

ALCOHOLIC BEVERAGES CHAPTER 3. ALCOHOLIC BEVERAGES

*For state law as to authority of town to regulate, prohibit or license the sale of alcoholic and/or malt beverages, see W.S., 1977, § 12-2-101. As to alcoholic beverages generally, see W.S. 1977, § 12-1-101 et seq.*

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Article I. Definitions.

,Sec. 3-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

*For similar state law, see W.S., 1977,  
§12-i -101 (a) (i) .*

Alcoholic liquor. Any spirituous or fermented fluid intended for beverage purposes containing more than one per centum of alcohol by volume.

Bottle club. An operation or enterprise whereby space is given or rented to any person upon the club premises for the

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keeping or storage of alcoholic or malt beverages, for consumption upon the club premises, or in other rooms nearby used for consumption by the owner of the beverages or by the guests, the income, profits or fees of the operator of the bottle club being secured from sales of furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards or assessments.

Club. 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 town;

(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 town. As used in this subsection, 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 golf club having more than fifty bona fide members and owing, maintaining or operating a bona fide golf course together with a clubhouse; [Amended during 1995 supplementation to comply with State law.]

(d) A social club with more than one hundred bona fide members who are residents of Platte County, 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 town council and the Wyoming State Liquor Commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the town council and the Wyoming State Liquor 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 limited retail liquor license, shall be in good standing by having paid at last one full year in dues.

Limited retail liquor license. The authority under which clubs shall be permitted to sell alcoholic and malt beverages.

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Malt beverage. Any fluid intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor containing more than one per centum of alcohol by volume.

Restaurant. A suitable place in a building kept, used, maintained, advertised and held out to the public to be a place where meals are prepared and served; such space being provided with such adequate kitchen and dining room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking and serving meals for guests as shall satisfy the governing body that such space is intended for the use primarily as a place for preparing, cooking and serving meals, and that the chief source of revenue to be derived from the operation of such place shall be from the preparation, cooking and serving of meals and not from the sale of alcoholic or malt beverages.

Retailer. A person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.

Retail liquor license. The authority under which a retailer shall be permitted to sell alcoholic or malt beverages for use or consumption but not for resale.

Sell; sale. Offering for sale, trafficking in, bartering, delivering for value, exchanging for goods, or acting in any way other than purely gratuitously. Every delivery of any alcoholic or malt beverage made otherwise than by gift shall constitute a sale.

*For similar state law definitions, see W.S., 1977, 55 12-1-101 and 12-4-302.*

### Article II. Licensing and Operation.

*For state law as to maximum number of licenses that may be issued, see W.S., 1977, § 12-4-101.*

#### Sec. 3-2. Applications.

(a) Any person desiring a license under this chapter shall apply to the town council for the same. Such application shall be made upon a form prepared by the attorney general and shall meet the requirements prescribed by applicable Wyoming Statutes. The application shall be filed in the office of the Town Clerk.

*For similar state law, see W.S. S12-4-102(a).*

(b) Each applicant shall, at the time of filing an application, pay the clerk an amount sufficient to cover the publishing the required statutory notice. applica- costs  
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*For similar state law, see W.S., 1977, § 12-4-102. As to duty of attorney general of state to prepare and furnish forms, see W.S., 1977, § 12-4-701.*

Sec. 3-3. Procedure upon application.

The procedure to be followed when an application has been filed shall be as prescribed by applicable Wyoming Statutes.

*For similar state law, see W.S. 1977, Title 12.*

Sec. 3-4. Appeal of denials--Renewal applicants only.

No applicant for a license under this chapter shall have a right of appeal from the decision of the governing body denying an application except applicants holding a license which is expiring and who are applying for a renewal.

*For state law as to appeal procedures, see W.S., 1977, § 12-4-104.*

Sec. 3-5. Term.

A license shall be a personal privilege, good for one year unless sooner revoked.

*For similar state law, see W.S., 1977, § 12-4-106.*

Sec. 3-6. Renewals.

All renewals for a license shall be controlled by applicable Wyoming Statutes.

*For state law as to appeal procedures, see W.S., 1977, § 12-4-104.*

Sec. 3-7. Hours of operation of retailers,

All persons licensed under this chapter shall, on all days except Sunday, close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of 2:00 a.m. and shall clear the dispensing room of all persons other than employees by 2:30 a.m. and keep the same closed until 6:00 a.m. the same day. On Sunday the dispensing room may be open between the hours of 12:00 noon and 10:00 p.m. and the dispensing room shall be cleared of all persons other than employees by 10:30 p.m.; provided, that in January of each year the town council may designate a total of four days when all licensees may operate without restriction as to closing hours. [Amended in 1995 Supplementation to comply with state law.]

*For state law as to hours of operation, see  
W.S., 1977, § 12-5-101.*

Sec 3-8            Regulations and restrictions as to places of  
sale.

(a) Location. The place in which alcoholic and malt beverages are sold under a retail liquor license shall be located in one room, at such location upon the premises for which the retail liquor license is issued as shall be approved by the governing body; except, that the licensee thereof may have and maintain one additional dispensing room in the same building, which additional dispensing room shall be operated under the authority of the same license as authorizes the licensee to operate a dispensing room as herein provided. The additional dispensing room may be on any floor.

The licensee shall pay an additional fee equal to two-thirds of the fee paid for the retail license for authority to operate an additional dispensing room. Alcoholic and malt 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 local licensing authority. [Amended in 1995 supplementation to comply with state law.]

(b) Items which may be sold. Only alcoholic and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed room.

(c) Inspections. All places licensed under this chapter shall be open for inspection by any peace officer at any time and such officers may enter therein without a search warrant for such purpose.

(d) Separation of certain facilities. The retail licensee may maintain an area for the sale of alcoholic and malt beverages for off-premises consumption. In such cases the 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 if they are connected by a doorway to permit persons to pass freely between the two facilities. No addition fee shall be assessed against a licensee who separates the licensed premises in this manner.

(e) Additional rooms for convention facilities. If the licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room for the same fee required by section 3-12(a).

*For similar state law, see W.S., 1977, § 12-5-201.*

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Sec. 3-9. Clubs.

Clubs shall be licensed under a limited retail liquor license.

No club holding a limited retail license shall sell alcoholic or malt beverages for consumption anywhere except in the licensed premises and for consumption by its members and guests. It shall be the duty and obligation of each club to check and regulate the sale to members and guests and any and all alcoholic or malt beverages sold by it shall be consumed in the licensed premises.

*For similar state law, see W.S., 1977, § 12-4-301. [Corrected to reflect correct statutory provisions.]*

Sec 3-10 Malt beverage permits

A malt beverage permit authorizing the sale of malt beverages only may be Assued by the appropriate licensing authority to any representative 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 permid, nor shall any malt beverage a sold or consumed off the premises authorized by the permid.

*For state, law for this section, see W.S., 1977, <sup>f</sup> "2-4-502(a). [Amended in 1995 supplementat-on to comply with state law.]*

Restaurants may be issued restaurant li.-ruor licenses upon application and upon meeting all requirements pi-ascribed by Wyoming Statutes. Any restaurant license issued shall be subject to all restrictions imposed by Wyoming Statutes.

Sec. 3-12. Fees.

(a) Every person licensed as a retail liquor dealer shall pay an annual fee of one thousand, five hundred dollars (\$1,500.00).

(b) Every club licensed under a limited retail liquor license shall pay an annual fee of one hundred dollars (\$100.00).

(c) Every person issued a permit pursuant to section 3-10 shall pay a fee of ten dollars (\$10.00) per day.

(d) Every restaurant licensed under a restaurant license shall pay an annual fee of one thousand, five hundred dollars (\$1,500.00).

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*For state law as to minimum and maximum license fees which municipalities may charge, see W.S., 1977, § 12-4-201. As to disposition of fees received, see W.S., 1977, § 12-4-105. As to refund of fees, see W.S., 1977, § 12-4-105. As to fee for operation of additional dispensing room, see W.S., 1977, § 12-5-201.*

### Article III Prohibited Acts and Penalties

#### Sec. 3-13 Prohibited acts generally.

- (a) No person shall operate a bottle club.
- (b) No holder of a license, his servant or employee, shall sell, give or deliver alcoholic or malt beverages to any person under the age of twenty-one or permit any person under the age of twenty-one to enter or remain in the place in which alcoholic or malt beverages are sold.
- (c) No person under the age of twenty-one shall purchase, attempt to purchase or have any alcoholic or malt beverage in his possession or shall be under the influence of alcoholic or malt beverages.
- (d) No person under the age of twenty-one shall falsify any identification or use any false identification in order to obtain alcoholic or malt beverages.
- (e) No person under the age of twenty-one shall enter or remain in any establishment which sells alcoholic or malt beverages, except a person under the age of twenty-one may enter and remain in any room in which a regular retail food service is conducted and which room adjoins a licensed room.
- (f) No person shall possess for sale, sell or dispense any alcoholic or malt liquor without first obtaining a license to do so and paying the license fees therefor.
- (g) No person shall permit gambling in a licensed or dispensing room.
- (h) This ordinance does not apply to possession of alcoholic or malt beverages by a person under the age of twenty-one:
  - (1) when making a delivery of alcoholic or malt beverages pursuant to his employment,
  - (2) who is in the physical possession of his parents or legal guardian,
  - (3) who is dispensing or serving alcoholic or malt

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beverages or otherwise working in a dispensing room pursuant to his employment, if the person was at least nineteen years of age on or before July 1, 1988. (Ord. No. 511, Ord. No. 483, and Ord. No. 583]

*For similar state law, see W.S. 1977, § 12-6-101. As to operation of bottle clubs, see W.S. 1977, §§ 12-4-302 and 12-4-303. As to possession, importation, etc., of beverages on which excise tax not paid, see W.S., 1977, §§ 12-3-101 and 12-3-102. As to selling or receiving beverages on credit, see W.S., 1977, § 12-5-402. As to gifts, etc., to retailers by manufacturers, see W.S., 1977, §§ 12-5-402 and 12-5-403. As to sales to certain persons after notice, see W.S., 1977, § 12-5-502. As to possession, etc., of beverages, in motor vehicle, with intent to furnish to a minor, see W.S., 1977, §§ 12-6-101 and 12-6-102.*

Sec. 3-14. Violation deemed misdemeanor.

The violation of any provision of this chapter shall be a misdemeanor.

Sec. 3-15. Violation--Procedures for revocation or suspension of license.

(a) In addition to any other penalty which may be imposed pursuant to the provisions of this Code or state law, the violation of any provision of this chapter by any licensee may be sufficient cause for the suspension or revocation of the license.

(b) An action to revoke any license or permit for the reason that the license was unlawfully granted; or that the licensee or permittee was not entitled to receive the same; or that the place of sale in which alcoholic or malt liquors are sold under such license is not a proper place for sale of the same; or that the licensee or permittee is permitting activities in such place of sale forbidden by ordinance or which are detrimental to the welfare, health, morals and safety of the people of the town; or that the licensee or permittee has violated any of the provisions of this chapter, may be brought in the name of the town. Such action shall be civil in nature and commenced as are civil actions.

*For state law as to procedures to revoke or*

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*suspend licenses, see W.S., 1977, § 12-7-101.*