

**RESOLUTION NO. 2016-21**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, STATE OF WYOMING, PROVIDING FOR THE REGULATION AND CONTROL OF THE SALE, DISTRIBUTION, POSSESSION, AND TRAFFIC OF ALCOHOLIC LIQUOR AND MALT BEVERAGES**

**WHEREAS**, the Board of County Commissioners of the County of Carbon intends to provide for the regulation and control of the sale, distribution, possession and traffic of alcoholic liquor and malt beverages; and

**WHEREAS**, the Board of County Commissioners of the County of Carbon has determined that it is in the best interest of the County to rescind Resolution No. 2010-08 and create a new resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON**, THAT Resolution No. 2010-08 be rescinded and this resolution is hereby created and shall read as follows:

Alcoholic Beverages

**Article I. Definitions and General Provisions**

Section 1.10: Definitions. Except as otherwise noted below, definitions used in this chapter shall be as found in Wyo. Stat. § 12-1-101:

- A. "Clerk": shall mean the County Clerk of the County of Carbon, State of Wyoming.

Section 1.20: Compliance Required.

- A. For the protection of the health, safety and welfare of the residents, citizens and guests hereof, that the sale, distribution, possession and traffic of alcoholic liquor and malt beverages shall be regulated to the extent that all such activity be, and the same hereby is, prohibited, except as provided in Title 12 Chapters 1 through 10, and that no sale at retail or possession of such substances shall occur within the jurisdictional limits of the County as authorized herein and exceptions provided in Wyo. Stat. § 12-1-101 *et seq.*, reserving certain powers to the State of Wyoming. It is the intent of this chapter to comply and coincide with provisions of Wyo. Stat. § 12-1-101, *et seq.*, which regulate such substances.

**Article II. License Application**

Section 2.10: Application for Annual License.

- A. Any person desiring an annual license as authorized by Title 12 Chapter 4 shall make application to the County by delivering to the County Clerk, or County Clerks' designated representative, on the form prepared by the Attorney General pursuant to Wyo. Stat. §§ 12-4-701 and 12-4-102 and provided to the applicant by the Clerk, a completed, verified and signed form. The license fee, or any other fees related to a license shall be paid to the clerk at the time the application is filed or the clerk shall not commence processing the application. The information contained in the applications shall conform to the requirements of Wyo. Stat. § 12-4-102.

- B. Upon receipt of an application for a new, renewal, or transfer of a license, the Clerk shall promptly send one copy of the application to the Wyoming Liquor Commission and shall promptly prepare a notice of application, place a copy of the notice in a conspicuous place at the location shown in the application and publish the notice in a newspaper of general circulation in the county, once a week for four (4) consecutive weeks. The notice shall comply with the provisions of Wyo. Stat. § 12-4-104.
- C. On behalf of the licensing authority, the Clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various County department representatives as required by the County Clerk. Representatives of County departments may enter licensed and permitted premises during regular business hours to make reasonable inspections.

Section 2.20. Restrictions upon Applicants and License/ License Posting

- A. Except as provided in Section 2.10 (B), all permits and license recipients must post the license or permit in a conspicuous place within the licensed dispensing room described in the application.
- B. Any license issued pursuant to Wyo. Stat. § 12-4-103(a) (iv) shall be held by the clerk in the clerk's office, or other locations as designated by the clerk, until the license can be placed in a physically functional building.
- C. Licenses and permits may only be held by certain individuals or groups in accordance with W.S. § 12-4-103.

Section 2.30. Grounds for Denial of License. A license shall not be issued, renewed or transferred if the Board of County Commissioners finds from evidence presented at the hearing required under Wyo. Stat. § 12-4-104, any of the conditions found under Wyo. Stat. § 12-4-104(b), including:

- A. The holder of an expired annual license or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyo. Stat. § 12-4-104(c). No other preference rights are authorized or recognized by Carbon County. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.

Section 2.40. Transfer of Annual License. A person seeking to transfer an annual license shall submit a new application form and shall pay to the clerk at the time of such application a non-refundable additional license fee of one hundred dollars (\$100.00). The transfer application shall be set for public hearing and otherwise considered by the Board of County Commissioners in a manner consistent with Wyo. Stat. § 12-4-601.

Section 2.50. Terms of Annual License.

- A. Annual licenses shall be for a period of not more than one (1) year, expiring each year on August 31. Annual licenses shall be a personal privilege of the licensee.
- B. The executor or administrator of the estate of a deceased licensee, when the estate consists in whole or in part of a business selling alcoholic or malt

beverages under an annual license issued by the County, may exercise the personal privilege of the deceased licensee under terms of the license until the expiration date of the license. If the license of the deceased licensee has not been transferred prior to the annual expiration date, the Board of County Commissioners shall consider the license of the deceased licensee as an unissued license.

- C. When a new application is made outside the normal time period the license fee shall be prorated from the date of approval through August 31.

## **LICENSES AND PERMITS**

### **Section 3.10 Annual Licenses.**

- A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following annual licenses pursuant to state law and this chapter:
- 1) Retail Liquor License, in accordance with Wyo. Stat. § 12-4-201.
  - 2) Resort Retail Liquor License, in accordance with Wyo. Stat. § 12-4-401.
  - 3) Limited Retail Liquor (Special Club) License, in accordance with Wyo. Stat § 12-4-301.
  - 4) Retail Malt Beverage Permit, in accordance with Wyo. Stat. § 12-4-201.
  - 5) Restaurant Liquor License, in accordance with Wyo. Stat. § 12-4-407.
  - 6) Microbrewery Permit, in accordance with Wyo. Stat. § 12-4-412.
  - 7) Winery Permit, in accordance with. Wyo. Stat. § 12-4-412.
    - a. Satellite winery permit in accordance with Wyo. Stat. § 12-4-412(d)
  - 8) Bar and Grill Liquor License, in accordance with Wyo. Stat. § 12-4-413.
  - 9) Special Malt Beverage Permit for Public Auditoriums, in accordance with Wyo. Stat. § 12-4-504.
  - 10) Motel/Hotel Minibar License, as defined in Wyo. Stat. § 12-5-201(e).
- B. The annual fee for each license shall be payable at the time of application, and shall be in the full amount as shown for each class of license below:
- 1) Retail Liquor License annual fee shall be one thousand five hundred dollars (\$1,500.00).
  - 2) Resort Retail Liquor License annual fee shall be two thousand dollars (\$2,000.00).
  - 3) Limited Retail Liquor (Special Club) License annual fee shall be seven hundred fifty dollars (\$750.00).
  - 4) Retail Malt Beverage Permit annual fee shall be five hundred dollars (\$500.00) except that when the permit is being issued for a location within five (5) miles of a city or town, the fee shall not be less than the comparable fee charged by the adjacent city or town.
  - 5) Restaurant Liquor License annual fee shall be two thousand dollars (\$2,000.00) except that when the license is being issued for a location within five (5) miles of a city or town, the fee shall not be less than the restaurant liquor license fee charged by that city or town.
  - 6) Microbrewery Permit annual fee shall be five hundred dollars (\$500.00).
  - 7) Winery Permit annual fee shall be five hundred dollars (\$500.00).
    - a. Satellite winery permit annual fee shall be one hundred dollars (\$100.00).

- 8) Bar and Grill Liquor License annual fee shall be one thousand five hundred dollars (\$1,500.00).
  - 9) Special Malt Beverage Permit for Public Auditoriums annual fee shall be one thousand five-hundred dollars (\$1,500.00).
  - 10) Motel/Hotel Minibar License annual fee shall be one-half (1/2) the fee paid for the original license.
  - 11) Additional dispensing room annual fee shall be two thirds (2/3) of the fee paid for the original license.
- C. No refund of all or any part of any license fee shall be made at any time following the issuance of the license.

Section 3.20. Temporary Licenses and Permits.

- A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following temporary licenses pursuant to state law and this chapter:
- 1) Extended Club Hours Permit, as defined in Wyo. Stat. § 12-5-101(b).
  - 2) Temporary Dispensing Room Permit, as defined in Wyo. Stat. § 12-4-504 and 12-5-201(f), (g), (h), and (j).
  - 3) Temporary Dispensing Room Permit fee shall be ten dollars (\$10.00) per twenty four (24) hour period.
  - 4) For an extended Club Hours Permit there shall be no fee.
- B. The Carbon County Clerk is hereby authorized to issue the following 24-hour permits.
- a. Applications for these permits shall be accompanied by a letter from the owner(s) of the property where the event is to be held approving the sale of alcohol or malt beverages.
  - b. No person or organization shall receive more than twelve (12) malt beverage and twenty-four (24) catering permits for sales at the same premises in any one (1) year with the exceptions as defined in Wyo. Stat. § 12-4-502(c).
    - i. Malt Beverage Permit as defined in Wyo. Stat. § 12-4-502(a).
    - ii. Catering Permit as defined in Wyo. Stat. § 12-4-502(b).
    - iii. Malt Beverage Permit fee shall be fifty dollars (\$50.00) per twenty-four (24) hour period.
    - iv. Catering Permit fee shall be fifty dollars (\$50.00) per twenty-four (24) hour period.
- C. The person or organization requesting any of the permits outlined in 3.20 B shall present with the application for permit written agreement with the owner of the property giving said applicant the right to sell concessions within or on the property for the period for which the license will be effective.
- D. Application for any 24-hour permit issued under this chapter shall be made on the form for such provided by the County Clerk. The Clerk shall issue the requested permit in those cases authorized by this chapter. The Clerk shall then notify the Carbon County Sheriff's Office of the issuance of the permit. Where reason for denial is determined by the Clerk, the Clerk may deny the issuance of the permit. In those instances where the Clerk has refused to issue

the requested permit, the applicant may request an appearance before the Board of County Commissioners and the Clerk shall place the matter upon the agenda for the Board of County Commissioners' determination.

- E. No refund of all or any part of any temporary license or permit fee shall be made at any time following the issuance of the license.
- F. Upon application in writing to the County Clerk and upon approval of the Board of County Commissioners, persons holding an operating limited retail (club) or restaurant liquor license, who are operating golf clubs, may sell and dispense alcoholic beverages within the boundaries of the golf club premises.

#### **Article IV. Restrictions**

##### **Section 4.10. Hours of Operation.**

- A. All licensees and permittees holding an annual or temporary license under this chapter shall be controlled by the schedule of hours set forth in subsection C of this section.
- B. The hours of operation for all licensees and permittees shall be as follows:
  - 1) On all days a licensee may open the dispensing room no earlier than six o'clock (6:00) a.m. and shall close the dispensing room and cease the sale of alcoholic and malt beverages not later than two o'clock (2:00) a.m.
- C. Excessive drinking of alcoholic liquor and malt beverages or disorderly conduct in any place licensed under this chapter shall not be permitted by the licensee. In addition to any penalty provided by the code or state law, excessive drinking or disorderly conduct may be caused for the initiation of suspension and/or revocation procedures.

**Section 4.20. Drive-in Facilities.** Upon approval of the original application by the Board of County Commissioners, or the renewal thereof, a drive-in area adjacent to or contiguous with 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 or malt beverages under the terms and conditions found in W.S. § 12-5-301.

#### **Article v. Violations**

##### **Section 5.10. Falsification of Application.**

- A. It is unlawful for any person or organization to knowingly submit false information or false facts as true, or to submit a fact or piece of information without knowing such to be true or false, on an application for any license or permit authorized by this chapter, and that each application is being submitted shall be sworn to be true to the best of the knowledge by the person submitting such application.
- B. If, in the opinion of the County Attorney, a liquor license holder has acted in violation of this section, the County Attorney shall, upon action of the licensing authority, take action on behalf of the licensing authority pursuant to W.S. § 12-7-201 seeking revocation of the license or permit. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of this section.

**Section 5.20. Possession by Underage Persons.** It is unlawful for any person under the age of twenty-one (21) years to possess, buy, sell, drink, consume or otherwise solicit the sale or purchase of alcoholic liquor or malt beverages in the County. As used in this

section, possession shall also include alcohol which has been consumed and is present within the body at the time of determination.

Section 5.30. Sales to Underage Persons. It is unlawful for any person to sell, give or deliver any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, provided, however, that such prohibition shall not apply to any parent or guardian providing such to his or her child in the confines of their home.

Section 5.40. Use of False Proof of Age or Identity. It is unlawful for any person under the age of twenty-one (21) years to make, use or possess any identification which falsely indicates the person's age as greater than twenty-one (21) years, whether in the person's correct name or not, or attempt to obtain any alcoholic liquor or malt beverage using any false identification.

Section 5.50. Dispensing Room Restrictions.

- A. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in the dispensing room or brewing area of any premises licensed or permitted under this chapter to dispense or brew alcoholic liquor or malt beverages, except as provided for in this section.
- B. No licensee, permittee or agent, employee or servant to a licensee or permittee shall permit any person under the age of twenty-one (21) years to enter or remain in a dispensing room or brewing area of a licensed premise owned, operated, leased or managed by them.
- C. This subsection shall not apply to a licensee's employee under the age of twenty-one (21) years when, in the course of his employment, the employee is in the dispensing room and the dispensing room or brewing area is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages.
- D. This subsection does not apply to a person under the age of twenty-one (21) years if the underage person is in a dining or waiting area within the dispensing room with an adult no later than ten o'clock (10:00) p.m. Used herein, "adult" is defined as a person over the age of twenty-one (21) years, and "dining or waiting area" means specifically delineated area which has been submitted with the licensee's application.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2016.

BOARD OF CARBON COUNTY COMMISSIONERS

By: -s- John Espy, Chairman

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk