

TITLE 2
BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

LIQUOR REGULATIONS

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2-1-1: **COMPLIANCE WITH CHAPTER AND STATE LAW:**

- A. For the protection of the welfare, health, peace, morals and safety of the people of the town, it shall be a public policy in the town that the sale, distribution and traffic of alcoholic liquor and malt beverages shall be regulated to the extent of prohibiting all traffic therein except as provided in this chapter, and no sale of such liquors may be consummated in the town except in compliance with the provisions of this chapter and the provisions of Wyoming Statutes sections 12-1-101 through 12-10-101 and subsequent state laws or amendments thereto as the same shall apply to the town.
- B. All licenses and permits provided by this chapter shall be issued, maintained, used, renewed, and transferred in accordance with all applicable provisions of Wyoming Statutes, and all sales made and facilities used pursuant to any license or permit shall be in accordance with all applicable provisions of Wyoming Statutes. If any provision of this chapter is, or subsequently becomes, in conflict with any Wyoming statutory law, the statutory law shall take precedence and the requirements of such law shall be a prerequisite to the issuance of any permit or license under this chapter. (2015 Code)

2-1-2: **DEFINITIONS PER STATUTE:** In the interpretation of this chapter, unless the context clearly indicates a different meaning, the terms "alcoholic liquor", "club", "intoxicating liquor", "licensee", "malt beverage", "person", "restaurant", and "sell", or "sale" shall be as defined in Wyoming Statutes section 12-1-101. (2015 Code)

2-1-3: **AUTHORITY TO GRANT LICENSES; NUMBER LIMITED; TERM:**

- A. Granting Licenses; Number: It shall hereafter be lawful for the mayor and town council to grant to any person applying therefor a license to sell retail alcoholic beverages within the corporate limits of the town, but not more than two (2) retail licenses shall be granted or be in existence at the same time, nor shall more than one license be issued to the person; provided, however, that should any retail liquor license granted by the mayor and council be abandoned or be revoked during the period for which it is granted, a license may be granted to another applicant.
- B. Term: All licenses provided for in this chapter shall be granted for a period of one year. (2015 Code)

2-1-4: **QUALIFICATIONS OF APPLICANT; PAYMENT OF FEE:**

- A. Qualifications: All applicants for a retail liquor license shall possess the qualifications prescribed in Wyoming Statutes sections 12-1-101 through 12-10-101, and subsequent state laws or amendments thereto as the same shall apply to the town. No license shall be granted to any applicant not possessing such qualifications.
- B. Payment Of Fee; Refund: The amount of the license fee shall accompany each application. In the event a license is not granted, the license fee shall be returned to the applicant. (2015 Code)

2-1-5: **FILING OF APPLICATION; PUBLIC NOTICE; HEARING:**

- A. Filing; Notice: All applications for liquor licenses shall be filed with the town clerk and it shall be the duty of such clerk to publish, once a week for two (2) consecutive weeks, in a local newspaper of general circulation, and also display conspicuously on the premises in which place the applicant desires to use as the place of sale, a

notice that such applicant has made application for a license and that protests against the issuance of the license to the applicant will be heard at a time stated in the notice, which shall be at a special or regular meeting of the town council.

B. Form Of Notice: Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the ____ day of _____ 20____. One (name of applicant) filed an application for a _____ license in the office of the clerk of the town of Clearmont, Wyoming, for the following described place (and/or room) (insert description) and protests, if any there be, against the issuance of such license will be heard at the hour of _____, on the ____ day of _____, 20____, in the Council Chambers of the town.

Dated _____ Signed _____

C. Hearing Of Protests:

1. No license shall be issued until after the date set in the notice for hearing protests. Nor shall a license under this chapter be issued if it shall appear at said hearing that the welfare of the people residing in the vicinity of the place for which such license is desired will be adversely affected by the issuance of such license. Such applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. No appeal shall lie from the decision of the mayor and council denying an applicant a license, nor shall any person have an action against the mayor or council or its members by reason of the denial of a license.

2. At the time and place fixed in the notice, the mayor and council shall consider all protests which may be made against the issuance of a license to any applicant and may grant a license to such applicants. (2015 Code)

2-1-6: **LICENSE AND PERMIT FEES:**

A. Fees Imposed: Every person licensed as a retail liquor dealer shall pay annually in advance for a license the sum of four hundred dollars (\$400.00) or amount per state statute.

- B. Disposition Of Fees: All license and permit fees shall be deposited into the town treasury. No refund of all or any part of a license fee shall be made at any time following issuance. (2015 Code)

2-1-7: **FORM OF LICENSE:** All licenses shall be in the form prescribed by the attorney general of the state of Wyoming and shall be signed by the mayor and attested by the town clerk. (2015 Code)

2-1-8: **CLOSING HOURS:** All persons holding a liquor license or permit issued by the town shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of two o'clock (2:00) A.M., and keep the same closed until six o'clock (6:00) A.M., except that such places may open the dispensing room on Sunday no earlier than twelve o'clock (12:00) noon and shall close the dispensing room, ceasing the sale of alcoholic and malt beverages not later than ten o'clock (10:00) P.M., and the licensee shall clear the dispensing room of all persons other than employees no later than ten thirty o'clock (10:30) P.M. (2015 Code)

2-1-9: **MALT BEVERAGE AND CATERING PERMITS:**

- A. Malt Beverage Permit: A malt beverage permit may be issued to any responsible person or organization for the sale of malt liquors only at a picnic, bazaar, fair, rodeo or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt liquors on the premises described in the permit. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquors on the premises described for more than six (6) days by any one person or organization in any one year.
- B. Catering Permit: A catering permit may be issued 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. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of alcoholic and malt liquors on the premises described for more than six (6) days by any one person or organization in any one year.

- C. Issuance: The malt beverage and catering permits shall be issued on application to the mayor and town council without public notice or hearing.
- D. Fee: The fee for such permit shall be twenty five dollars (\$25.00) per day payable in advance to the town clerk. (2015 Code)

2-1-10: **SELLING WITHOUT LICENSE OR PERMIT UNLAWFUL:**
Any person who sells any alcoholic liquor or malt beverage without holding a license or permit authorizing the sale is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one year, or both. (2015 Code)

2-1-11: **VIOLATION; PENALTY:** Any person violating any of the provisions of this chapter, other than section 2-1-10 of this chapter, for which a separate penalty is provided, shall be subject to penalty as provided in section 1-4-1 of this code. (2015 Code)