

ORIGINAL ORDINANCE NO.: 1967
ENROLLED ORDINANCE NO.: 1732

INTRODUCED BY: SHUSTER

AN ORDINANCE AMENDING TITLE 5 OF LARAMIE MUNICIPAL CODE, 5.08 – SPECIAL MALT BEVERAGE PERMITS AND 5.09 – ALCOHOLIC BEVERAGES TO DEFINE SPECIAL MALT BEVERAGE PERMIT REQUIREMENTS, ALIGN MUNICIPAL CODE WITH STATE STATUTE, ADJUST FEES, MAKE CLARIFICATIONS, AND CLEAN UP CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That LMC 5.08 Special Malt Beverage Permits shall be amended as shown in Attachment A. All sections and subsections not specifically amended by Attachment A shall remain unchanged.

Section 2. That LMC 5.09 Alcoholic Beverages shall be amended as shown in Attachment A. All sections and subsections not specifically amended by Attachment A shall remain unchanged.

Section 3. That this ordinance shall become effective on July 1, 2017.

Passed and approved this 6th day of June, 2017.

Andi Summerville, Mayor and President of the
City Council

Attest:

Angie Johnson
City Clerk

First Reading: May 2, 2107
Public Hearing: May 16, 2017
Second Reading: May 16, 2017
Third Reading and Final Action: June 6, 2017

Duly published in the Laramie Boomerang this 15th day of June, 2017.

ATTACHMENT A

Chapter 5.08 - SPECIAL MALT BEVERAGE PERMITS

Sections:

5.08.650 - Special malt beverage permit—Applicability of state law.

- A. The city council may issue a special malt beverage permit to the does elect that provisions of W.S. 1957, 12-6-2, except to the extent that such section authorizes the city to issue a special malt beverage permit to the board of trustees of the University of Wyoming, for the sale of malt beverage, drawn only from kegs at the Student Union building on the campus of do not apply to the city, and that the issuance of a special malt beverage permit to the board of trustees of the University of Wyoming shall be in accordance with the provisions of Sections 5.08.640 through 5.08.710 pursuant to W.S. 12-4-501. All other provisions of Laramie Municipal Code apply.
- B. The city council may issue special malt beverage permits to any reasonable person or organization for sales of malt beverages at public auditoriums, civic centers or event centers. Permits will only be granted for premises used for public gatherings or events, and which are either (1) an enclosed building containing meeting rooms, kitchen facilities and an auditorium which seats at least 800 persons, or (2) a stadium or outdoor arena. If the applicant does not own the premise, the applicant must present a written agreement with the owner of the premise giving the applicant permission to sell malt beverages on the premise.
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor or wine other than malt beverages on the premise described on the permit, nor shall any malt beverage be sold for consumption off the premise authorized by the permit. It shall be the duty and obligation of the permit holder to see that no sales are made to any person under the age of twenty-one (21) years.

5.08.660 - Special malt beverage permit—Limitation number.

- A. The city council may issue not more than one special malt beverage permit to the board of trustees of the University of Wyoming for the sale of malt beverages at a specified location the Student Union on the university campus.
- B. The number of special malt beverage permits for public auditoriums, civic centers or event centers shall be unlimited.

5.08.670 - Special malt beverage permit—Application—Condition for approval.

~~In the event the board of trustees of the University of Wyoming shall~~ Any applicant who desires the issuance of a special malt beverage permit pursuant to the provisions of Sections 5.08.640 through 5.08.710, it shall submit an application to the city council describing the dispensing building and premise, describing with particularity, the location of the primary dispensing room, and, if desired, any temporary dispensing areas for special events within the building in which the primary dispensing room is located. The city council may approve the application for such

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~~additional temporary dispensing areas for special events within the building with the provision that the temporary areas shall be approved by the president of the University of Wyoming or designee.~~

5.08.680 - Special malt beverage permit—Fee.

~~The fee for the special malt beverage permits shall be one hundred dollars set by Resolution.~~

5.08.690 - Special malt beverage permit—Term—Revocation.

~~The permit when issued shall be for a period of one year and may be revoked by the city council when it finds sufficient cause to do so, in accordance with State Statute or Laramie Municipal Code. Revocation proceedings shall be conducted pursuant to the provisions of W.S. 1957, 12-29 and 12-30; provided, that a violation of the provisions of this code or other ordinances of the city shall also constitute a basis for an action to revoke pursuant to such sections.~~

5.08.700 – Special malt beverage permit – Consumption in dispensing room building.

~~Malt beverages obtained in the designated primary or temporary dispensing rooms building shall be consumed only in the primary or temporary room in which the malt beverage was obtained and dispensing building as described in the application.~~

5.08.710 - Special malt beverage permit—Dispensation in compliance with state law.

~~The dispensing rooms building shall be operated, and malt beverages dispensed, sold and consumed, and violations penalized in accordance with the laws of the state and ordinances of the city relating to regulation of alcoholic beverages, except as such laws or ordinances may be in conflict with the provisions of Sections 5.08.640 through 5.08.710.~~

Chapter 5.09 - ALCOHOLIC BEVERAGES

Sections:

5.09.010 - Definitions. (W.S. Section 12-1-101)

“Licensed building” means a building or portion of a building with a single address. If a multi-unit or multi-use building contains an establishment with a liquor license, the City Manager or designee may define a portion of the building as the licensed building.

“Operational” means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and/or malt beverages, for not less than three consecutive months during any calendar year.

5.09.105 - Application for licenses and permits.

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C. No license shall be issued to 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~~one 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~~one years after the license issuance or transfer. Upon a showing of good cause by the licensee, the city council may extend the period in which the business of the licensee is required to become operational, not to exceed one additional year. Any license issued under this chapter shall not be renewed without the required demonstration, nor shall any such license be renewed to extend past the time limits.

5.09.130 - License application—Change of ownership and other information. (W.S. Section 12-4-102)

A. ~~Corporate and limited liability company~~Business entity licensees and permittees shall advise city council within thirty days in writing of any change in the information in any application required under this chapter. The city clerk shall provide the ~~commission~~council a copy of the notification of change.

5.09.140 - Fees.

A. ~~The following~~License fees shall be payable upon renewal of an existing license or upon application for a new license and shall be prorated on a daily basis. All license fees paid under this chapter shall be deposited into the general fund of the city. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

Type of Licensee/Permittee	Fee
Retail license	\$1,500.00
Limited-retail license	\$400.00
Resort license	\$3,000.00
Restaurant license	\$1,500.00

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Type of Licensee/Permittee	Fee
Malt beverage permits for special events	\$50.00 p/24-hour period
Catering permits for special events	\$50.00 p/24-hour period
Open-container permits	\$25.00 p/24-hour period
Twenty-four-hour extra-dispensing room permit	\$25.00 p/day
Golf club-liquor license	\$1,500.00
Micro-brewery or winery permit	\$500.00
Special-malt beverage permit	\$100.00
Bar and grill license	\$1,500.00
Additional dispensing rooms	2/3 of original fee

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Type of Licensee/Permittee	Fee
Transfer (ownership/location)	\$100.00
Hotel/motel minibar	$\frac{1}{2}$ of original fee for limited retail and resort license

B. B.—Any person applying for the issuance, renewal or transfer of any liquor license or permit shall pay to the city a nonrefundable administrative processing fee of ~~twenty-five dollars~~ at the time of filing the application.

C. Fees shall be set by Resolution.

5.09.145 - License—Application—Notice of hearing—Fee. (W.S. Section 12-4-104)

The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-104.

A. —When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with the office of the city clerk, the city clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for four consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____
 NOTICE IS HEREBY GIVEN that on the _____ day of _____, 19_____
 _____ (Name of Applicant) filed an application for a License (Permit), in the Office of
 the Clerk of the City of Laramie for the following described place (and room) (insert description)
 and protests, if any there be against the issuance (transfer or renewal) of the license (permit) will
 be heard at the hour of _____ m., on the _____ day of _____, 19_____
 _____, in the (meeting place of the governing body).
 Dated; daterule;
 Signed _____

B.—Any person applying for the issuance, renewal or transfer of any liquor license or permit shall pay to the city a nonrefundable administrative processing fee of ~~twenty-five dollars~~ at the time of filing the application.

5.09.150 - License—No action permitted until after hearing. (W.S. Section 12-4-104)

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~~A. The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-104. Any license or permit authorized under this chapter shall not be issued, renewed or transferred until after the date set in the notice for hearing protests. If there is a renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or permit. A license or permit shall not be issued, or transferred if the licensing authority finds from evidence presented at the hearing that:~~

- ~~1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;~~
- ~~2. The purpose of this chapter shall not be carried out by the issuance, or transfer of the license or permit;~~
- ~~3. The number, type and location of existing licenses or 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, or transfer of the license or 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 or transfer of the license or permit.~~

5.09.160 - License—Consideration date. (W.S. Section 12-4-106)

The annual date for consideration by the city council of license and permit renewals shall be the first regular city council meeting in April. Accordingly, the term of any licenses or permits issued prior to that time shall be less than one year to coincide with the annual date, and the annual fee shall be prorated accordingly. Any licensee not attempting to renew a newly issued prorated license or permit 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. The executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic or malt beverages under a license, may exercise the privilege of the deceased licensee under such license until the expiration of the same. If a license holder has any outstanding bills or obligations to the City of Laramie, city council has the authority to not renew the license.

5.09.170 License—Renewal preference. (W.S. Section 12-4-104)

~~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.~~

5.09.180 - License—Transferability—When permitted.

A. A person seeking to transfer a license or permit shall submit a new application form and shall pay to the city clerk at the time the application is filed a nonrefundable additional license fee of ~~one hundred dollars~~ as outlined in 5.09.140. After public hearing and with the approval of the city council, a license or permit may be transferred to different premises, a different licensee, or both. A transferred license or permit shall expire on the same date as the original license or permit.

B. No license transfer shall be approved if the license is suspended, or if proceedings to suspend or revoke the license are pending.

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C. No license may be transferred unless the city council makes the findings required in Section 5.09.150 herein and Wyoming Statutes Section 12-4-104(b).

~~D. The city does not recognize any preference rights applicable to a transfer of location, ownership, or both.~~

5.09.300 - Limited retail license—Club—Generally. (W.S. Section 12-4-301)

A. A club holding a limited retail license shall not may sell alcoholic or malt beverages for consumption anywhere except within on 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 insure that all alcoholic or malt beverages sold are consumed within the building, space or on the licensed premises.

B. Limited Retail License holders may dispense alcoholic or malt beverage from locations outside of their licensed building as approved by the city for special events.

5.09.305 - Resort retail license generally. (

The City will follow the notice of hearing procedures as outlined in W.S. Section 12-4-401.)

~~The city council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications herein. To qualify for a resort retail liquor license, the city council shall require the resort complex to:~~

- ~~A. Have an actual valuation of, or that the applicant has committed or expended on the complex, not less than one million dollars, excluding the value of the land;~~
- ~~B. Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred persons; and~~
- ~~C. Include motel or hotel accommodations with a minimum of one hundred sleeping rooms.~~

5.09.310 - Limited retail—Club, resort or restaurant license—Restrictions. (W.S. Section 12-4-404)

Limited retail, resort, bar and grill, and restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Any sale of alcoholic or malt beverages by a club retail liquor license holder or resort or bar and grill or restaurant liquor license holder for consumption off the premises is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.320 - Classes of microbrewery and winery permits—Attributes of each. (W.S. Section 12-4-412)

C. A dual microbrewery or winery permit and restaurant liquor license. The licensee holding a restaurant/bar and grill liquor license may sell its product together with other alcoholic beverages as allowed by the law governing restaurant/bar and grill licenses.

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~~1. The dual holder may provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed, which shall be a separate room from any dining area in which persons twenty one or under 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.~~

~~2.1. The dual holder may, upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages or wines authorized under the permit.~~

~~3.2. The dual holder shall not include the sales of malt beverages or wines authorized under the permit or sales other than food service and alcoholic beverages, in the required annual gross sales report.~~

~~5.09.325 - Regulations - Convention facilities. (W.S. Section 12-5-201)~~

~~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 5.09.450. 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.~~

~~5.09.330 - Twenty four hour permit. (W.S. Section 12-5-201)~~

~~The city council 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 a one-year period.~~

5.09.340 - Bar and grill license.

C. The annual fee for a bar and grill license ~~shall be one thousand five hundred dollars~~ shall be set by resolution, with the fee being assessed on a pro rata basis for the year of application based upon the date of approval and the renewal date. Renewals shall only be for a full year, with no refund in the event of nonuse, relinquishment or forfeiture.

5.09.345 - Special malt beverage permit for the University of Wyoming Union. (W.S. Section 12-4-501)

5.09.350 - Malt beverage permits for special events.

B. A malt beverage permit for special events shall not be held by or issued to ~~any member of the city council or to any county commissioner; any state, county or city law enforcement officer;~~ any manufacturer of alcoholic beverages or wholesaler of malt beverages; any minor; any college fraternity or organization created by one or more college fraternities; any corporation, limited liability company, limited partnership, or limited liability partnership which is not qualified to do business in Wyoming; any individual who is not a resident of the state; or any general partnership or

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group of two or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in the state.

5.09.385 - Microbrewery and winery permits—Authorized. (W.S. Section 12-4-412)

~~A microbrewery permit is the authority under which the licensee is allowed to brew malt beverages in the quantities and under the conditions established by law. A winery permit is the authority, under which the licensee is allowed to manufacture wine in the quantities and under the conditions established by law.~~ The city council may issue microbrewery and winery permits, subject to all restrictions of local, state, and federal law.

5.09.390 – Off-Premise Sales (W.S. 12-6-101(c)(iv)).

Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale of alcoholic or malt beverages.

5.09.400 - Right of entry—Inspection.

A. In addition to all other rights of inspection which the city may or hereafter possess, the city clerk, city ~~environmental health code administration~~, city police department or city fire department or the designee(s) 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.

5.09.425 - Hours of operation—Generally. (W.S. Section 12-5-101)

All licensees shall be controlled by the following schedule for operating hours:

- A. On all days, a licensee may open the dispensing building or room at six a.m. and shall close the dispensing room or building and -cease the sale of both alcoholic and malt beverages promptly at the hour of two a.m. the following day and shall clear the dispensing room or building of all persons other than employees by two-thirty a.m.; and

~~5.09.430—Hours of operation—Clubs exempt.~~

~~Clubs holding liquor licenses shall be exempt from the hours of operation specified in Section 5.09.425 herein.~~

5.09.435 - Restaurant license—Closing hours. (W.S. Section 12-4-410)

All sales of alcoholic and 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 5.09.315 and 5.09.425 herein. Any sale or dispensing after hours by licensee or open after hours of operation contrary to this section

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is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.440 - Hours of operation—Modification. (W.S. Section 12-5-101)

The hours of operation designated in Section 5.09.425 herein may be modified on no more than four days each calendar year by a resolution or agreement made each year by the city council designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing buildings or rooms for a period of twenty-four hours beginning at six a.m.

5.09.445 - Gambling on licensed premises. (W.S. Section 12-5-204)

No person shall gamble and no licensee (including the licensee's employees and agents) shall permit gambling in any room-premise licensed under this chapter. "Gambling" for the purposes of this section is defined Wyo. Stat. Section 6-7-101 et seq. A licensee who permits gambling on a licensed premise contrary to the state statute or Laramie Municipal Code is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.450 - Regulations—Sale on premises. (See W.S. Section 12-5-201)

~~A. — The principal place in which alcoholic and malt beverages are sold under a license shall be located in one room upon the premises for which the license is issued and as approved by the city council. Upon payment of an additional license fee equal to two thirds of the fee paid for the original license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license. The licensed room and the additional dispensing room shall be clearly shown on the liquor license application and located in an area as approved by the city council. 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. The dispensing room, any additional dispensing room, and any approved adjacent or enclosed, are the licensed premises. The licensed premises shall be clearly shown on the liquor license application and located in an area approved by the city council.~~

~~B. — Notwithstanding subsection A of this section, a licensee who holds a license other than a club license or restaurant license, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of one-half of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty one years of age or older. Sales under this subsection shall be only to registered guests age twenty one years or more, are not subject to hours of operation imposed in this chapter, and shall be only for consumption within the sleeping room premises occupied by the guest. The price for all items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device.~~

~~C. — Any sale of alcoholic liquor or malt beverages under a liquor license or malt beverage or catering permit for special events outside of dispensing area contrary to this section is declared to be~~

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a violation of law and may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.465 - Persons eighteen years of age or more permitted to serve beverages. (W.S. Section 12-6-101)

Any person who is of the age of eighteen years or more is permitted to serve alcoholic or malt beverages pursuant to his/her employment in a restaurant which holds a license to serve alcoholic or malt beverages. ~~This section does not authorize servers under the age of twenty-one to be or remain in the dispensing room.~~

5.09.500 - Drive-in—Conditions. (W.S. Section 12-5-301)

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

1. 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;
- ~~2. No part of the area used for orders, delivery and making payment shall be more than forty feet distant from the license room;~~
- ~~3.~~ 2. The area shall be well lighted and subject to inspection by the licensing authority at any and all times;
- ~~4.~~ 3. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;
- ~~5.~~ 4. No order shall be received from, nor delivery made, to a person under the age of twenty-one years or intoxicated person in the area;
- ~~6.~~ 5. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and
- ~~7.~~ 6. 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.

B. Any violation of the drive-in conditions contrary to the city code and as required under this section is declared to be in violation of law and this may result in the assignment of points to the offending licensee pursuant to Section 5.09.800(H) of this chapter.

5.09.610 - Persons under twenty-one years of age—Allowing Prohibited on licensed premises—Prohibited—Exceptions for Retail Liquor Licenses. (W.S. Section ~~12-5-203~~)

A. No holder of a retail liquor license ~~(or the licensee's employee or agent) or his agent or employee shall permit any person under 21 years of age (hereinafter "minor" or "minors")~~ the age of twenty-one years to enter or remain in the place in which the licensee ~~he~~ sells alcoholic liquor or malt beverages or both, or in any licensed room ~~area~~ unless:

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- ~~1. The minor is accompanied by the minor's parent or legal guardian who is over 21 years of age, and is only in a licensed room for the sale of alcoholic or malt beverages for off-premises consumption, which room is separated from any licensed room for on-premises consumption; or The person is accompanied by his or her parent or legal 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 is physically separated from any licensed room for on-premises consumption.~~
- ~~2. The licensee qualifies for one or more exceptions in 5.09.615; or,~~
- ~~3. The licensee is holding a specific event in the licensed premises and allows minors to attend, and the event meets and is subject to all the following The holder of a retail liquor license may hold events where persons under twenty-one are permitted upon the licensed premises under these conditions:~~

a. During the event, the dispensing room where the event is held shall be closed and no alcoholic liquor or malt beverage shall be served to or possessed by any person in that room. "Closed" means that all alcoholic liquor and malt beverages are removed from the room where the event is held and are stored where they are not accessible during the event or are otherwise secured under lock and key so that they cannot be dispensed. The room where the event is held shall be separated from any dispensing room area which is not closed by a wall which extends from floor to ceiling. If that wall has a doorway in it, the doorway shall not be used for passage between the closed room and the other dispensing room area during the event.

~~5.09.615 - Persons under twenty-one years of age—Prohibited on licensed premises—General Exceptions. (W.S. Section 12-5-203)~~

- ~~A. No licensee (or the licensee's employee or agent) shall knowingly permit anyone under 21 years of age to enter or remain in the licensed building where alcoholic or malt beverages are dispensed unless:~~
- ~~1. The licensee is operating under a Limited Retail License (Club), Resort License, or Golf License; or~~
 - ~~2. The licensee applies for and obtains approval of City Council to allow persons under the age of 21 in the licensed premises, on terms or conditions set by City Council; or~~
 - ~~3. The person under the age of 21 is accompanied by their parent or legal guardian who is over 21 years of age, and is only in a licensed room for the sale of alcoholic or malt beverages for off-premises consumption, which room is separated from any licensed room for on-premises consumption; or~~
 - ~~4. The licensee is operating a grocery or retail store, and persons under the age of 21 are only allowed in the areas of the store where alcoholic or malt beverages are not sold; or~~
 - ~~5. The establishment is operating a restaurant and the primary source of revenue (greater than 50% of revenue) of the operation is from the sale of food. Further:~~
 - ~~a. In calculating the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee's revenue from alcoholic and/or malt beverages sold off-premises pursuant to an Alcohol Catering Permit shall not be included in the calculation; and~~
 - ~~b. To allow a determination of the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee shall provide to~~

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City Manager or City Manager's designee such documents or other proof of sales as City Manager or City Manager's designee may request.

B. In no event shall any licensee allow a person under the age of 21 to be seated at a bar from which alcoholic and/or malt beverages are served in the licensed premises.

~~No person under the age of twenty one years shall enter or remain in or upon any licensed room or any part of the licensed premises where alcoholic liquor, malt beverages, or both, are sold under a retail liquor license unless:~~

~~A. Accompanied by his or her parent or guardian who is at least twenty one years of age and 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; or~~

~~B. In a dining area or restaurant waiting area, accompanied by a person who is at least twenty one years of age, and during hours when the full restaurant menu is offered for sale, if the dining or restaurant waiting area is not in a dispensing room.~~

~~1. For the purposes of this subsection, "dining area" is a room or rooms operated by a licensee who employs the number and kinds of employees necessary to prepare, cook, and serve meals, and servers who deliver food and drink ordered from a printed menu to patrons at tables and booths, sufficient to satisfy the licensing authority that the licensee operates a full service restaurant. A licensee who serves only fry orders, prepackaged food, or such food and victuals as sandwiches, hamburgers or salads does not qualify as having a restaurant dining area for the purposes of this subsection.~~

~~2. For the purposes of this subsection, "restaurant waiting area" is an area adjacent to or within a dining area as described in subsection (B)(1) of this section, where patrons may wait for a table or booth in the dining area, and where alcohol is not served or consumed.~~

5.09.800 - Point system for alcoholic beverage license violations and suspensions.

A.

Type of Violation	Code	Point Value
1. Making a false statement on a liquor license or temporary liquor permit application	L.M.C. <u>5.09.125</u>	25
2. Failure to notify city of changes in application information for liquor license or temporary liquor permit	L.M.C. <u>5.09.130</u>	25
3. Sale or transfer of liquor license without permission of city	L.M.C. <u>5.09.185</u>	50
4. Sales or dispensing after hours	L.M.C. <u>5.09.425/5.09.435</u>	25

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Type of Violation	Code	Point Value
5. Failure to post liquor license or special events liquor permit	<u>L.M.C. 5.09.405</u>	<u>10</u>
6. Failure to check identification of underage person	<u>L.M.C. 5.09.630</u>	25
7. Unlawful sale of alcoholic liquor by liquor license holder or permittee of a catering or malt beverage permit (dispensing area)	<u>L.M.C. 5.09.450</u>	25
8. Open after hours	<u>L.M.C. 5.09.425/5.09.435</u>	<u>10</u>
9. Refusal to permit entry or inspection	<u>L.M.C. 5.09.400</u>	25
10. Drive-in area conditions	<u>L.M.C. 5.09.500</u>	25
11. Sale of alcoholic liquor or malt beverage to underage person	<u>L.M.C. 5.09.600/5.09.635</u>	25
12. Underage person on premises, where not allowed by law	<u>L.M.C. 5.09.610/5.09.635</u>	25
13. Failure to post sign indicating you must be 21 years of age to enter premises for special events liquor permits	<u>L.M.C. 5.09.410</u>	<u>10</u>
14. Gambling	<u>L.M.C. 5.09.445</u>	<u>10</u>
15. Club retail liquor license: selling alcoholic liquor or malt beverage for consumption off the licensed premises	<u>L.M.C. 5.09.310</u>	25
16. Restaurant/Bar and Grill liquor license: selling alcoholic beverages or malt liquor for consumption off premises	<u>L.M.C. 5.09.310</u>	25
17. False statements on an application or request to allow minors into an establishment regarding the percent of alcohol sales verses food sales	<u>L.M.C. 5.09.615</u>	<u>100</u>