

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.04 - GENERAL BUSINESS LICENSE REGULATIONS*

5.04.010 - Application.

Every person desiring to engage in any business, trade, profession or calling for which a license is required by this code, unless the requirements for procuring the license are specifically set forth, shall fill out, sign and file with the City clerk a petition or application for the license, which shall state:

- A. The name of the person desiring the license, and in case of a corporation or limited liability company the name of the president or chairman, and in case of a partnership the name of each partner;
- B. The residence or place of business;
- C. The business, calling or profession in which the applicant wishes to engage;
- D. The location where such business or calling is to be carried on;
- E. The applicant's Wyoming sales tax number;
- F. Such other items of information as the City council may require.

5.04.020 - License—Contents.

Every license issued hereunder shall show upon its face:

- A. The name of the business to whom issued;
- B. Sum paid
- C. Kind of business;
- D. Time for which issued;
- E. Place where business is to be carried on;

5.04.030 - Issuance conditions.

The City clerk shall issue and deliver the license to the applicant upon the payment of the fee as provided, and upon completion of any other legal requirements. The City clerk shall deposit the bond in the event the license requires a bond.

5.04.040 - Licenses required for specific businesses.

Licenses shall be required for the following businesses and callings within the City:

- A. Junk dealers;
- B. Pawnshops;
- C. Itinerant merchants/unsolicited salesmen;
- D. Secondhand dealers;
- E. Sale of alcoholic beverages.

5.04.050 - Fees.

Fees for the licenses outlined in Section 5.04.040 shall be established by resolution of the City council.

5.04.060 - Term.

No license shall be issued for any period of time longer than one year and shall expire one year from date of issuance. No license shall be transferable except upon application to the City council. It shall be within the discretion of the City council to grant or deny any application for transfer. Operators of all businesses licensed hereunder are required to comply with all legal orders of the inspecting officer with regard to sanitation, safety, health and compliance with the provisions of this code including having an annual fire inspection and providing proof of liability insurance for such business. Any person who shall operate, or engage in any business whatsoever within the City, without obtaining a license of such operation as required, after ten days following notification or the expiration of any license issued hereunder, shall be deemed a violator under the terms of this section and shall be fined as provided in Section 5.05.150 of this chapter. Each additional day that such business is continued in operation without the required license, shall constitute a separate offense. All license fees are due upon receipt of application. Any license fees paid after issuance date for the purpose of renewal shall be doubled. All licenses issued hereunder shall be nontransferable, and not subject to either transfer or assignment of ownership for any cause.

5.04.070 - Posting required.

Every license shall be posted in the business in a conspicuous place. It is the duty of the licensee to show the license at any time when requested to do so by a police officer, code enforcement officer, any member of the City council or any City employee charged with the supervision of the business licensed or whose duty it is to collect license fees.

5.04.080 - Revocation and suspension—Conditions.

All licenses shall be subject to the City ordinances in force at the time of issuance, and to any ordinances subsequently passed by the City council. The City council may revoke or suspend any license granted when it appears that the licensee is violating any City ordinances, state or federal regulations or laws in the transaction of the trade, profession, business, or calling for which the license was granted.

5.04.090 - Rights terminated when license revoked.

Upon the revocation of any license and notice to that effect being given such licensee, all rights of the licensee to carry on such business, trade, profession or calling shall immediately cease and terminate; and if such licensee shall continue to further engage in such business, trade, profession or calling he shall be deemed to be doing so in violation of the provisions of this code, and be subject to the fines and penalties herein provided.

Chapter 5.08 - ALCOHOLIC BEVERAGES

5.08.010 - Definitions.

As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains more than one-half of one percent of alcohol by volume.
2. "Bar and grill liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. "Barrel" is a unit of liquid measure equal to thirty-one U.S. gallons.
4. "Building" means a roofed and walled structure built or set in place for permanent use.
5. "Club" means any of the following organizations:
 - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
 - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subdivision, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;

- c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
 - d. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
 - e. A social club with more than one hundred bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings, and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to Section 5.08.060, shall be in good standing by having paid at least one full year in dues;
 - f. Club does not mean college fraternities or labor unions.
- 6. "Commission" means the Wyoming Liquor Commission.
 - 7. "Dispensing" means mixing or pouring alcoholic liquors or malt beverages.
 - 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.
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. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(ixx).
 16. "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.
 17. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
 18. "Person" includes an individual person, partnership, corporation, limited liability company or association.
 19. "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
 20. "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
 21. "Restaurant liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
 22. "Retail liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.
 23. "Room" means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.
 24. "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.

25. "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.
26. "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.
27. "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

5.08.020 - Authorization—Rules and regulations.

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.

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

- A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the City council may issue:
 1. A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;
 2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.
 3. Satellite winery permits, subject to the terms and conditions of Section 5.08.140, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the CityCity clerk for each location following approval of the CityCity 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 CityCity 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 CityCity 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 CityCity council:

1. May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;
3. May approve the dual holding of a microbrewery permit or winery permit and one of the following:
 - a. A retail liquor license as provided in Section 5.08.120 of this chapter;
 - b. Subject to subsection C of this section, a restaurant license as provided in Section 5.08.120 of this chapter;
 - c. A resort license as provided in Section 5.08.120 of this chapter;
 - d. A microbrewery permit as provided under subsection (A)(1) of this section;
 - e. A winery permit as provided under subsection (A)(2) of this section; or
 - f. A bar and grill liquor license as provided in Section 5.08.285 of this chapter. Provided, however, the provisions of Section 5.08.285 of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:
 - i. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to subsections (B)(4) and (B)(5) of this section.
 - ii. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit.
 - iii. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under Section 5.08.260 of this chapter.
4. May allow the microbrewery to sell on-site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;
 - a. All microbrewery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.

5. May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;
 - a. All winery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.
 6. Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;
 7. May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and
 8. Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a fee of one hundred dollars annually for up to three satellite winery permits issued within the CityCity to the same applicant. When dual ownership of a microbrewery or winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant or resort license fee.
- C. Section 5.08.280 of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:
1. May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons under the age of twenty-one years are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;
 2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to subsections (B)(4) and (5) of this section;
 3. May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and
 4. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under Section 5.08.260(C) of this chapter.

5.08.030 - License—Required.

It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or give away to the public, as an inducement to the public to patronize any business, place or person within the CityCity, any alcoholic liquor or malt beverage as defined in this chapter, or to

operate a microbrewery within the CityCity without first obtaining a license to do so and paying the license fees therefor.

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

The CityCity council may suspend any license issued under this title if the licensee fails to pay sales taxes and the commission has ceased sales of alcoholic liquor to the licensee pursuant to W.S. 12-2-306. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104(F) and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

5.08.040 - License application—Contents and fees.

Any person desiring a license or permit or renewal under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the CityCity, shall apply to the CityCity council for the same upon a form of application prepared by the attorney general of the state and furnished to the CityCity including having an annual fire inspection and providing proof of liability insurance for such business. It shall be sworn to by the applicant, filed in the office of the CityCity clerk and be accompanied by the sum of twelve hundred dollars. Each applicant shall, at the time of filing his application or renewal application shall pay the CityCity clerk an amount sufficient to cover the costs of publishing notice. The set amount is intended to defray the expense of publishing notice of such application as required by law. Such application shall contain the following information:

- A. The location and description of the room in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed;
- B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;
- C. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic or malt beverages within ten years prior to the filing of the application;
- D. If the applicant is a corporation:
 1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and
 2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;
- E. A statement indicating the financial condition and financial stability of a new applicant;

- F. The site 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.

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

- A. Corporate and limited liability company licensees and permittees shall advise the CityCity council within thirty days in writing of any change in the information in any application required under this chapter. The CityCity shall provide the commission a copy of a notification of change.
- B. Whenever an interest of more than ten percent of the whole interest in any corporation, association or organization holding a retail liquor license is sought to be sold, assigned or otherwise transferred, a new application as described in Section 5.08.040 shall first be filed with the CityCity clerk and no such sale, assignment or transfer shall be made without the prior approval of the CityCity council.
- C. Whenever ownership of a license or permit is proposed to be transferred, or a retail or limited retail liquor license moved to a different location, or a licensed or permitted facility is proposed to be expanded, a new application as described in Section 5.08.040 shall first be filed with the City clerk, and no such transfer, move or expansion shall be made without the prior approval of the City council as set forth in Section 5.08.170.

5.08.060 - License application—Affidavits required.

In addition to the application form described in Section 5.08.040, each applicant shall furnish the City an affidavit in duplicate, setting forth the names and addresses of all stockholders and their respective stockholdings if the applicant is a corporation, and the names and addresses of all

members if the applicant is an association or organization. Such affidavit shall also state whether or not any relative by blood or marriage of an individual applicant, partner, stockholder of a corporation or a member of an association or organization making application has any interest in any retail liquor license issued by the City and, if so, the name and address of each such person; such affidavit shall also state whether or not any person, other than the applicant, has any interest, whether direct or indirect, in the license and, if so, the nature of the interest.

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

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

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the _____ day of _____, 20_____, (name of applicant) filed an application for a _____ license (permit), in the office of the Clerk of the City of Mills for the following described place (and room) (insert description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of _____ .m. on the _____ day of _____, ~~19~~ 20_____, in the (meeting place of the governing body).

_____		_____
Dated		Signed
		City Clerk

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

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;
 2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;
 3. The number, type and location of existing licenses or special malt beverage permits meet the needs of the vicinity under consideration;
 4. The desires of the residents of the City will not be met or satisfied by the issuance, renewal or transfer of the license or special malt beverage permit; or
 5. Any other reasonable restrictions or standards which may be imposed by the City council shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit.
- C. The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the City council.
- D. When any application is filed with the City council, the City clerk shall immediately forward a copy of the application to the commission. The City council shall not approve or deny an application until the commission has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the commission within ten working days after receipt of the application. Upon approval or denial of an application, the City council shall promptly notify the commission.
- E. An applicant for a renewal license or special malt beverage permit may appeal to the district court from an adverse decision by the City council. No applicant for a new license or permit shall have a right of appeal from the decision of the City council denying an application.
- F. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the City council named as defendant. During the pendency of an appeal, a renewal license denied by the City council shall not be granted to any other applicant. Upon notice of appeal the City clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest, if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the City clerk. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

5.08.080 - Special malt beverage permit.

- A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the City council under a special malt beverage permit.
- B. To qualify for a special malt beverage permit an applicant must meet the following requirements:

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

5.08.090 - Malt beverage and catering permits for public events.

- A. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the Mayor or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. Privately owned or leased premises shall be subject to the restrictions set forth in subsections G and H, except that premises owned or leased from the CityCity of Mills shall be exempt from these restrictions. Sections 5.08.290, 5.08.300 and 5.08.310 do not apply to this subsection. Malt beverage permits shall not be used to operate a continuing business
- B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the Mayor 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. Notwithstanding any other provisions of this subsection, closed-container items sold at

auction for the benefit of a nonprofit organization may be taken off premises. Catering permits under this subsection shall not be used to operate a continuing business

- C. The permits authorized by this section shall be issued for one (1) twenty-four-hour (24) period, subject to the schedule of operating hours provided by Section 5.08.320. No person or organization shall receive more than a total of (12) twelve malt beverage and (36) thirty six catering permits for sales at the same premises in any one (1) year. In no event shall more than twenty-four malt beverage permits be issued for any given premises in any one year.
- D. The appropriate licensing authority in a county, city or City may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers. The City Council shall set an appropriate fee for the permit by resolution. The Mayor or his designee shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit.
- D. The malt beverage permit and the catering permit shall be issued on application to the Mayor 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 Mayor or his or her designee.
- G. Applications for malt beverage permits shall be denied due to any of the following conditions:
 - 1. Conviction of the following individuals and entities for one or more of the following offenses related to a similar event or location within the preceding five years prior to the date of the application as follows:
 - a. Applicant or applicant's entity principals, employees, agents, or representatives:
 - 1) Driving while under the influence,
 - 2) Public intoxication,
 - 3) Disturbing the peace/noise offense,
 - 4) Serving after hours at location,
 - 5) Controlled substances offenses,
 - 6) Serving to a minor,
 - 7) Selling alcohol without a license,
 - 8) Violation of any provision of Chapter 5.08 of the Mills 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 Mayor or his designee may be appealed to the City council by the applicant filing a written notice of appeal with the Mayor 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 Mayor, or his or her designee, or the chief of police, or his or her designee, if the event poses a risk to public safety or welfare. Upon revocation, all sales and consumption of alcohol shall cease.

5.08.100 - License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
 1. Any member of the City council or county commissioners;
 2. Any person employed by the state or a City, City or county as a law enforcement officer or who holds office as a law enforcement officer through election;
 3. Any party who does not own the building in which the licensed room is located or hold a written lease for a period for which the license will be effective, containing an agreement

by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 4 of this subsection;

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

5.08.110 - License interest restrictions.

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

5.08.120 - Retail, resort and restaurant license fees.

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

5.08.130 - Fee disposition—Refunds prohibited.

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

5.08.140 - License and permit term.

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

5.08.150 - Number of licenses allowed—Council authority.

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

5.08.160 - License—Display required.

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

5.08.170 - License—Transfer conditions and procedures.

- A. Except as otherwise provided, after public hearing and subject to the approval of the City council, a license or permit may be transferred to or renewed on different premises on the same basis as the original application or a licensed or permitted facility may be expanded. An additional license fee of not more than one hundred dollars, as specified by City council resolution, is required for the remaining term of the license or permit. A transferred license or permit shall expire on the same day as the original license or permit.
- B. A licensee, or the executor or administrator of the estate of a deceased licensee, may assign or transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the City council, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the City council if proceedings, including an action to collect delinquent sales tax payments pursuant to W.S. 12-2-306, are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the City of not more than one hundred dollars for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

5.08.180 - Transfer, sale or attachment restrictions.

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

5.08.185 - Liquor license application information.

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

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

- A. The City council shall use an alcoholic liquor and malt beverage demerit point system to assist it in identifying licensees which repeatedly violate the provisions of this code relating to

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

- B. The number of demerit points specified below will be acquired by a licensee as a result of a conviction of it, its employees or agents for violations of the corresponding sections of this chapter.

Alcoholic Liquor and Malt Beverage Demerit Points

City Code Section or Chapter	Type of Violation	Point Value
5.08.050	Failure to notify City of changes in application information	25
5.08.080(C)	Special malt beverage permit violation:	
	Selling alcoholic liquor other than malt beverages	25
	Malt beverage sold for consumption off authorized premises	25
5.08.090(B)	Catering permit violation:	
	Selling or permitting consumption of alcoholic liquor or malt beverage off the authorized premises	25
5.08.160	Failure to display license	10
5.08.180	Unlawful sale or transfer of license or permit	5
5.08.180	Unlawful expansion of license or permitted facility	50

5.08.185	Providing false information on license application	50
5.08.200	Fraternal club permit violation:	
	Selling alcoholic liquor or malt beverage for consumption off the licensed premises	25
	Selling alcoholic liquor or malt beverage for consumption by other than members and their accompanied guests	25
5.08.210	Drive-in area violation	25
5.08.230	Drugstore sale violation	25
5.08.240	Resort retail license violation:	
	Improper transfer of license	50
	Selling alcoholic beverages or malt liquor for consumption off premises owned or leased by the licensee	25
5.08.280	Restaurant license sale violation	25
5.08.290(B)	Retail liquor license location violation	25
5.08.290(C)	Retail liquor license sale violation	25
5.08.290(E)	Repealed	
5.08.290(H)	Licensee, employee, or licensed operator off premises violation	50
5.08.290(I)	Signage violation	10
5.08.320	Hours of sale violation:	
	Per violation	25
5.08.330	Off-premises storage violation	25

5.08.340	On-premises violations:	
	Prostitution	50
	Public indecency	10
	Obscenity	10
5.08.290(D) or 5.08.340	Gambling	10
	Any other violation of this chapter	25
Chapter 15.40	Violation of occupancy limit (fire code)	25
	Failure to maintain:	
	Exits and emergency escapes	25
	Fire protection and life safety systems	25
	Unauthorized use of pyrotechnic special effects material	25
5.08.350	Minor illegally on premises	
5.08.360(B)	Failure to check identification	
5.08.360(A)(B)	Sale or gift to minor	
5.08.350 to 380	First violation within 12 months	25
	Second violation within 12 months	50
	Third violation within 12 months	75

1. Liquor licensee will be granted a one-time, non-accumulation of points for first-time violations of any of the codes numbered 5.08.350 through 5.08.380, provided that the

establishment has all alcohol server staff/employees "tips" trained (training for intervention procedures).

2. Licensee new hires will be granted a thirty-day grace period to obtain their tips training to be eligible for the non-accumulation of points described above in Section 5.08.190(B)(1).
- C. Not later than thirty days following disposition of a charge alleging a violation of state law, this chapter, or Chapter 15.40 of the City code in any court which results in a conviction, the chief of police shall report the following information to the administrative services director who in turn, shall notify the licensee of the demerit points acquired as a result of the conviction:
1. The fact that a licensee, its employee or agent has been convicted of a violation of state law, this chapter or Chapter 15.40 of the City code;
 2. The date of the alleged violation;
 3. The demerit points as specified in this chapter that are acquired by the licensee as a result of the conviction; and
 4. Whether the court disposition has been appealed.

The administrative services director shall maintain the total of all demerit points acquired by each licensee. The total of any demerit points acquired by a licensee shall be reported by the administrative services director to the City council at the time of application for renewal and at any time the total points acquired by a licensee reach the limits for suspension actions of this chapter.

- D. 1. In the event that a licensee, or with the licensee's prior knowledge of the action leading to the conviction, its agent or employee is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, in any court, the licensee shall acquire one hundred fifty points.
2. In the event that a third party is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, and the City council finds that there is substantial evidence that such occurred with the licensee's, or its agent's or employee's prior knowledge while employed within the licensee's establishment, of the action leading to the conviction, and that licensee, its agent or employee did not report his or her knowledge of such sale or possession to a peace officer, as that term is defined in Wyoming Statutes Section 7-2-101 (1977), as soon as practicable, the licensee shall acquire one hundred fifty points.
 3. Should the City council become aware that an event, as described in subsection (D)(1), (D)(2) or (E) of this section, may have occurred, it shall provide the licensee with notice and an opportunity for a hearing. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by mail to the address of the licensee listed on the licensee's most recent liquor license application to the City, and shall include a statement:
 - a. That the City council has been informed that one or more of the events described in subsection (D)(1), (D)(2) or (E) of this section, has occurred and that as a result

demerit points may be attributed to the licensee and that a suspension and/or revocation of the license is possible;

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

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

- K. If a license is revoked, except as provided in Wyoming Statutes Section 12-7-201(d) concerning the expiration of a licensee while a revocation order is under appeal, the holder of such revoked license shall not be eligible to apply for a new license for a period of twelve months from the date of revocation.

5.08.195 - Administrative fees.

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

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

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

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

shall comply with applicable sanitation and fire hazard requirements and other applicable laws.

5.08.210 - Use of drive-in areas—Restrictions.

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

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

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

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

5.08.230 - Sales by drugstores.

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

5.08.240 - Resort retail license.

- A. The City council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection B of this section.
 - B. To qualify for a resort retail liquor license, the City council shall require the resort complex to:
 - 1. Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars, excluding the value of the land;
 - 2. Include a restaurant and convention facility, which convention facility shall seat no less than one hundred persons; and
 - 3. Include motel or hotel accommodations with a minimum of one hundred sleeping rooms.
- City.
- C.. Resort liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. The dispensing of alcoholic liquor or malt beverages licensed to be sold hereunder shall be controlled by Sections 5.08.290 through 5.08.310.

5.08.250 - Restaurant license issuance—Council authority.

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

5.08.260 - Restaurant license—Food service requirements.

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

City

5.08.270 - Restaurant license—Sale and consumption conditions.

- A. Except as otherwise provided in this chapter, restaurant liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections B and F of this section, alcoholic or malt beverages shall be served for on-premises consumption only, in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.
- B. Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed building in areas approved by the local licensing authority. No consumption of alcoholic liquor or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing area..
- C. No alcoholic liquor or malt beverages shall be served to an individual person unless served in conjunction with meals served to, and eaten by, the individual person. However, nothing herein provided shall prohibit the sale of alcoholic liquor or malt beverages to any person whom the licensee, his agents or employees, reasonably believe has the intention of ordering and eating a meal.
- D. All sales of alcoholic or malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease, or at the hours specified by Section 5.08.320, if food sales and services extend beyond the hours specified therein.
- E. With the approval and on the conditions imposed by the City council, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course, and such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.
- F. A restaurant liquor licensee may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and

consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of Section 5.08.420.

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

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

- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010 of this chapter, may be licensed by the City council under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. Criteria that may be considered by the City council in determining to whom any such license may be issued may include, but is not limited to the following:
 - 1. The location of the proposed business is in an area: (1) in need of redevelopment; (2) officially designated as an urban renewal area; or (3) that has been identified as being under served by food and beverage services.
 - 2. The issuance of the license will contribute to economic development goals or purposes of the City.
 - 3. Whether the applicant will be investing in the construction of a new structure or will otherwise be materially and substantially updating a current building.
 - 4. If the applicant's business is a new business, the number of new jobs reasonably estimated to be created, or if an existing business, the number of new or additional jobs that will reasonably be created by use of the bar and grill liquor license.
- B. Bar and grill licenses shall be subject to the provisions of Sections 5.08.260 and 5.08.280(D) of this chapter to the same extent that those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under Section 5.08.280(F) of this chapter.
- C. Every person holding a bar and grill liquor license authorized by the provisions of this chapter shall pay annually, in advance, a license fee for such license the sum of ten thousand five hundred dollars for the first license year; and, three thousand dollars for each year thereafter that such license is granted, in addition to any other fees due from such person otherwise

holding a microbrewery or winery permit. The license fee shall be paid to the clerk of the City before the license is issued.

- D. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder.

5.08.290 - Location—General conditions.

- A. The principal place in which alcoholic liquor and malt beverages are sold under a retail liquor license shall be located in one room upon the premises for which the retail liquor license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds of the fee paid for the retail license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license.
- B. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located, and in an immediately adjacent fenced or enclosed area as approved by the City council. This area shall not be in another building and shall be located on the licensed premises.
- C. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose product the item is advertising may be sold and served in the licensed room.
- D. No gambling shall be permitted in a licensed room or dispensing room.
- E. Repealed.
- F. The retail licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption without payment of an additional fee.
- G. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition when a connection doorway exists to permit persons to pass freely between the two facilities.
- H. Licensee, employee, or licensed operator is to be in licensed room at all times during hours of operation.
- I. All licensees are required to post signage on all exits from licensed rooms stating:
"No alcohol beyond this point per open container ordinance 5.08.420."

5.08.295 - Right of entry—Inspection.

- A. In addition to all other rights of inspection which the City may now or hereafter possess, the public safety director or the designee(s) of the public safety director are empowered to enter and inspect every place of business which is licensed by the City to sell malt or alcoholic beverages or where malt or alcoholic beverages are sold, stored or kept for the purpose of sale pursuant to a City liquor license.

- B. Entry for purposes of inspection pursuant to this section is authorized only during open business hours unless it is in the presence of the licensee or his agent, employee or representative, or unless the person making entry does so under court order, or the person making entry has reasonable grounds to believe that evidence of a violation of this chapter is within the place to be entered and emergency or exigent circumstances exist such that a warrantless search is allowed by law.
- C. Reserved.
- D. A refusal to permit entry or inspection pursuant to this section shall result in the assignment of demerits to the offending licensee pursuant to City code.

5.08.300 - Convention facilities.

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

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

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

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

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

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

dispensing room and cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. on January 1st, and shall clear the dispensing room of all persons other than employees by two-thirty a.m.

- B. Clubs holding a limited retail liquor license may open each day at nine a.m. and shall close the dispensing room and cease sales of alcoholic liquor and malt beverages promptly at the hour of two a.m. of the following day and shall clear the dispensing room of all persons other than employees by two-thirty a.m. Clubs holding a limited retail liquor license may remain open past two a.m. on the morning of January 1st.
- C. The hours of operating designated in subsection A of this section may be modified on no more than four days each calendar year by a resolution of the City council, designating those dates during City or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may continuously operate their dispensing rooms for a period of twenty-four hours beginning at six a.m. on days other than Sunday, and beginning at ten a.m. on Sundays.

5.08.330 - Off-premises storage prohibited—Exception.

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

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

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

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

- A. No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of twenty-one to enter or remain in the licensed room or rooms where alcoholic liquor or malt beverages are dispensed. No person under the age of twenty-one years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

1. Accompanied by his or her parent or guardian who is at least twenty-one years of age; and
 2. The licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; and
 3. With the approval of the City Council, in a dining or waiting area with an adult not later than ten p.m. if the dining or waiting area is part of the licensed room.
- B. When the licensed room or rooms are not open for the sale or dispensing of alcoholic liquor or malt beverages, employees of the licensee under the age of twenty-one may be permitted in the course of their employment to work in the room or rooms.
- C. Any person violating subsection A of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars for the first conviction. The person convicted of a subsequent violation of this section within twelve months, shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. The person convicted of a third violation of this section within twenty-four months shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars, plus not less than five days nor more than six months in jail.

5.08.360 - Sale or gift to minors prohibited.

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

5.08.370 - Minors—Possession of alcohol or public intoxication.

- A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.
- B. It is declared to be illegal and a violation of this chapter for any person under the age of twenty-one years to have alcoholic liquor or malt beverages in his or her possession, or to be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. Provided, however, this subsection does not apply to possession of alcoholic liquor or malt beverages by a person under the age of twenty-one years:
1. When making delivery of alcoholic or malt beverages pursuant to his lawful employment;
 2. Who is in the physical presence of his or her parents or legal guardian;
 3. When dispensing or serving alcoholic or malt beverages or otherwise working in dispensing room pursuant to his or her employment, if the person was at least nineteen years of age on the effective date of the ordinance codified in this section. This

subdivision does not apply to persons otherwise authorized to serve alcoholic malt beverages under subdivision 4 of this subsection;

4. Is a licensee under this title; or
 5. When serving alcoholic or malt beverages pursuant to his or her employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person is at least eighteen years of age.
- C. It is declared to be illegal for any person to attempt to commit any offense under this section. Any person convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.

5.08.380 - Minors—Proof of age.

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

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

5.08.390 - Minors—False proof of age.

Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

5.08.400 - Minors—Age violation—Defense to prosecution.

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

5.08.410 - Bottle clubs prohibited.

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

5.08.420 - Open container restrictions.

A. It is unlawful:

1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the City unless a license or permit authorizing same has been issued by the City Mayor or his or her designee. However, nothing in this chapter shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;
5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Section 5.08.280.

B. Definitions.

1. "Certain structures" means any City owned, operated or leased offices, public safety or maintenance facility and any building or structure used primarily for public entertainment, i.e., theaters, amusement centers, restaurants and the like, excluding, however, structures duly licensed to sell or dispense alcoholic liquor or malt beverages.

2. "Open container" means any glass, cup, bottle, can or other receptacle used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the City limits shall not be considered open space.

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

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

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

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

5.08.450 - 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.

5.08.460 - Unlicensed structures declared a nuisance.

Any building, house, structure, room or place, except as such is used exclusively as a dwelling, where alcoholic, spirituous, fermented, malt liquor beverage is offered for sale, exchanged for goods or in any way delivered otherwise than in consummation of a gift, which house, building, structure, room or place is not licensed under the provisions of this chapter is declared to be a nuisance. It is unlawful to maintain a nuisance as defined herein and any person who maintains such nuisance is guilty of a misdemeanor and may, upon conviction, be punished as provided by Chapter 1.28 of this code or any amendments thereto.

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5.08.480 Delivery of alcoholic liquors and malt beverages.

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

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

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

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

(A) In its original package and unopened;

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

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

(iv) Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages; and (v) Microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

Chapter 5.20 - COMMUNITY TELEVISION SYSTEMS

5.20.010 - Installation permit—Required.

No television wires or cables shall be constructed in or across public streets, alleys or sidewalks within the City unless a permit for such construction has been issued by the building inspector.

5.20.020 - Standards and specifications.

All television wires and cables shall be installed in accordance with the requirements of the National Electric Code in current use in the City. If amendments to such code are subsequently adopted by the City, then any installation of television wires and cables thereafter shall follow then existing amendments.

5.20.030 - Inspection—Correction of unsafe conditions.

The building inspector of the City is empowered to inspect or reinspect any television wires or cables crossing public streets, alleys or sidewalks in the City and, if such wires and cables are found to be unsafe or found not to have been installed in accord with the requirements of the National Electric Code adopted under Section 5.20.030, the building inspector shall notify the person owning such wires and cables to correct the condition within a time specified by the building inspector. If the owner of such wires and cables fails to correct such unsafe condition within the time specified by the building inspector, the building inspector may, in this event, remove or cause such wires and cables crossing the City streets, alleys or sidewalks to be removed at the cost of the owner thereof. Failure of the owner of such wires or cables to correct such violations of this chapter within the time specified by the building inspector shall constitute a violation of this chapter.

Chapter 5.28 - JUNK DEALERS

5.28.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Junk" means waste or junked, dismantled or wrecked automobiles or parts thereof, old or scrap copper, brass, metal, wire, rope, rags, batteries, tires, paper, trash, clothing, rubber, debris, iron, steel, household recyclables, and any other old or scrapped ferrous or nonferrous material, which in general may or may not be turned into some other use.
- B. "Junkyard" means a place in excess of two hundred square feet, where junk is bought, sold, exchanged, baled, packed, disassembled, handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment; but not including places where such uses are conducted entirely within a completely enclosed building.

5.28.020 - License required.

Every person engaged in the business of dealing in junk within the City shall obtain a license under the provisions of Section 5.04.010 of this title, and pay a fee, which shall be established by resolution of the City council.

Chapter 5.36 - PAWNSHOPS/SECONDHAND DEALERS

5.36.010 - Definitions.

For the purposes of this chapter, pawnbroker and secondhand dealers shall pertain to those businesses subject to Wyo. Stat. Sec. 33-6-106.

5.36.020 - License—Requirements.

- A. It is unlawful for any person at any time to engage in the business of pawnbroker/secondhand dealer within the City without first having obtained a license to engage in such business, in accordance with the terms of this chapter. All locations where the business is to be conducted within the City shall be specified in the license.
- B. Any out-of-City/state secondhand dealers who are conducting business on a temporary basis must obtain licensing documents, and must follow the same regulations as local secondhand dealers.
- C. Unless a person has first obtained a license from the administrator of the Wyoming Uniform Consumer Credit Code, authorizing him to engage in the business of making supervised loans, he/she shall not be eligible to hold a pawnbroker license.

5.36.030 - License—Application—Changes of ownership—Fees.

Any person desiring to engage in the business of a pawnbroker/secondhand dealer shall file with the City clerk an application for a license, under the provisions of Section 5.04.010, and pay a license fee as established by resolution of the City council. Any change of ownership shall require a new license application and license.

5.36.050 - License—Bond.

Prior to issuance of any license under this chapter, the applicant shall furnish the City clerk with a bond in the amount of one thousand dollars, which shall be conditioned upon the applicant's observance of the provisions of this code applicable to the applicant, and upon payment of all damages that may accrue to any person by reason of any fraud or misconduct in managing such business.

5.36.060 - License—Revocation conditions—Appeals.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter three or more times in any twelve-month period shall, after a hearing conducted before the City council or its designated hearing examiner at which such violations or failures are established by a preponderance of the evidence, have his/her license revoked, and shall forfeit his/her bond. The decision of the City council may be appealed to the Seventh Judicial District Court in the same manner as the decision of an agency may appeal under the Wyoming Administrative Procedures Act

5.36.070 - Recordkeeping requirements—Inspection authority.

- A. Every person licensed as a pawnbroker/secondhand dealer shall be required to have a computer with an internet connection along with a printer. Software for the computer must be capable of accessing the internet, and running or accessing City-approved pawn tracking software and websites. Printer must be able to print City authorized forms.
- B. Every person licensed as a pawnbroker/secondhand dealer shall keep at each location specified in the license a record of the name of each person pawning/selling property, the date and time of the transaction, and the number of the property identification ticket for each transaction and the completed and signed declaration of ownership form. Such information shall be kept in a substantial, well-organized notebook. Computer entries shall be printed and must be uploaded into the City-approved computer site daily, and the printed form is to be signed by the seller and placed into the book. All entries shall be made within twenty-four hours of the transaction. If the computer or printer is disabled, a City of Mills approved temporary handwritten form may be used until the information can be placed into the computer system. Once entered into the computer and printed, the temporary ticket shall be attached to the computer-printed copy and placed into the book. All entries shall be made either in ink or indelible pen, and no entry shall be erased, obliterated, deleted, altered or defaced. The book herein shall be kept in a clean and legible condition.

- C. All books and records required to be kept in subsection B of this section shall be kept in accordance with accepted accounting practices, and such records shall be preserved and shall be available for inspection for a period of four years from the date of the original transaction, or two years from the final entry made thereon, whichever is later.
- D. Every person licensed as a pawnbroker/secondhand dealer shall make available for inspection the book mentioned in subsection B of this section when requested to do so by law enforcement or other officer of the City, and permit such officer to make a copy thereof, and shall also exhibit any personal property, bonds, notes or other securities that may be left with such licensed person for the inspection of any of the above-named officers when requested to do so.
- E. In addition to the requirement in subsection B of this section, every pawnbroker/secondhand dealer shall, within twenty-four hours of the time the transaction takes place, record the details of the transaction in the computer, or upon a property identification ticket, if the computer is disabled which shall contain the following:

- 1. An accurate, detailed description of all pledged, purchased or traded goods at the location, particularly describing any identifying marks, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks or characteristics that may be on such property, bonds, notes or other securities, and photographed. If the transaction is less than five dollars, the item is not required to be documented. Large quantities (over twenty) of similar items shall have the total number of items documented and only ten specifically identified.

Jewelry descriptions shall require color, metal type and grade or quality, setting style and description, stone type, color, clarity, size, cut, number and approximate weight, damage, inscriptions and any other information reasonably and commonly used in the description of jewelry.

- 2. A record of the type of identification being used along with any identification numbers from the identification form along with name, current residence and accurate description of each person pledging goods; such description shall include, as to each person, their approximate height and weight, hair and eye color, race and sex, date of birth and phone number.
 - 3. A record of the amount for which the property is pledged or purchased.
 - 4. A record of the date upon which the pledge expires.
- F. In addition to the information required in paragraph E of this section, the pawnbroker/secondhand dealer shall at the time of making the pawn transaction, outright purchase or trade, must obtain a written declaration of ownership from the customer stating:
 - 1. Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
 - 2. How long the customer has owned the property;
 - 3. Whether the customer or someone else found the property; and

4. If the property was found, the details of the finding.

The pawnbroker/secondhand dealer shall require the customer to sign his or her name, in the presence of the pawnbroker/secondhand dealer, on the declaration of ownership and in the register to be kept under this article. Each such declaration shall be signed by the pawnbroker/secondhand dealer at the time of the transaction. The customer shall be given a copy of the receipt for the pawn transaction, outright purchase or trade.

- G. All pawnbrokers/secondhand dealers are required to keep the computer and printer in operating condition and keep on hand sufficient supplies for printing the property identification tickets. Such property identification tickets shall be available to any law enforcement officer and shall reflect all of the business done on the preceding day.
- H. All property, notes, bonds, or securities purchased outright shall be recorded in the same manner as those for pawn.
- I. It shall be considered to be a separate transaction each time a pawn broker or secondhand dealer acquires property from any one person.
- J. A description of the physical premises of any licensed pawnbroker/secondhand dealer business, including any area in which tangible personal property is located, to include any warehouse or other storage locations away from the licensed place of business, shall be included on the original license, and notification shall be given to the City clerk when another location has been added to the licensed business. These premises shall be subject to inspection by the Mills police department during all business hours and other times of apparent activity, for the purpose of investigation and inspection of books, records, and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon the request of any member of the Mills police department.

Except for items in plain view, if any inspection is conducted hereunder, the peace officer conducting such inspection shall document the same on a form approved by the Mills police department and shall, within twenty-four hours of conducting such inspection, provide a copy thereof to the pawnbroker/secondhand dealer.

5.36.080 - Holding time and procedure for pledged goods—Hold orders and surrender of property.

- A. All pledged, purchased, outright purchased, or traded goods, with the exception of donated goods, shall be held for a period of fifteen days, during which time the same shall not be shown, either for sale or for inspection, to any person other than a police officer, other City officer, or the owner thereof, unless said goods are subject to a hold order as described in subsection C of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released. Goods that have been bought and returned by the same person, and have already been held for the required period are not subject to this provision.
- B. All pledged, purchased, outright purchased, or traded goods shall be kept in a separate enclosed portion of the business, free from public view and accessible only to employees and members of law enforcement. At no time will any property be set for display or sale until the above holding period has elapsed, unless said goods are subject to a hold order as described

in paragraph C of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released.

C. Hold orders and surrender of property.

1. Any peace officer may order a pawnbroker/secondhand dealer to hold any tangible personal property deposited with or in the custody of any pawnbroker/secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or disposition may be made of such property held by any pawnbroker/secondhand dealer while the hold order remains outstanding. Any such hold order shall be effective for ninety days only, unless a criminal prosecution is undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker/secondhand dealer that the prosecution has been completed or dismissed. This shall be accomplished by issuing a release of property hold order form.
2. If any peace officer determines, after investigation, that any article of personal property held by a pawnbroker/secondhand dealer is stolen or illegally obtained property, such officer may take such property into evidence after giving the pawnbroker a receipt (Mills property evidence form) for it which sets forth the Mills police department case number as well as the reason for the confiscation.

- D.
1. If property that has been taken into custody by the Mills police department pursuant to this chapter is no longer needed for investigation or prosecution of a crime and no conviction for a crime involving the seized property has been obtained, the property shall be returned to its owner, as determined by the Mills police department. If a conviction has been obtained, the property shall be disposed of or returned, as determined by the court in which the conviction occurred.
 2. If it appears that ownership of the property is in dispute between the pawnshop or secondhand dealer, and a person reporting the property stolen or otherwise claiming an interest in the property, before such return is completed, the department shall notify both the pawnshop or secondhand dealer from which it was seized and any other party claiming ownership of the item.
 3. This notification shall be in the form of a letter describing the property, the initial department determination of the party to whom the property shall be returned, and a statement that if either party disagrees with that determination, they may file with the property and evidence division of the Mills police department, within fifteen days of the mailing of the letter, a request for judicial review of the ownership of the item.
 4. Upon timely receipt of a request for review, the department shall notify the Mills court of said request. The Mills court shall then schedule, at its earliest convenience, a hearing on the matter. Notices of setting shall be sent by the court to the Mills police department property and evidence division, the Mills City attorney's office, the party making the objection to the return of the item, and the party to whom the department has proposed returning the item.

5. This review shall be an administrative hearing before the City of Mills Mills court, pursuant to the Wyoming Administrative Procedures Act, with the burden being on the claimant to prove by a preponderance of the evidence their ownership of the property.
6. If their burden is not met, or a request for hearing is not timely made, the property shall be returned to the owner as determined by the department, after thirty days from the date of the notification letter, or in compliance with the order of the court, as applicable.

5.36.090 - Finance charges, advertising and loan terms.

- A. Information concerning finance charges, term of agreement, and all other relevant information concerning a pawn transaction, shall be disclosed to any person desiring to enter into a pawn transaction with a pawnbroker at the time of the transaction, and all information disclosed shall conform to the requirements of Federal Reserve Regulation Z of the Truth in Lending Act, and applicable Wyoming Statutes. All property identification tickets shall have the maximum rate of interest to be charged printed on the face thereof. The printing shall be conspicuous, in a legible and clearly readable size print.
- B. A pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction.
- C. Except as provided below, the term of any pawn transaction made under this chapter shall not exceed thirty days; provided, however, that a pawnbroker shall allow a grace period of fifteen days following the expiration of the term of any loan during which period interest shall not be charged and during which period the property pawned may be redeemed by the debtor. At the expiration of the thirty-day term, the pawnbroker may, at the depositor's request, renew the loan for an additional thirty-day term; the grace period shall not apply to renewed loans.
- D. No pawnbroker/secondhand dealer, or the employee thereof, shall:
 1. Make any agreement requiring personal liability from a customer in connection with a pawn transaction;
 2. Divide or separate a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this chapter;
 3. Enter into a pawn transaction, accept pledged goods, or make a purchase from any person under the age of eighteen years, unless a parent or legal guardian is on scene when the transaction takes place;
 4. Accept any waiver in writing or otherwise of any right or protection accorded a customer under this chapter;
 5. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker under the terms of the pawn transaction;
 6. Make any charge for insurance in connection with a pawn transaction;

7. Require, directly or indirectly, any individual to redeem pledged goods or make any payment on a pawn transaction;
8. Accept in pawn or acquire, by purchase or trade any property normally manufactured with a permanently embossed or attached serial number, on which the serial number is missing, obliterated, defaced or otherwise altered; provided, however, this provision shall not apply to sticker-type serial numbers which were affixed to the property by the manufacturer with glue only, and which are missing at the time of the pawn or purchase transaction;
9. Knowingly or willfully make any false representation upon, or in any way falsify any property identification ticket, receipt, pawn/secondhand document or business record;
10. Enter into any transaction, accept pledged goods or make a purchase from any person under the influence of alcohol, narcotics or stimulants;
11. Enter into any pawn/secondhand dealer transaction or accept pledged goods from any person not possessing a valid Wyoming driver's license with picture of the licensee, Wyoming identification card with picture of the licensee, or valid driver's license issued by another state with a picture of the licensee, or current military identification card with picture of the identified individual, or a valid passport with picture of the individual named therein, along with at least one of the following forms of identification, or in lieu thereof, at least two of the following forms of identification: Social Security card, valid temporary driver's license, immigration papers, Mills recreation card, lodge card, major credit card. The pawnbroker/secondhand dealer is required to maintain a photocopy of the above-listed forms of identification when entering into any transaction.

5.36.110 - Unlawful pawn/secondhand dealer practices.

- A. It is unlawful for any person to give false information to any pawnbroker/secondhand dealer regarding either themselves or the property being pledged or disposed of by sale or trade.
- B. It is unlawful to alter the appearance of or conceal the true identity of any item being pledged or disposed of by sale or trade.
- C. It is unlawful for anyone to pledge, or dispose of by sale or trade any item where a serial number has been altered, defaced or removed.
- D. It is unlawful for anyone to pledge or dispose of by sale or trade any item which belongs to an individual who is under eighteen years of age unless the person is the parent or legal guardian of such minor individual.
- E. It is unlawful to pledge or dispose for sale or trade any item which is known to be stolen.

5.36.120 - Violation—Penalty.

Any person who violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished as provided in Chapter 1.28 of this code.

Chapter 5.38 - ITINERANT MERCHANTS/UNSOLICITED SALESMEN

5.38.010 - Definitions.

- A. "Itinerant merchant" or "itinerant business," as used in this chapter, shall include all persons not having a permanent place of business in the City, engaged in selling or offering for sale, any goods, services, carnival rides or merchandise of whatever nature, in any open space, from a temporary stand, under tents, canopies, or membrane structures, from a vehicle on property not owned by such person, or in any other manner from any place which is not located in a building which meets building code requirements and which has been approved for occupancy.
- B. "Permanent place of business" means a building meeting building code requirements and approved for occupancy by the City. Such building shall be on a properly zoned lot for the particular business conducted.
- C. "Prohibition sign" means any and all signs or notices in the English language of legible size, designed and apparently intended to serve notice or convey the meaning that any person coming upon the property where the same is posted as an unsolicited salesman is unwelcome and is not to call upon the occupant or tenant of the property.
- D. "Residential property" means any and all homes, houses, basements, apartments, trailers, tents, hotels and other buildings or structures or portions thereof used or occupied by any person as a home or place of abode located within the City.
- E. "Temporary stand" means any structure which does not meet building codes required for human occupancy.
- F. "Tents, canopies and temporary membrane structures" means structures used for a temporary purpose as defined by the Uniform Fire Code, including but not limited to air-inflated structures, air supported structures and tents.
- G. "Unsolicited salesman" means any person who sells, offers for sale, takes or solicits orders for, gives away, delivers or promises to deliver in the future or displays any goods, wares or merchandise or other personal property of any kind whatsoever, who sells, offers for sale, offers to, solicits or takes orders for the performance of or distributes literature or other information of any and all types of services including securities, policies of insurance, reading material or entertainment at or upon any residential property other than such residential property as is owned or occupied by such person without invitation of the owner or occupant. However, any person operating a business from their home within the City, and who conducts activities covered by this chapter in conducting that business, shall be exempt from the provisions of this chapter. Unsolicited salesmen shall not include an itinerant merchant.

5.38.020 - License—Required—Term—Exemptions.

- A. No person shall carry on the trade or occupation of itinerant merchant or unsolicited salesman within the City until such person shall have obtained an annual license, under the provisions of Section 5.04.010 of this title, and paid a fee, which shall be established by resolution of the City council.
- B. No person may carry on business as an itinerant merchant for more than ten total days in any one year. Any person carrying on business as an itinerant merchant for any longer than ten days in any one calendar year shall obtain a permanent place of business in the City from which to operate; however, vendors of fresh produce and/or Christmas trees may apply to the Mayor or his designee for one ninety-day exemption to this chapter per year.

Following the ninety-day exemption period, vendors of Christmas trees and/or fresh produce may apply to the Mayor or his designee for one thirty-day extension of the exemption for a reasonable business need.

Any denial by the Mayor or his designee may be appealed to the City council or its designated hearing examiner under Section 2.22.020 of this code by filing a written notice of appeal with the Mayor within ten days of the denial.

- C. Any participants in an event recognized by the Mayor or his designee, such as a craft fair, festival, bazaar or similar activity shall be exempt from the provisions of this chapter.
- D. Charitable organizations and all persons representing them are exempt from the provisions of this chapter, provided that the charitable organization shall secure from the Mayor a letter of exemption which shall be issued to such charities as the Mayor shall find to have lawful charitable purposes. The Mayor's letter of exemption shall be available at all times on the premises for inspection by any police officer or any other officer authorized to inspect for licenses or letters of exemption.

5.38.030 - License—Application.

Every person shall procure a license to engage in the trade or occupation of itinerant merchant or unsolicited salesman and shall fill out, sign and deposit with the City clerk a petition or application for a license, which shall state:

- A. The name of the person desiring the license;
- B. The residence, and in case of a corporation, the name of the president; and if a partnership, the names of the partners;
- C. The location where the trade or occupation will be conducted;
- D. The applicant's Wyoming sales tax license number;
- E. Such other information as may be required by the Mayor or by the provisions of this title.

5.38.040 - Location.

All itinerant businesses must be in a location which shall not create a traffic hazard, shall provide approved paved off-street parking, and shall provide temporary sanitary facilities or obtain

written permission to utilize permanent sanitary facilities within four hundred feet of the proposed location.

5.38.050 - Unlawful acts designated.

It is unlawful for an itinerant merchant or unsolicited salesman to:

- A. Carry on the business or calling of an itinerant merchant or unsolicited salesman without a license as required by this chapter;
- B. Enter upon any residential property which is posted with a prohibition sign;
- C. Refuse to leave or continue solicitation on residential property after being advised by the occupant or tenant that he or she does not wish the product solicited or does not wish the solicitation to continue.

5.38.060 - Violation—Penalty.

Any person found to be violating this chapter shall be guilty of a misdemeanor punishable by a fine no less than one hundred dollars and no more than seven hundred fifty dollars. Each day of violation of this chapter shall be considered a separate and distinct violation of this chapter.

5.40.010 Franchise Agreements.

A. Wherever it has been provided by state or Federal statute that a municipality may grant or require a franchise agreement, including where a municipality has the right to grant authority to any person or firm to carry on the operation of a public utility or a communications or telecommunications operation or business, the City of Mills shall require said persons or firms to enter into the same. Said franchise agreements shall contain:

1. Such terms as the governing body deems proper to any utility company, and, for communication companies, in accordance with W.S. 15-1-131, provided no **franchise** may be entered into with any person in which that person is given an exclusive right for any purpose whatsoever.
2. Grant to any franchisee utility company the privilege to install and maintain necessary installations under or over any streets, alleys or avenues;
3. Contract for a specified time period with any franchisee electric light or gas company for the necessary energy and service for the lighting of streets, public buildings or other requirements of the city or town;
4. Upon renewal or initial grant or renewal after condemnation of a **franchise**, may provide in the **franchise** that the franchisee shall furnish a gas distribution system through which any supplier, including the franchisee, may sell and distribute natural gas as provided by subsection (b) of this section, to any person served by the distribution system, provided that before any city or town implements this subparagraph, the question of whether or not to do so shall be submitted to and

approved by a majority of the electors of the city or town voting on the question at a one-time election called for that purpose

5. All **franchise** agreements entered into by a governing body with a communications company under this section or with a cable company pursuant to 47 U.S.C. § 541 et seq. shall:
 - (a) Be fair and reasonable;
 - (b) Be competitively neutral and nondiscriminatory;
 - (c) Comply with all requirements of applicable federal and state laws and ordinance;
 - (d) Not unreasonably impair or inhibit the deployment of communications services;
 - (e) To the extent practical encourage the deployment of communications services to serve consumers.
6. **Franchise** fees assessed under a **franchise** agreement entered into pursuant to this section shall:
 - (i) Be passed through to customers unless otherwise agreed;
 - (ii) Not be assessed on revenues from internet access service.
7. A communications company assessed a **franchise** fee on local exchange services by shall not be assessed any additional **franchise** fees, including an assessment on any other communications services.
8. Any holder of a cable **franchise** pursuant to 47 U.S.C. § 541 et seq. shall be exempt from the provisions of this section except as provided in this subpart. Subject to federal law and the provisions of this subsection, the City of Mills may assess a **franchise** fee on gross revenues as determined in accordance with generally accepted accounting principles for the provision of cable service over a cable system operated by a holder of a cable **franchise** pursuant to 47 U.S.C. § 541 et seq. As used in this subsection, "gross revenues" shall not include any taxes, fees or assessments collected by a holder of a cable **franchise** from subscribers that are passed through to a government agency, including the user fee assessed by the federal communications commission, **franchise** fees, sales taxes and utility taxes. Nothing in this subsection shall be construed to prohibit or alter any decision the City of Mills to not impose the **franchise** fee authorized by this section or any decision by the City of Mills to enter into an agreement with a holder of a cable **franchise** to impose a **franchise** fee on only a portion of the gross revenues from the provision of cable service subject to **franchise** fees under federal law and the provisions of this subsection.

B. A franchisee proposing to enter into a **franchise** agreement shall provide to the city a request for negotiations. Negotiations between the city and a proposed franchisee shall not exceed one hundred eighty (180) days unless agreed to by the parties in writing. A request made under this subsection shall include, at a minimum, the date of the request for negotiations, the proposed date for the start of negotiations, the date by which negotiations shall terminate and the contact information for the proposed franchisee.

C. The City may approve such franchise fees by Resolution or Ordinance.

5.40.010 Franchise Agreements Index

The Town Clerk shall keep an index of all Franchise Agreements entered into by the City together with such pertinent information as the parties thereto and the date and terms of the Agreement. All such agreements shall be available for public inspection upon reasonably request.