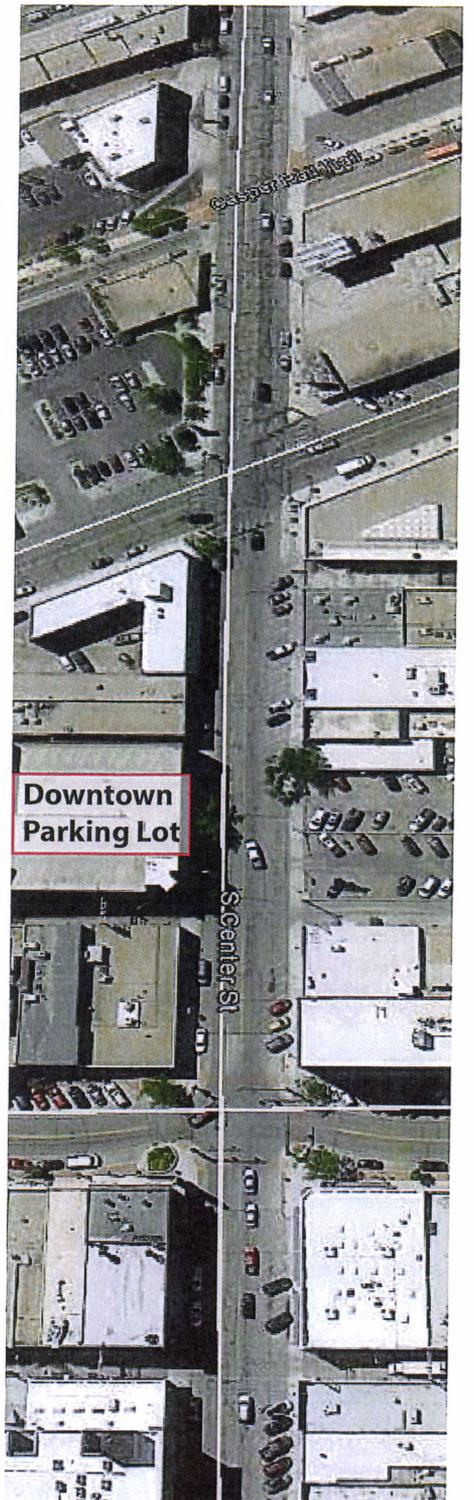
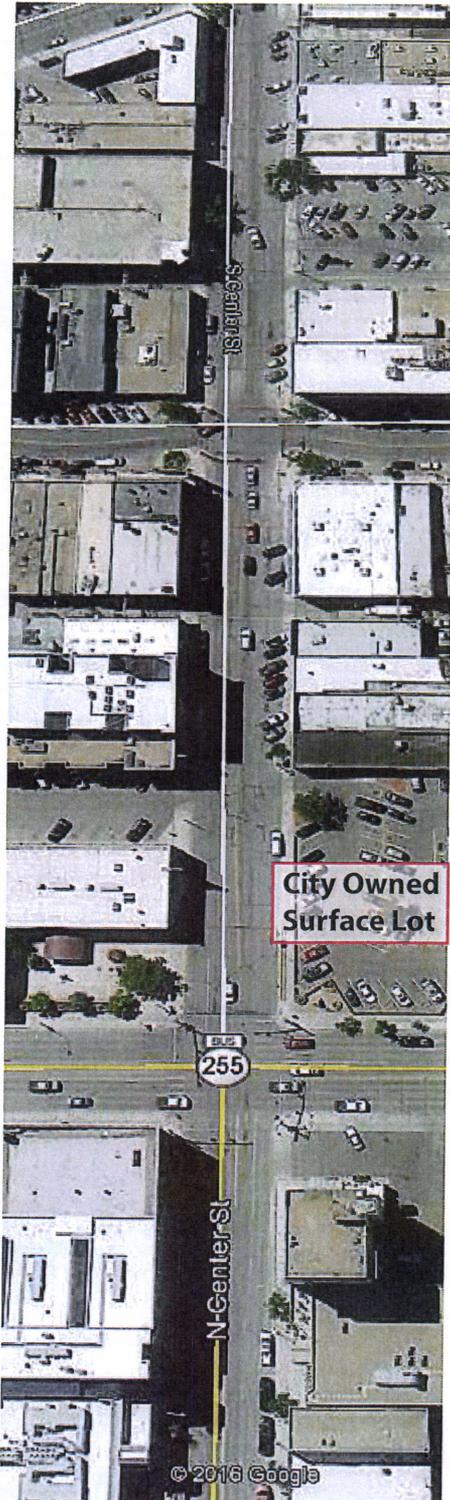
# CENTER STREET



B St. to 1st St.

1st St. to 2nd St.

2nd St. to Midwest Ave.



# 2ND STREET

David St. to Center St.



Center St. to Wolcott St.



Wolcott St. to Durbin St.



January 26, 2016

MEMO TO: V.H. McDonald, City Manager

FROM: Doug Follick, Leisure Services Director

SUBJECT: Casper Recreation Center Fees

Recommendation:

That Council, by resolution, rescind Resolution No. 14-74 that established fees for the use of the Casper Recreation Center and approve, by resolution, the fee changes detailed below.

Summary:

Staff is recommending the following fee changes to annual Recreation Center passes, room and gym rental fees. The proposed changes are being made to assess appropriate fees associated with services/facilities rendered.

1. Recreation Center Pass Options	<u>Current Fee</u>	<u>Proposed Fee</u>
A. Adult (Ages 19 and Over)	\$80/Year	\$90/Year
B. Youth (Ages 13-18)	\$60/Year	\$65/Year
D. Adult (Ages 19 and Over)	\$55/6 Month	\$60/6 Month
E. Youth (Ages 13-18)	\$40/6 Month	\$45/6 Month
<i>Note: Fees applicable for children aged 12 years and under are unchanged.</i>		
2. Daily Admission Options		
Single Day Pass	\$3.50	\$4
Punch Pass (Minimum of 10 purchased)	\$3	\$3.50
3. Room Rentals	<u>Current Fee</u>	<u>Proposed Fee</u>
A. Sage Studio	\$20/Hour Max. \$135/Day	\$25/Hour Max. \$170/Day
B. River and Desert Rooms	\$15/Hour Max. \$85/Day	\$20/Hour Max. \$135/Day
C. Funshine Corner (Indoor Park)	\$15/Hour Max. \$85/Day	\$25/Hour Max. \$170/Day
D. Activity Room (Kitchen included)		
Half	\$20/Hour Max \$135/Day	\$25/Hour Max \$170/Day
Full	\$30/Hour Max \$185/Day	\$40/Hour Max \$270/Day

E. Gymnasium	<u>Current Fee</u>	<u>Proposed Fee</u>
Half	\$40/Hour Max. \$275/Day	\$50/Hour Max. \$335/Day
Entire	\$60/Hour Max. \$375/Day	\$75/Hour Max. \$500/Day
4. Personnel Reimbursement Fee	\$15/Hour	\$18/Hour
5. After Hours Reception Rental	\$175 for 3 Hours	\$200 for 3 Hours
6. In-House Program Reimbursements	<u>Current Fee</u>	<u>Proposed Fee</u>
A. Youth and Community Recreation		
Foundation Events - Gymnasium	\$20/Hour	\$22/Hour
B. Adult Events - Gymnasium	\$30/Hour	\$32/Hour

This recommendation has been approved by the Leisure Services Advisory Board at its January 14, 2016 meeting. A resolution is prepared for Council's consideration.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RESCINDING RESOLUTION NO. 14-74, AND ESTABLISHING FEES FOR THE USE OF THE CASPER RECREATION CENTER.

WHEREAS, the Casper City Council has established a policy that individuals, groups, or organizations who desire the use of various recreational facilities shall bear a portion of the costs of servicing, maintaining, and improving these facilities; and,

WHEREAS, it is necessary to review these fees, and revise if necessary, on a regular basis.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following fees are hereby established for the use of the Casper Recreation Center, effective April 28, 2016.

1. Recreation Center Pass (Good for either 12 or 6 months from date of purchase)

- A. Adult (Ages 19 and Over) - \$90.00/Year, \$60.00/6 Month Pass
- B. Youth (Ages 13-18) - \$65.00/Year, \$45.00/6 Month Pass
- C. Child (Ages 5-12) - \$45.00/Year, \$30.00/6 Month Pass
- D. Group/Corporate Discount - For legally recognized businesses or organizations:

- \* Group - 20 or more passes purchased at one time. 15% Discount
- \* Corporate - 20 or more passes committed to in advance. 15% Discount  
(Employees must produce proof of employment)

There will be a \$5.00 replacement fee for any Recreation Pass which is lost, but still valid.

A Recreation Pass is required for access to the following areas:

- Gymnasium
- Weight Room
- Game Room
- Equipment Check-Out
- Locker Rooms
- Fitness Room
- Funshine Corner -Indoor Park

2. Daily Admission - \$4.00, only required if participant does not have a current Recreation Pass. A paid Daily Admission permits access to the same areas as a Recreation Pass. Children under 5 years free (maximum of 2 children per adult) when accompanied by a paid admission. Punch pass with minimum purchase of 10 admissions - \$3.50 per punch.

3. Room Rentals

**Basic Fees**

A. Sage Studio	\$25.00 per hour (maximum of \$170.00 per day)
B. Game Room	\$15.00 per hour (maximum of \$85.00 per day)
C. River Room or Desert Room	\$20.00 per hour (maximum of \$135 per day)
D. Funshine Corner-Indoor Park	\$25.00 per hour (maximum of \$170.00 per day)
E. Activity Room (kitchen included)	
Half	\$25.00 per hour (maximum of \$170.00 per day)
Entire	\$40.00 per hour (maximum of \$270.00 per day)
Drop-in Use (only at designated times)	\$4.00 per individual <u>or</u> Recreation Pass
F. Gymnasium	
Half	\$50.00 per hour (maximum of \$335.00 per day)
Entire	\$75.00 per hour (maximum of \$500.00 per day)
A Refundable Damage Deposit may be assessed for facility rentals (may be increased depending upon size of group and potential impact on facility)	
Gymnasium	\$200.00 minimum
Activity Room	\$75.00 minimum
All Other Rooms	\$50.00 minimum

- G. Personnel Fee \$18.00 per hour per staff member if additional staff is required for set-up/tear down.
- H. Facility – After Hours \$125 per hour, plus \$18.00 per hour for each staff member required.
- I. Activity Room – After Hours Reception \$200.00 per 3 hours, plus \$18.00 per hour for each After Hours Reception Rental staff member required. An Alcohol Permit and \$750.00 Damage Deposit is required.
- J. A \$5.00 administrative fee will be assessed for revisions to already processed permits.

**Exceptions**

- A. Commercial Activities:
  - 1. Personal Trainers - 10% of gross revenues payable per terms defined in agreement. Personal trainers must sign a hold harmless and indemnification form provided by the City of Casper.
  - 2. Room Rental - \$10.00/day in addition to rental fee.
- B. City of Casper activities - fee waived.
- C. Groups providing resources, financial or in-kind, to the City of Casper – fees waived or negotiated.
- 4. Towel Rental - \$1.00 per towel for non-pass holders; one towel per visit is included for participants with a current Recreation Pass or Casper Family Aquatic Center Pass. Requests for additional towels will be granted for \$1.00 per towel. Pass holders may purchase an Additional Towel Punch Pass for \$.50 per towel (minimum of 10 punches must be purchased).
- 5. Equipment Rental
  - Recreation Bag (Outdoor Game Equipment)
    - \* Rental Fee \$15.00/bag (3 days)
    - \* Refundable Damage Deposit \$75.00/bag

6. Lockers - \$.25 per use or annual rental fee: \$50.00 full size; \$40.00 half size.
7. Classes - Registration fees will be established for classes to recover the direct costs of the instructor and any supplies needed, plus 35% of the direct costs for administrative overhead for any participant with a current Recreation Pass at the time of registration. An additional \$12.00 will be added to the class fee for those participants without a Recreation Pass at the time of registration.
8. Daily Fitness Class Fee - \$6.00 drop-in registration for any fitness class offered (includes Recreation Pass privileges for that day). Punch Pass with minimum purchase of 10 classes - \$5.50/punch.
9. Programs - Registration fees will be established for City sponsored leagues, tournaments, and special events taking place at the Casper Recreation Center to recover the direct costs associated with such activity, plus the following:
  - A. \$22.00 per hour for rental of the entire gymnasium for youth leagues, youth tournaments and Community Recreation Foundation or youth special events.
  - B. \$32.00 per hour for rental of the entire gymnasium for adult leagues, adult tournaments and adult special events.
  - C. \$7.00 per player for all league participants.
  - D. \$12.50 per team for all teams participating in a tournament.
10. Special Rates - The Leisure Services Director or authorized designate may authorize reductions in fees for special promotions, unique situations or emergencies, if such reductions would be in the best interests of the City of Casper.

BE IF FURTHER RESOLVED: That Resolution No. 14-74 is hereby rescinded.  
 PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED AS TO FORM:

\_\_\_\_\_  
 ATTEST:

CITY OF CASPER, WYOMING  
 A Municipal Corporation

\_\_\_\_\_  
 Tracey L. Belser  
 City Clerk

\_\_\_\_\_  
 Daniel Sandoval  
 Mayor