

**ORDINANCE 2023-X**

**AMENDING TITLE 2, SECTION 2-5-1, TO INCLUDE DEFINITIONS OF ENTERTAINMENT AND COMPLY WITH ACTIONS TAKEN DURING THE 2023 LEGISLATIVE SESSION**

**WHEREAS**, the City of Lander, pursuant to Wyoming Statutes, §12-4-101 *et. Seq.*, licenses and regulates the issuance of liquor licenses; and

WHEREAS, as a result of statutory amendments made by the 67<sup>th</sup> Wyoming Legislature during the 2023 General Session, the Mayor and Council of the City of Lander, has determined that the existing municipal code needs to be revised; and

**NOW THEREFORE**, be it ordained by the Mayor and Council of the City of Lander, in the State of Wyoming, as follows:

**SECTION 1: 2-5-1 Bar and Grill License of the Laner Municipal Code is hereby amended to include the following:**

C. For purposes of this section “Entertainment” means any activity designated to provide diversion or amusement, regardless of the age required for the activity. “Entertainment” shall not include adult entertainment or gambling.

D. For purposes of this section “Adult Entertainment” means any

**SECTION 2: 2-2-6 Grounds for Suspension, Revocation, or Non-Renewal is hereby amended to include the following:**

C. Receipt by the city clerk of a notice of sales tax delinquency and a Sales Tax Hold Notice from the State of Wyoming issued pursuant to W.S. 12-2-306, as amended.

D. Suspension or Revocation Procedure: Upon receipt by the city clerk of a notice of sales tax delinquency and a Sales Tax Hold Notice from the State of Wyoming issued pursuant to W.S. 12-2-306, as amended, and/or such information from the municipal court, the city clerk shall notify the liquor licensee of violation(s). If the liquor licensee fails to obtain a Sales Tax Rease within fifteen calendar days from the date the city clerk receives the Sales Tax Hold Notice, and a hearing shall be set before the governing body. The certified notice from the state and all evidence presented to the state in support of the certified notice and order of conviction from municipal court will be admitted and considered prima facie evidence of the liquor licensee's sales tax delinquency or conviction of municipal ordinance on liquor. The purpose of the hearing is to allow the liquor licensee to offer corrections to the information; and action take by liquor licensee to mitigate the violation and for the governing body to determine whether liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by certified 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:

That the city received a notice for failure to pay sales tax or a criminal violation described in Paragraph D herein has occurred, and that a fine, suspension and/or revocation of the licensee's license is possible; and

Summarizing the nature and date(s) of the incidents resulting in the conviction and notice for failure to pay sales tax.

**SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.**

**SECTION 4: Severability.** If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5:** This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

**PASSED ON FIRST READING**

**PASSED ON SECOND READING**

**PASSED ON THIRD READING**

PASSED, ADOPTED AND APPROVED by the Mayor and the CITY OF LANDER COUNCIL on the \_\_\_\_ day of \_\_\_\_\_ 2023.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Missy White	_____	_____	_____	_____
Dan Hahn	_____	_____	_____	_____
John Larsen	_____	_____	_____	_____
Josh Hahn	_____	_____	_____	_____
Julia Stuble	_____	_____	_____	_____
Melinda Cox	_____	_____	_____	_____
Monte Richardson	_____	_____	_____	_____

THE CITY OF LANDER  
A Municipal Corporation

By \_\_\_\_\_  
Monte Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Rachelle Fontaine, City Clerk

STATE OF WYOMING    )  
                                  ) ss.  
COUNTY OF FREMONT )

**CERTIFICATE**

I hereby certify that on \_\_\_\_\_, following passage, adoption and approval of Ordinance 2023-X, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being \_\_\_\_\_.

\_\_\_\_\_  
Rachelle Fontaine, City Clerk