

COUNCIL PROCEEDINGS  
Casper City Hall – Council Chambers  
March 5, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, March 5, 2019. Present: Councilmembers Bates, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, Walsh and Mayor Powell.

2. PLEDGE OF ALLEGIANCE

Citizen Jacquie Anderson led the audience in the Pledge of Allegiance.

3. EXECUTIVE SESSION MINUTES

Moved by Councilmember Huber, seconded by Councilmember Walsh, to, by minute action, approve the minutes of the February 5, 2019, executive session. Motion passed.

4. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Freel, to, by minute action, approve the minutes of the February 19, 2019, regular Council meeting, as published in the Casper-Star Tribune on February 28, 2019. Motion passed.

5. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Pacheco, to, by minute action, approve the minutes of the February 19, 2019, executive session. Motion passed.

6. SPECIAL SESSION MINUTES

Moved by Councilmember Walsh, seconded by Councilmember Freel, to, by minute action, approve the minutes of the February 25, 2019, special Council meeting, as published in the Casper-Star Tribune on March 2, 2019. Motion passed.

7. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Bates, to, by minute action, approve the minutes of the February 25, 2019, executive session. Motion passed.

8. BILLS & CLAIMS

Moved by Councilmember Walsh, seconded by Councilmember Bates, to, by minute action, approve payment of the March 5, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims		
03/05/19		
AltitudeRecycling	Goods	\$188,940.00
AMBI	Services	\$237.78
Ameritech	Services	\$30,828.58
AndrnHunt	Services	\$21,419.55
Balefill	Services	\$43,449.72
BankOfAmerica	Goods	\$188,733.87

BBrasiel	Refunds	\$11.79
BHEnergy	Services	\$6,347.43
BigWestLndscp	Services	\$400.00
CASA	Funding	\$2,300.72
CasparBuildSystems	Services	\$61,185.70
CATC	Funding	\$106,095.45
Centurylink	Services	\$110.57
Ch2mHill	Services	\$6,915.21
ChildrensAdvocacyProject	Funding	\$20,000.00
CIGNA	Services	\$11,827.92
CityofCasper	Services	\$35,014.76
CivilEngineeringProfessionals	Projects	\$5,572.50
CntrlWyrscMssn	Funds	\$25,060.01
CollectionCenter	Services	\$376.66
CommTech	Goods	\$152.00
ComputerPros	Goods	\$7,843.00
CowdinCleaning	Services	\$1,088.00
CsprPD	Funding	\$600.00
Dell	Goods	\$760.16
DeptEnvironmental Qlty	Svc	\$528.30
DesertMtn	Goods	\$5,247.53
DHull	Refunds	\$46.75
DPCIndustries	Goods	\$6,974.35
EdgeEngineering	Services	\$200.00
EMoore	Reimb	\$78.71
EngDsgnAssoc	Services	\$2,062.50
EnvironmentalCivilSolutions	Services	\$999.10
FirstData	Services	\$944.19
FirstInterstateBank	Services	\$101.00
FirstInterstateBank	Services	\$392.01
FmlyJrnyCtr	Services	\$636.41
GeosyntecConsult	Consult	\$5,533.12
GilesTransport	Svc	\$665.00
GlobalSpect	Funding	\$34,929.72
GolderAssociates	Services	\$13,545.00
GovtJobs	Services	\$13,387.50
GSchindler	Refunds	\$19.64
HllofJustice/DCJPB	Serivces	\$17,780.00
Homax	Goods	\$5,838.60
InbergMillerEngineers	Services	\$711.00
J Henderson	Reimb	\$1,558.00
JKGarlickJr	Services	\$226.47
JTLGroup	Services	\$689.23

KHowel	Reimb	\$576.66
KSrisombat	Refunds	\$54.42
LisasSpicnSpan	Services	\$315.00
LnclnNtlLife	Services	\$277.20
MthrSetonHsing	Funding	\$2,034.37
MtnWValtns	Appraisel	\$1,000.00
NationalBenefitServices	Services	\$2,196.00
NCWeedPest	Services	\$65,000.00
NicolaysenMuseum	Funding	\$16,680.00
NIRA	Funding	\$18,500.00
OneCallofWy	Services	\$308.50
PeakGeosolutions	Services	\$36,341.76
PorterMuirhead	Services	\$30,000.00
PostalPros	Services	\$3,368.49
RiverOaksComm	Services	\$54,000.00
RockyMtnPower	Services	\$67,640.45
RockyMtnPower	Services	\$11,068.00
SamParsonsUpholstery	Services	\$234.00
SBaxter	Reimb	\$436.60
SkylineRanches	Services	\$495.93
Stateline7	Services	\$220.00
StellarProgramming	Services	\$1,093.75
Strata	Services	\$4,987.88
TopOffice	Goods	\$132.79
UrgentCare	Services	\$2,560.00
VisionServicePlan	Services	\$1,133.80
Wamco	Tests	\$1,800.00
WasteWaterTreatment	Funding	\$341,774.98
WERCSCcommunications	Services	\$26,798.50
WesternPlainsLandscaping	Services	\$8,605.29
WesternWaterConsult	Services	\$11,367.65
WestlandPark	Services	\$1,879.69
WH LLC	Services	\$2,816.25
WorthingtonLenhart&Carpenter	Services	\$3,689.57
WstrnStsFire	Supp	\$33,888.70
Wycomp	Services	\$995.20
WyStateFrmensAssoc	Services	\$75.00
		\$1,632,711.94

9. BRIGHT SPOT

Mayor Powell then honored Paul Zowada, City of Casper's Recreation and Athletic Field Supervisor, for being named the 2018 Field Manager of the Year by the Colorado Sports Turf Managers Association. Mayor Powell then presented him with a plaque and thanked him for his excellent service to our community.

10. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Jody Craig, from the Sunset Bar and Grill, requesting Casper Police continue to partner with liquor servers and urging owners to create and maintain policies to prevent over-serving; Angela Clemin, sharing concerns with the ticketing process at the Casper Events Center; and Dennis Steensland, 533 S. Washington, sharing feedback on the sale of the former Plains Furniture properties.

11.A PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the plat of Cabin Creek Estates No. 4. City Attorney Henley entered two (2) exhibits: correspondence from Fleur Tremel to J. Carter Napier, dated February 22, 2019 and an affidavit of publication, as published in the Casper-Star Tribune, dated February 12, 2019. City Manager Napier provided a brief report. Speaking in support was Bill Ferringer, Civil Engineering Professionals, Inc. There being no others to speak for or against the issues involving Cabin Creek Estates No. 4, the public hearing was closed. Following ordinance read:

ORDINANCE NO. 7-19

AN ORDINANCE APPROVING THE CABIN CREEK ESTATES NO. 4 SUBDIVISION AGREEMENT AND THE FINAL PLAT OF CABIN CREEK ESTATES NO. 4, COMPRISING 0.22 ACRES MORE OR LESS.

Councilmember Hopkins presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Freel. Motion passed.

11.B.1 PUBLIC HEARING - MINUTE ACTION

Mayor Powell opened the public hearing for the consideration of the transfer of ownership of Retail Liquor License No. 28, from Caputa's Catering, LLC, d/b/a Prime Time, to Propper Management, LLC, d/b/a Sunrise Lanes, located at 4370 South Poplar.

City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated February 19, 2019; an affidavit of publication, as published in the Casper-Star Tribune, dated February 25, 2019; an affidavit of website publication, as published on the City of Casper website, dated February 19, 2019; an affidavit of notice of conspicuous posting, as posted at 4370 South Poplar Street, dated February 19, 2019; and the liquor license application filed January 21, 2019. City Manager Napier provided a brief report. There being no one to speak for or against the issues involving Retail Liquor License No. 28, the public hearing was closed. Moved by Councilmember Pacheco, seconded by Councilmember Walsh, to, by minute action, authorize the transfer of ownership of Retail Liquor License No. 28. Councilmember Bates voted nay. Motion passed.

11.B.2 PUBLIC HEARING - MINUTE ACTION

Mayor Powell opened the public hearing for the consideration of the issuance of Bar and Grill Liquor License No. 11, to 71 SE Wyoming Blvd, LLC d/b/a The Horse Palace, located at 71 SE Wyoming Boulevard. City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated February 19, 2019; an affidavit of publication, as published in the Casper-Star Tribune, dated February 25, 2019; an affidavit of website publication, as published on the City of Casper website, dated February 19, 2019; an affidavit of notice of conspicuous posting, as posted at 71 SE

Wyoming Boulevard, dated March 1, 2019; and the liquor license application filed January 9, 2019. City Manager Napier provided a brief report. Speaking in support was Eugene Joyce, applicant. There being no one else to speak for or against the issues involving Bar and Grill Liquor License No. 11, the public hearing was closed. Moved by Councilmember Johnson, seconded by Councilmember Lutz, to, by minute action, authorize the issuance of Bar and Grill Liquor License No. 11. Councilmember Walsh abstained. Motion passed.

12.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 3-19

AN ORDINANCE AMENDING SECTION 10.24.010 OF THE CASPER MUNICIPAL CODE PERTAINING TO THIRTY MILE PER HOUR SPEED ZONES NEAR THE WYOMING MEDICAL CENTER.

WHEREAS, a traffic warrant study indicated that there as a higher occurrence of collisions at the intersection near the Wyoming Medical Center (Hospital); and, WHEREAS, the speed limit for the public streets adjacent to the Hospital have a 30 miles per hour speed limit; and, WHEREAS, the warrant study supports a slower speed limit near the Hospital. NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

That Section 10.24.010 of Chapter 10.24 of the Casper Municipal Code is hereby amended to add an additional paragraph "C" which reads as follows: C. South Conwell Street from East 1st Street to East 5th Street; East 2nd Street from South Park Street to South Conwell Street; East 5th Street from South McKinley Street to South Conwell Street; and all streets between South McKinley Street and South Conwell Street & East 2nd Street and East 5th Street. This Ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on 1st reading the 5 day of February, 2019.

PASSED on 2nd reading the 19<sup>th</sup> day of February, 2019.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the 5<sup>th</sup> day of March, 2019.

Councilmember Freel presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Huber. No one spoke regarding the ordinance and there was no further discussion or amendments. Councilmember Johnson voted nay. Motion passed.

12.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 4-19

AN ORDINANCE APPROVING A ZONE CHANGE FOR LOTS 4, 5 AND 6, BLOCK 19, WYOMING INDUSTRIAL PARK ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

WHEREAS, an application has been made to rezone all of the above described lots from zoning classification PUD (Planned Unit Development) to M-1 (Limited Industrial); and, WHEREAS, after a public hearing on December 13, 2018, the City of Casper Planning and Zoning Commission passed a motion recommending that City Council approve the zone change request; and,

WHEREAS, the governing body of the City of Casper finds that the above described zone change should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

Lots 4, 5 and 6, Block 19, Wyoming Industrial Park Addition, more commonly known as 1037 and 1005 Foster Road, and 925 Salt Creek Parkway, are hereby rezoned from zoning classification, PUD (Planned Unit Development) to M-1 (Limited Industrial).

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication pursuant to law.

PASSED on 1<sup>st</sup> reading the 5<sup>th</sup> day of February, 2019.

PASSED on 2<sup>nd</sup> reading the 19<sup>th</sup> day of February, 2019.

PASSED, APPROVED, AND ADOPTED on 3<sup>rd</sup> and final reading the 5<sup>th</sup> day of March, 2019.

Councilmember Walsh presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Bates. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

12.C ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 2-19

AN ORDINANCE AMENDING CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE.

WHEREAS, the current Casper Municipal Code regarding alcoholic beverages requires updating to remain consistent with Wyoming State Statutes as they have been amended; and,

WHEREAS, the State Statutes provide for local oversight of local licenses and permits; and,

WHEREAS, The city is authorized to regulate and take measures to prevent conduct which disturbs or jeopardizes the public health, safety, and peace; and,

WHEREAS, it is in the citizens of Casper's best interest and the City's best interest to promote the responsible use of alcoholic beverages.

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

5.08.010 - Definitions.

As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains 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 this chapter, shall be in good standing by having paid at least one full year in dues;
  - f. Club does not mean college fraternities or labor unions.
6. "Conviction" shall mean a finding of guilty, the entry of a guilty or no contest plea, or the entry of a guilty or no contest plea as part of a deferred sentence in any court.
7. "Division" means the Wyoming Liquor Division.
8. "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.
9. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.

10. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
11. "Licensee" means a person holding a:
  - a. Retail liquor license;
  - b. Limited retail liquor license;
  - c. Resort liquor license;
  - d. Malt beverage permit;
  - e. Restaurant liquor license;
  - f. Catering permit;
  - g. Special malt beverage permit; or
  - h. Bar and grill liquor license;
  - i. Manufacturer's license-granted by the Wyoming Liquor Division and a City issued satellite manufacturer's permit.
12. "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
13. "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
14. "Malt beverage permit" means the authority under which the licensee is permitted to sell malt beverages only.
15. "Manufacture" or "manufactures" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%) alcohol by volume;
16. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(ixx).
17. "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year.
18. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
19. "Person" includes an individual person, partnership, corporation, limited liability company or association.
20. "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
21. "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.



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

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

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

25. "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.

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

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

28. "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year. (Ord. 33-06 §§ 1, 2, 2006; Ord. 24-96 § 1, 1996; Ord. 22-93 § 1, 1993; Ord. 8-88 § 1, 1988; Ord. 25-86 (part), 1986: prior code § 3-1) (Ord. No. 34-15, § 1, 12-15-2015)

**5.08.020** - Authorization—Rules and regulations.

A. The City of Casper may issue liquor licenses of the types, and in the manner, and subject to fees and regulations allowed by the State Liquor Code, Wyoming State Statutes 12-1-101 et seq. as these statutes may be amended from time to time.

B. The city council is authorized to license, regulate and prohibit the retail sale of alcoholic liquors and malt beverages under this chapter. The city council may, from time to time, make rules and regulations as it deems necessary to carry out the provisions of this chapter; provided that said rules and regulations are consistent with the provisions contained in this chapter and the applicable state statutes. (Ord. 25-86 (part), 1986: prior code § 3-45)

**5.08.030** - Compliance with Requirements.

All liquor license applicants and holders and their employees and agents shall comply with all relevant provisions of Wyoming State Statutes 12-1-101 et. seq. and any applicable City of Casper ordinances, resolutions, rules, and regulations as they may be amended from time to time.

Any violation of this chapter occurring on a licensed premise or in relation to any other license or permit shall be attributable to the license or permit holder for purposes of licensure oversight and the public health and safety and peace. The acts or omissions of employees or agents of the licensee or permit holder are the responsibility of the licensee or permit holder.

**5.08.040** - License—Required.

It is unlawful for any person to manufacture, brew, vint, or distill, or 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, winery, or manufacturing operation within the city without first obtaining a license to do so and paying the license fees therefor, and for a distiller, a satellite manufacturer's permit.. (Ord. 22-93 § 2, 1993: Ord. 25-86 (part), 1986: prior code § 3-9)

**5.08.050** - License application—Contents and fees.

Any person desiring a license or permit, including a satellite manufacturer's permit, under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney general of the state and furnished to the city. It shall be sworn to by the applicant, filed 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 licensed building in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plan of the licensed building and premises to be licensed;

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

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

D. If the applicant is a corporation:

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

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

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

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

G. If the applicant is a limited liability company:

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

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

H. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or if there are no officers or managers, at least one of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true. (Ord. No. 9-17, § 2, 6-20-2017; Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986; prior code § 3-10)

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

**5.08.070** - License application—Affidavits required.

In addition to the application form, 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)

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

A. When an application for a license, special malt beverage permit, satellite manufacturer’s permit, or renewal, or a transfer of location or ownership thereof has been filed with the city clerk, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale, and publish the notice in a newspaper of local circulation once a week for two consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

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

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

Dated \_\_\_\_\_ Signed \_\_\_\_\_ City Clerk

B. Any license or other permit authorized under this chapter shall not be issued, renewed, expanded or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or special malt beverage permit. A license or special malt beverage permit shall not be

issued, renewed, expanded or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;
3. The number, type and location of existing licenses or special malt beverage permits meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be met or satisfied by the issuance, renewal or transfer of the license or special malt beverage permit; or
5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit.

**C.** When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the division. The city council shall not approve or deny an application until the division has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the division within ten working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the division.

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

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

**F.** The date the renewal application is due to the City Clerk's office for renewal will be set by the City Clerk. Renewal applications received after this date will be assessed a late fee. Late fee will be One Hundred Dollars (\$100.00) and must be paid before the City Clerk will accept the renewal application. Late applications more than 3 weeks late may not be renewed. (Ord. No. 9-17, § 3, 6-20-2017; Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986: prior code § 3-15)

**5.08.090** - Suspension of license by licensing authorities for failure to pay sales tax.

The city council may suspend any license issued under this title if the licensee fails to pay sales taxes and the division has ceased sales of alcoholic liquor to the licensee. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104 and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court. (Ord. 24-96 § 3, 1996)

**5.08.100** - 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). A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;
  - 1(b). A satellite manufacturer's permit authorizes the permittee to sell the permittee's product at the satellite location consistent with the manufacturer's license.
  2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.
  3. Satellite winery permits, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the city clerk for each location following approval of the city council after a public hearing for consideration of the permit application. Satellite winery permits shall be subject to the applicable terms and conditions of this chapter.
  4. Every applicant for a satellite winery permit shall file with the city clerk, at the time of application for the initial permit, and any subsequent permit or renewal thereof, an affidavit in a form approved by the city clerk attesting that the applicant does not have more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
  5. No satellite winery permit shall be eligible for renewal in the event the applicant thereof has more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
- B. The city council:
1. May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
  2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;
  3. May approve the dual holding of a microbrewery permit or winery permit and one of the following:
    - a. A retail liquor license;
    - b. Subject to subsection C of this section, a restaurant license;
    - c. A resort license;
    - d. A microbrewery permit;
    - e. A winery permit; or
    - f. A bar and grill liquor license. Provided, however, the provisions of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:
      - i. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption.
      - ii. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit.
      - iii. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report.
  4. May allow the microbrewery to sell on-site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;

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

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

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

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

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

8. Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a fee of one hundred dollars annually for up to three satellite winery permits issued within the city to the same applicant. When dual ownership of a microbrewery or winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant or resort license fee.

C. Restaurant license restrictions of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:

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

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

3. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under this chapter. (Ord. No. 9-17, § 1, 6-20-2017; Ord. No. 11-14, § 1, 6-3-2014; Ord. 33-06 § 3, 2006; Ord. 24-96 § 2, 1996; Ord. 22-93 § 3, 1993)

**5.08.105 – Manufacturing and rectifying.**

a. A holder of a manufacturer's license who is a federally licensed distiller or rectifier may dispense free of charge at the site identified on the manufacturer's license samples in quantities not to exceed one and one-half (1.5) ounces of their product manufactured at the site identified on the manufacturer's license and no more than three (3) ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions provided in W.S. 12-5-201.

b. The local licensing authority may issue to the holder of a manufacturer's license granted under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued

on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201.

c. For purposes of this section:

(i) "Distiller" includes any person who:

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

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

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

(D) Making or keeping mash, wort or wash, has a still in operation at the site identified on the manufacturer's license.

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

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

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

**5.08.120** - 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.

**5.08.130** - Special malt beverage permit.

A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.

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

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

2. The public auditorium, civic center or events center shall be an enclosed building owned by the city or the county, 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 hours and days of operation of the licensed building.

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

**5.08.140** - Malt beverage and catering permits for public events.

A.1 A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on 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.

A.2 Any person selling or dispensing a malt beverage pursuant to this subsection shall have completed successfully an alcohol server training program as approved by W.S. Section 12-2-402. The penalty for a violation of this subsection shall be \$150.00, and shall be paid by the person and the organization which requested and were issued the malt beverage permit.

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 this chapter. No person or organization shall receive more than a total of twelve malt beverage and thirty-six catering permits for sales at the same premises 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 while travelling to or from the event or at the event:

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)

**5.08.150** - License holder restrictions.

A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:

1. Any party who does not own the licensed building or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 2 of this subsection;
2. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one year after a license or permit has been issued or transferred, or if holding a license, fails to open his business

in a functional building within one year after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;

3. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 2 of this subsection;

4. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture or sale of malt beverages under a microbrewery license issued pursuant to this chapter;

5. A person under twenty-one years of age;

6. A college fraternity or organization created by one or more college fraternities;

7. A chamber of commerce;

8. A corporation or a limited liability company which has not qualified to do business in Wyoming;

9. An individual who is not a resident; or

10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

11. Except as provided in subsection 12 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;

12. Subsection 11 of this section shall not apply to:

a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;

b. Holders of special permits issued under Sections 5.08.130 and 5.08.140 of this code.

B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as hereinafter provided. (Ord. No. 9-17, § 5, 6-20-2017; Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986: prior code § 3-12)

**5.08.160** - 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)

**5.08.170** - 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)

**5.08.180** - 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)

**5.08.190** - 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)

**5.08.200**- 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)

**5.08.210**- License—Display required.

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

(Ord. No. 9-17, § 6, 6-20-2017; Ord. 25-86 (part), 1986: prior code § 3-36)

**5.08.220** - License—Transfer conditions and procedures.

A. Except as otherwise provided, after public hearing and subject to the approval of the city council, a license or permit may be transferred to or renewed on different premises on the same basis as the original application or a licensed or permitted facility may be expanded. An additional license fee of not more than one hundred dollars, as specified by city council resolution, is required for the remaining term of the license or permit. A transferred license or permit shall expire on the same day as the original license or permit.

B. A licensee, or the executor or administrator of the estate of a deceased licensee, may assign or transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the city council, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the city council if proceedings, including an action to collect delinquent sales tax payments pursuant to 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)

**5.08.230** - Transfer, sale or attachment restrictions.

No license or permit shall be transferred or sold, or licensed or permitted facility expanded except as provided by this chapter, 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)

**5.08.240** - 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)

**5.08.250** - 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)

**5.08.260** - 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. Repealed.

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. No. 9-17, § 7, 6-20-2017; Ord. 20-06 § 1, 2006; Ord. 8-88 § 4, 1988; Ord. 25-86 (part), 1986: prior code § 3-34)

**5.08.270** - 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)

**5.08.280** - 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)

**5.08.290** - Resort retail license.

The city council may issue resort retail liquor licenses to applicants who meet the requirements of Wyoming Statutes Section 12-4-401. All applicants for issuance or renewal of a resort liquor license shall comply with all applicable state statutes as they may be amended from time to time.

(Ord. 25-86 (part), 1986: prior code § 3-21) (Ord. No. 17-17, § 1, 11-7-2017)

**5.08.300** - Restaurant license issuance—Council authority.

A. Subject to availability, restaurants 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 5.08.300 through 5.08.330, 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)

**5.08.310** - 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)

**5.08.320 - 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)

**5.08.330 - Restaurant license—Sale and consumption conditions.**

A. Except as provided in subsection F of this section, restaurant liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections B and F of this section, alcoholic or malt beverages shall be served for on-premises consumption only, in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

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

C. No alcoholic liquor or malt beverages shall be served to an individual person unless served in conjunction with meals served to, and eaten by, the individual person. However, nothing herein provided shall prohibit the sale of alcoholic liquor or malt beverages to any person whom the licensee, his agents or employees, reasonably believe has the intention of ordering and eating a meal.

D. All sales of alcoholic or malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease, or at the hours specified by Section 5.08.390, if food sales and services extend beyond the hours specified therein.

E. With the approval and on the conditions imposed by the city council, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course, and such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

F. A restaurant liquor licensee may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or

walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of Section 5.08.480.

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

(Ord. No. 9-17, § 8, 6-20-2017; 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)

**5.08.340** - 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 5.08.310 and 5.08.330(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 5.08.330(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)

**5.08.350** - 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 building upon the premises for which the retail liquor license is issued and as approved by the licensing authority.

B. Alcoholic beverages secured in the licensed building by a server may be served only in the licensed building, and in an immediately adjacent fenced or enclosed area as approved by the city council. This area shall not be in another building.

C. The retail licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption.

D. A separated facility for making sales for off-premises consumption shall be separated by a glass or other suitable partition when a connection doorway exists to permit persons to pass freely between the two facilities.

E. The licensee, an employee, or a licensed operator is to be present in the licensed building used for the selling or dispensing of malt beverages or alcoholic liquors at all times during hours of operation.

F. All licensees, other than resort licensees and limited retail licensees, are required to post signage on all exits from the licensed building stating: "No alcohol beyond this point per City of Casper Ordinance." All licensees of limited retail or resort liquor licenses shall post signage on all driveway and pathway exits from the legal boundary of the lot or lots under the ownership or lease by the licensee stating: "No alcohol beyond this point per City of Casper Ordinance."

G. No person under the age of twenty-one shall enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one years of age or older. (Ord. No. 9-17, §§ 9, 10, 6-20-2017; Ord. No. 3-14, § 1, 2-4-2014; Ord. 19-95 § 1, 1995; Ord. 25-86 (part), 1986: prior code § 3-30(A))

**5.08.360** - 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 or permitted 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 or City-issued permit.

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. (Ord. 19-95 § 2, 1995) (Ord. No. 9-12, § 1, 3-6-2012; Ord. No. 32-12, § 2, 12-4-2012)

**5.08.370** - 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 license fee. 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))

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

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



1. A licensee may commence the selling, serving, or dispensing of alcoholic liquors or malt beverages at six a.m. and shall cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. the following day. Any portion of any building used by the licensee for the selling, serving, dispensing, or consumption of alcoholic liquors or malt beverages shall be cleared of all persons other than employees by two-thirty a.m. The licensee shall ensure that all consumption of alcoholic liquors or malt beverages has ceased by two-thirty a.m. within all areas of the licensed building, or in the case of resort licensees, within the boundary of the lot or lots under the ownership or lease by the licensee, other than in private hotel or motel rooms;

2. Clubs holding a limited retail liquor license may commence the selling, serving, or dispensing of alcoholic liquors or malt beverages each day at nine a.m. and shall cease sales of alcoholic liquor and malt beverages promptly at the hour of two a.m. of the following day and shall clear the licensed building of all persons other than employees by two-thirty a.m. Clubs holding a limited retail liquor license may remain open past two a.m. on the morning of January 1st.

3. The hours of operating designated in subsection A of this section may be modified on no more than four days each calendar year by a resolution of the city council, designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may continuously operate their licensed building, or licensed resort or club premises for a period of twenty-four hours beginning at six a.m. (Ord. No. 9-17, § 12, 6-20-2017; Ord. 43-00 § 1, 2000; Ord. 24-96 § 11, 1996; Ord. 25-86 (part), 1986: prior code § 3-29)

**5.08.400** - 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)

**5.08.410** - Prostitution, public indecency, gambling and obscenity prohibited.

A. No licensee or agent or employee thereof shall knowingly permit prostitution, under Section 6-4-101, Wyoming Statutes, public indecency under Section 6-4-201, Wyoming Statutes, or shall promote obscenity under Section 6-4-302, Wyoming Statutes, within any licensed building or licensed premises 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. No. 9-17, § 13, 6-20-2017; Ord. 25-86 (part), 1986: prior code § 3-33)

5.08.350 - Repealed.

**5.08.420** - 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 5.08.440. (Ord. 8-88 § 5, 1988; Ord. 25-86 (part), 1986: prior code § 3-37)

**5.08.430** - Minors—Possession of alcohol or public intoxication.

A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.

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. Is a licensee under this title; or
4. When serving alcoholic or malt beverages pursuant to his or her employment if the person is at least eighteen years of age.

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. No. 9-17, § 15, 6-20-2017; Ord. 2-95 § 1, 1994; Ord. 12-90 § 1, 1990; Ord. 8-88 § 6, 1988; Ord. 25-86 (part), 1986: prior code § 3-38)

**5.08.440** - 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 motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. (Ord. 24-96 § 13, 1996: Ord. 25-86 (part), 1986: prior code § 3-39)

**5.08.450** - 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)

**5.08.460** – 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 herein 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.

**5.08.470** - 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)

**5.08.480** - Open container restrictions.

A. It is unlawful:

1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. 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 the Restaurant License section.

B. Definitions.

1. "Certain structures" means any city owned, operated or leased offices, public safety or maintenance facility and any building or structure used primarily for public entertainment, i.e., theaters, amusement centers, restaurants and the like, excluding, however, structures duly licensed to sell or dispense alcoholic liquor or malt beverages.
2. "Open container" means any glass, cup, bottle, can or other receptacle used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the city limits shall not be considered open space. (Ord. 11-05 § 4, 2005; Ord. 30-04 § 1 (part), 2004; Ord. 25-99 § 1, 1999; Ord. 25-86 (part), 1986: prior code § 3-8)  
(Ord. 25-86 (part), 1986: prior code § 3-5)

**5.08.490 - Public intoxication prohibited.**

Every person within the limits of the city who is under the influence of alcohol or any drug is guilty of a misdemeanor if they are found:

A. Upon any city street, alley, or thoroughfare, or in any public or semi-public place within the city where the public has the liberty to enter and exit, or in any vehicle on public or semi-public property within the city, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others; or,

B. Interfering with, obstructing, or preventing the free use of any street, sidewalk, or other public way; or

C. Sleeping or unconscious in that condition in any public or semi-public place within the city; or,

D. Intruding upon any private premises without the consent of the owner or occupant therefore; or,

E. Turbulent, violent, menacing or disorderly to such an extent as to jeopardize persons or property or to such an extent as to menace the public peace and safety. (Ord. 25-86 (part), 1986:

prior code § 3-2) (Ord. No. 5-15, § 1, 6-2-2015)

**5.08.500 - 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)

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. 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.

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)

**5.08.520 – Over-serving and Intoxicated Agents**

(a) All employees and agents of any business operating with a City of Casper issued liquor license, who are engaged in the selling (including door person, ID checkers and bouncers) or serving of alcoholic or malt beverages or the managing thereof, hereinafter “Alcohol Server Staff,” shall successfully complete an alcohol server training program as approved by W.S. § 12-2-402, within ninety (90) days of the start of their employment. All Alcohol Server Staff shall complete any additional or further training to maintain their server training certification. Every license holder shall maintain a server training record for all Alcohol Server Staff, including their date of

hire, and proof that each has successfully completed the alcohol server training required by this section, and any additional or further training to maintain their server training certification. The City of Casper shall furnish an appropriate server training record log to maintain the records required in this section. In addition, every license holder shall keep their server training records available for review by Casper Police officials, at any time when the premises is open for business, to ensure compliance with the server training requirements of this section.

Violations of this section are subject to a graduated fine schedule, based on a calendar year. For the first violation a fine of up to \$150.00 shall be imposed; for violation 2 a fine of up to \$200.00 shall be imposed; for violation 3 a fine of up to \$250.00 shall be imposed. All violations thereafter in that same calendar year shall result in a fine of \$250.00. All violations after the first two in each calendar year shall require a representative of the licensee/permittee to appear at a regular meeting of the Casper City Council. After the third violation in a calendar year (fourth violation and each one thereafter) shall result in a seven-day suspension of the license/permit in question; the suspension may be imposed in either the calendar year of the violations and depending upon the timing of the violations (some may not get to court or be decided during the year of violation) in the subsequent calendar year. No more than one violation per licensee/permittee may be issued per inspection and not more than one failed inspection can be conducted per week per licensee/permittee.

(b) It shall be unlawful for any employee or agent of a licensed establishment, other than stated herein, to be present on the licensed premises while intoxicated and while acting in any capacity, or purporting to act, as an agent of the licensee or permit holder; an employee or agent for purposes of this Section shall not mean or include: A proprietor, a general partnership's partners, a corporation's president, a limited liability company's member(s) or a limited general partner.

**5.08.530 – Violation/Enforcement.**

Violations of this chapter may be enforced in the Municipal Court of the City of Casper as misdemeanor offenses punishable by up to a Seven Hundred Fifty Dollar (\$750.00) fine for each offense, in the manner authorized and described in Wyoming State Statutes 12-1-101 et. seq. as they may be amended from time to time. Appeals of any of these actions may be taken as allowed and in the manner specified by applicable state statutes. Any law enforcement agency issuing a citation or other charging document for a violation of this chapter shall notify the City Clerk of said charge within five (5) business days of its issuance.

**5.08.535 - Licensure Considerations and Administrative Fees**

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

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

A notice to pay said fee shall be issued by the City Clerk to the licensee upon notification by the court of licensee's convictions for the relevant offenses. The time frame for accumulation of the

violations shall be the date of violations, not the dates of conviction. If such fee is not paid, or an appeal hearing before Council requested in writing to the City Clerk and accompanied by a bond in the amount of the fee at issue within ten (10) days of the notice being given by the Clerk, the license shall be suspended until such time as the fee is paid to the City Clerk. If an appeal hearing is requested, it shall be in Council's sole discretion, after hearing all the relevant facts in the matter, whether to suspend part or all of the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedure Act shall not apply to such hearing.

**5.08.540 – Council Hearing and Appeal of Suspension or Revocation**

If it appears to the city council that there are concerns that a suspension or revocation of a license may be appropriate, 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 action is not warranted. 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 there are concerns that a suspension and/or revocation of the licensee's license may be appropriate;
2. Summarizing the nature and date(s) of the incidents resulting in the concern(s);
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 and/or contest the information before council which has given rise to the concern(s).

A. 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.

B. Nothing shall preclude the city council from appointing one or more hearing examiners or officers 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.

C. 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;

4. Place conditions upon the license and licensee which shall address concerns of the Council which exist after the hearing.

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.

D. 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.

E. 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.

This Ordinance shall be effective May 5, 2019.

PASSED on 1<sup>st</sup> reading the 22<sup>nd</sup> day of January, 2019.

PASSED on 2<sup>nd</sup> reading the 5<sup>th</sup> day of February, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 5<sup>th</sup> day of March, 2019.

Councilmember Walsh presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Freel. Michael Reid, 1615 Luker, addressed Council to request additional time for the initial training of all servers and informing Council on the intent to get servers trained. Council discussed how to amend the ordinance to provide additional time for the initial training period. City Attorney Henley recommended moving the effective date to May 5<sup>th</sup>, at which point businesses would then have ninety (90) days to complete the necessary training. Mr. Reid also asked if the City would be sending written notice of the ordinance changes. City Manager Napier indicated that notice would be sent. Councilmember Bates asked Mr. Reid his opinion on the server training, which he addressed. Also addressing the Council were: Matt Galloway, representing the Natrona County Liquor Dealers, requesting that information be provided to all liquor license holders regarding the ordinance changes; and Keith Goodenough, 333 S. Socony, urging Council to look into the drop in ridership through the Topsy Taxi program, and asking for a limousine ordinance with an open container exception. Pat Sweeney, 951 N. Kimball, expressed concerns about the training of servers and also about the compliance of big box liquor license holders to the ordinance changes. Councilmembers asked for Mr. Sweeney's opinion on several matters, which he addressed. In addition, Jacquie Anderson, 116 1/2 E. 2<sup>nd</sup>, addressed Council regarding server training compliance by City-owned facilities and inquiring about the permitting of alcohol related events at the David Street Station. Mayor Powell indicated that the David Street Station took out temporary permits for specific events held there. Moved by Councilmember Freel to amend the ordinance to include a new paragraph on the selling or dispensing of malt beverages pursuant to a malt beverage catering permit and the server requirements involved, as well as the penalty for a violation. Seconded by Councilmember Bates. Councilmembers made statements regarding the amendment. Councilmember Johnson voted nay. Motion to

amend the ordinance passed. Moved by Councilmember Freel to amend the ordinance to strike subsection c within 5.08.520. Seconded by Councilmember Hopkins. Councilmember Huber asked if the language being stricken, “obviously impaired”, was referenced in any other sections. City Attorney Henley indicated that this was the only place the language occurred. Motion to amend passed. City Attorney Henley requested that Council consider the language needed to change the effective date of the ordinance, to allow adequate time for server training. Councilmember Walsh moved to amend the ordinance making May 5, 2019 the effective date. Seconded by Councilmember Freel. Motion to amend passed. Council then voted on the ordinance, on third reading, as amended three times. Councilmember Johnson voted nay. Motion passed.

13.A ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 5-19  
AN ORDINANCE AMENDING CHAPTER 10 OF THE CASPER  
MUNICIPAL CODE PERTAINING TO ABANDONED  
VEHICLES.

Councilmember Pacheco presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Bates. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

13.B ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 6-19  
AN ORDINANCE ADOPTING AND APPROVING THE RIGHT-  
OF-WAY SMALL WIRELESS FACILITY IMPLEMENTATION  
COST STUDY AND FEE STRUCTURE DEVELOPMENT  
REPORT; AND, THE SMALL WIRELESS FACILITIES  
RECOMMENDED REQUIREMENTS.

Councilmember Walsh presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Hopkins. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

14. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-31  
A RESOLUTION AUTHORIZING A PROCUREMENT  
AGREEMENT WITH WATER TECHNOLOGY GROUP FOR  
TWO FLYGT SUBMERSIBLE WASTEWATER PUMPS FOR  
USE AT THE BAR NUNN #1 AND #2 LIFT STATIONS.



RESOLUTION NO. 19-32

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH TRIHYDRO CORPORATION FOR CONDUCTING PHASE I AND PHASE II ENVIRONMENTAL SITE ASSESSMENTS IN THE OLD YELLOWSTONE DISTRICT.

RESOLUTION NO. 19-33

A RESOLUTION AUTHORIZING SUBMISSION OF A PRE - APPLICATION FORM TO THE STATE LOAN AND INVESTMENT BOARD FOR A LOAN THROUGH THE STATE REVOLVING FUND ON BEHALF OF THE GOVERNING BODY OF THE CITY OF CASPER FOR THE PURPOSE OF THE NORTH PLATTE SANITARY SEWER REHABILITATION PROJECT.

RESOLUTION NO. 19-34

A RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH BLACK HILLS ENERGY TO INSTALL BURIED GAS LINES WITHIN CITY-OWNED PROPERTY.

RESOLUTION NO. 19-35

A RESOLUTION AUTHORIZING AN AGREEMENT WITH 71 CONSTRUCTION, FOR 29TH STREET IMPROVEMENTS, PROJECT NO. 18-080.

RESOLUTION NO. 19-36

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH CIVIL ENGINEERING PROFESSIONALS, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE 1ST STREET AND POPLAR STREET UTILITY IMPROVEMENTS, PROJECT NO. 17-092.

RESOLUTION NO. 19-37

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY EASEMENT WITH ROCKY MOUNTAIN POWER FOR THE CY BOOSTER STATION REPLACEMENT, PROJECT NO. 16-024.

RESOLUTION NO. 19-38

A RESOLUTION AUTHORIZING AN AGREEMENT WITH GRIZZLY EXCAVATING & CONSTRUCTION, LLC, FOR THE WILSON STREET SANITARY SEWER REPLACEMENT, PROJECT NO. 18-099.

RESOLUTION NO. 19-39  
A RESOLUTION AUTHORIZING AN AGREEMENT WITH  
LIMMER ROOFING, INC., FOR THE 2019 ROOF  
REPLACEMENTS, PROJECT NO. 18-092.

RESOLUTION NO. 19-40  
A RESOLUTION REJECTING PROPOSALS IN RESPONSE  
TO THE REQUEST FOR PROPOSAL (RFP) ON THE  
FORMER PLAINS FURNITURE BLOCK PROPERTIES, AND  
DIRECTING STAFF TO RESUBMIT THE RFP ON SAID  
PROPERTIES.

Councilmember Walsh presented the foregoing ten (10) resolutions for adoption. Seconded by Councilmember Bates. Councilmember Freel abstained from voting on Resolution No. 19-40. Motion passed.

15. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke briefly on meetings and events they attended.

16. ADJOURN INTO EXECUTIVE SESSION

At 7:35 p.m., it was moved Councilmember Walsh, seconded by Councilmember Freel, to adjourn into executive session to discuss a donation. City Attorney Henley indicated that if Council would like to ratify the donation being discussed in the Executive Session, they may wish to do so when following the closing of the Executive Session. Motion passed. Council moved into the Council meeting room. At 7:42 p.m., it was moved by Vice Mayor Johnson, seconded by Councilmember Walsh, to adjourn the executive session. Council returned to the Council Chambers. Upon reconvening for the regular session, it was disclosed that acquisition of the Tripeny Drug Store Collection for display at Fort Caspar has been discussed. It was moved by Councilmember Walsh and seconded by Councilmember Huber that the collection should be acquired for display at Fort Caspar; the language of the proposed acquisition was approved and ratified. All voting aye.

17. ADJOURNMENT

At 7:44 p.m., it was moved by Councilmember Pacheco, seconded by Councilmember Bates, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Fleur D. Tremel  
City Clerk

\_\_\_\_\_  
Charles Powell  
Mayor