

Town of Mountain View, Wyoming

ORDINANCE 2017-2

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER FOUR OF THE MOUNTAIN VIEW TOWN CODE AND INCORPORATING AND RE-CODIFYING PAST AMENDMENTS TO THE ALCOHOLIC BEVERAGES ORDINANCE.

WHEREAS, the Town of Mountain View has codified an Alcoholic Beverages Code which is beneficial for the Town;

WHEREAS, since the adoption of the Alcoholic Beverages Ordinance, the State of Wyoming has made changes and it would be beneficial to the public and the Town Council to amend and restate Chapter Four of the Mountain View Town Code.

WHEREAS, it is in the best interests of the Citizens of Mountain View to have a clearly stated and uniformly applied ordinance regarding alcoholic beverages; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MOUNTAIN VIEW, WYOMING, THAT:

Section One. Alcoholic Beverages Code Ordinances re-codified.

Ordinances 11-79 and 88-3 which create, add to and amend the Mountain View Code regarding Alcoholic Beverages are hereby re-codified to incorporate all said ordinances into one document. The attached document, captioned "Mountain View Alcoholic Beverages Ordinance – May 2017 Amendment", is by reference made a part of this Ordinance and is hereby adopted to be Chapter 4 of the Code of the Town of Mountain View and applicable and enforceable therein.

Section Two. Changes to Chapter 4.

A redlined version of the revisions to Chapter 4 is attached to this Ordinance.

These amendments and additions contained in the alcoholic beverages code document attached are hereby adopted.

Section Three. Repealer.

Any Ordinance, regulation or policy of the Town of Mountain View that is found to be in conflict with the terms and conditions of the above adopted "Mountain View Alcoholic Beverages Ordinance- May 2017 Amendment", is hereby repealed to the extent of that conflict.

PASSED AND APPROVED ON FIRST READING THIS THE 16th DAY OF MAY, 2017.

Scott Dellinger
Scott Dellinger, Mayor

ATTEST:
Penny Robbins
Penny Robbins, Clerk

PASSED AND APPROVED ON SECOND READING THIS THE 6th DAY OF JUNE, 2017.

Scott Dellinger
Scott Dellinger, Mayor

ATTEST:
Penny Robbins
Penny Robbins, Clerk

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING THIS THE 20th DAY OF JUNE, 2017, AND BE IT THEREFORE ORDAINED TO BE IN FULL FORCE AND AFFECT.

Scott Dellinger
Scott Dellinger, Mayor

ATTEST:
Penny Robbins
Penny Robbins, Clerk

CERTIFICATE OF PUBLICATION

I, **Penny Robbins**, duly authorized Clerk of the Town of Mountain View, Wyoming, do hereby certify that a copy of the above Ordinance 2017-2 was published in the Bridger Valley Pioneer on the 7 day of July, 2017.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE TOWN OF MOUNTAIN VIEW, WYOMING.

Penny Robbins
Penny Robbins, Clerk

SEAL

Section 1: Chapter 4 of the Code of the Town of Mountain View, Wyoming is amended and restated to read as follows:

CHAPTER 4

ALCOHOLIC BEVERAGES

ARTICLE I. GENERAL PROVISIONS

Section 4-1 Definitions

(a) Alcoholic Liquor. Any spirituous or fermented fluid, substance, or compound, other than malt beverage, intended for beverage purposes containing more than one per cent (1%) of alcohol by volume, including alcohol, brandy, whiskey, rum, gin, wine, or other liquids and compounds.

(b) Building. A roofed and walled structure set in place for permanent use.

(c) Club. Any of the following organizations:

(i) 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;

(ii) 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 sub-paragraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

(iii) a hall or building association of a local unit specified in sub-paragraphs (i) and (ii) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

(iv) a golf club having more than fifty (50) bona fide members owning, and maintaining or operating a bona fide golf course together with a clubhouse;

(v) a social club with more than one hundred (100) members who are residence of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a non-profit organization 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 (\$25.00) 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 Liquor Commission a true copy of its by-laws and shall further, upon applying

for a renewal of its license, file with the Town Council and the Wyoming 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 the amounts expended for such activities. Club members, at the time of application for a limited retail liquor license, pursuant to Section 4-11, shall be in good standing by having paid at least one full year in dues;

(vi) club does not mean college fraternities or labor unions.

(d) Drug Store. Space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions are compounded and where a registered pharmacist is regularly employed.

(e) "Intoxicating Liquor," "Alcoholic Liquor," "Alcoholic Beverage," and "Spiritous Liquor" are construed as synonymous in meaning and definition.

(f) Licensee. A person holding a (i) retail liquor license, (ii) limited retail liquor license, (iii) resort liquor license, (iv) malt beverage permit, (v) restaurant liquor license, or (vi) catering permit.

(g) Limited Retail Liquor License. The authority under which clubs shall be permitted to sell alcoholic and/or malt beverages.

(h) Malt Beverage. Any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor containing more than one per cent (1%) of alcohol by-volume.

(i) Original Package. Any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

(j) Person. An individual person, a partnership, a corporation, or an association.

(k) Resident. A domiciled resident and citizen of Wyoming for a period of not less than one (1) year, who has not claimed residence elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this chapter.

(l) Restaurant. 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-premise 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. This means that the building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the Town Council that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

(m) Retail Liquor Dealer. A retail liquor dealer shall be any licensee who sells alcoholic or malt liquors under a retail liquor license.

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

(o) Room. An enclosed, partitioned space within a building. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

(p) Sell, Sale. Offering for sale, trafficking in, bartering, delivering or dispensing and pouring for value, exchange 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.

(q) "This Ordinance." Chapter 4 of the Code of the Town of Mountain View, Wyoming.

Section 4-2. Application of Provisions.

The general control and regulatory provisions of this ordinance apply to all licenses and permits authorized under this ordinance apply to all licenses and permits authorized under this ordinance, unless otherwise provided.

ARTICLE II. LICENSES

Division 1. General Provisions

Section 4-3. Application for Licenses and Permits.

(a) Any person desiring a license or permit authorized by this ordinance shall apply to the Town Council of the Town of Mountain View. The application shall be made under oath upon a form prepared by the Attorney General of the State of Wyoming, filed in the office of the Town Clerk, and shall contain the following provisions:

(i) the location and a 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 plan of the room in the premises to be licensed;

(ii) 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;

(iii) a disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and of any conviction of a violation of Wyoming law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;

(iv) if the applicant is a corporation : (A) the name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten per cent (10%) or more of the outstanding and issued capital stock of the corporation; and (B) whether any officer, director or stock- holder with ten per cent (10%) or more ownership has been convicted of a violation of law as provided in paragraph (iii) of this sub-section;

- (v) a statement indicating the financial condition and financial stability of the applicant;
- (vi) the site and the zoning of the site where the applicant will sell under the license.

(b) Said application shall be accompanied by a fee sufficient to defray the cost of publication of the notice that such applicant has made application for such a license.

(c) 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 upon their oath as individuals that the statements and provisions are true.

Section 4-4. Restrictions upon License and Permit Applicants .

(a) A license or permit authorized by this ordinance shall not be held by, issued or transferred to:

- (i) any mayor, member of the Town Council or County Commissioner, within their respective jurisdictions;
- (ii) any person employed by the State or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;
- (iii) any person who does not own the building in which the sales 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 or malt beverages may be sold upon the leased premises except as provided by paragraph (iv) of this sub-section.
- (iv) any licensee whose building in which alcoholic or malt beverages may be sold is not in the existence or operational within ~~two (2)~~ one (1) years after the license or permit has been issued;
- (v) any licensee who does not annually purchase at least ~~Two Hundred Fifty Dollars (\$250.00)~~ Two Thousand Dollars (\$2,000.00) of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler except any licensee having a planned building not in existence or not operational pursuant to paragraph (iv) of this subsection;
- (vi) a manufacturer of alcoholic beverages or wholesaler of malt beverages;
- (vii) a minor;
- (viii) a college fraternity or organization created by one or more college fraternities;
- (ix) a chamber of commerce;
- (x) a corporation which is not qualified to do business in Wyoming;
- (xi) an individual or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

(b) No licensing authority shall issue more than one license or permit to any one person.

Section 4-5. Publication of Notice of Application; Grant or Denial of License or Permit.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with the Town Council, the Town Clerk shall promptly prepare a notice of application and place the notice conspicuously upon the premises show by the application as the proposed place of sale and publish the notice in the newspaper of local

circulation once a week for ~~four~~ two (2) 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 Town Council. Each application shall, at the time of filing this application, pay the Town Clerk in the amount sufficient to cover the costs of publishing notice.

(b) Any license or permit authorized under this title shall not be issued, renewed 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 (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the Town Council finds from evidence presented at the hearing:

- (i) the welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
- (ii) the purpose of this ordinance shall not be carried out by the issuance, renewal or transfer of the license or permit;
- (iii) the number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;
- (iv) the desires of the residents of the Town of Mountain View will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or
- (v) any other reasonable restriction or standards which may be imposed by the Town Council shall not be carried out by the issuance, renewal 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 public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the Town Council.

(d) An applicant for a renewal license or permit may appeal to the District Court from an adverse decision by the Town Council. No applicant for a new license shall have a right of appeal from the decision of the Town Council denying an application.

Section 4-6. Signing and Attestation; Contents; Display.

(a) Each license issued by the municipality shall be signed by the mayor and attested by the clerk.

(b) The following shall be shown in each license:

- (i) the name of the licensee;
- (ii) ~~a description of the place in which alcoholic and/or malt beverages may be sold;~~
Buildings with other activities that include underage patrons must have a distinct separation of the dispensing area;
- (iii) the date of issuance;
- (iv) the amount of the fee and that the same has been paid.

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

Section 4-7. Disposition of License Fee.

All fees for licenses and permits issued by the Town Council paid under this title shall be deposited into the treasury of the Town of Mountain View. No refund of all or any part of a license fee shall be made at any time following issuance.

Section 4-8. Terms of Licenses and Permits.

(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. 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 permit may be less than one year if specified by the Town Council to coincide with the annual date or dates set by the Town Council for consideration of license and permit issuance, renewal and transfer. For a license or permit issued by the Town Council for a period less than one year, the annual fee shall be prorated accordingly. Any licensee not attempting to renew a newly-issued prorated license or permit valid for one year shall not be eligible for any license or permit authorized under this ordinance for a period of two years after the expiration of the prorated license or permit.

Division 2. Retail Liquor Licenses and Permits

Section 4-9. Retail Liquor Licenses.

(a) A retail liquor license is the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(b) Every person granted a retail liquor license by the provisions of this ordinance shall pay annually, in advance, for a license hereunder, the sum of ~~\$500.00~~\$750.00. The license fee shall be paid to the Town Clerk before the license is issued. The annual fee may be changed by Resolution of the Town Council of Mountain View, Wyoming.

Section 4-10. Sales by Drug Stores.

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

Division 3. Special Club Licenses.

Section 4-11. Sales by Clubs.

(a) Bona fide clubs as defined by Section 4-1(c) may be licensed by the Town Council under a limited retail liquor license for which the licensee shall pay a license fee of \$100.00 annually in advance.

(b) At least 51% of the membership of a social club as defined by Section 4-1 (c) (v) shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the Wyoming Liquor Commission and shall include the residence address of each member signing the petition.

(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 accompanying guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanying guests to insure that all alcoholic or malt beverages sold are consumed within the building space or premises .

Section 4-12. Bottle Clubs .

(a) Definition. A bottle club is an operation or enterprise giving or renting space to persons upon the club premises for the keeping or storage of alcoholic or malt beverages, for consumption upon the club premises by the persons or their guests where the income, profits, or fees of the operator of the bottle club are derived from sales of or furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards, or assessments .

(b) Penalty for operating unlicensed bottle club. It is unlawful to operate an unlicensed bottle club in the Town of Mountain View. Any person operating an unlicensed bottle club is guilty of a misdemeanor and upon conviction shall be fined not more than \$100.00 for each offense. Each day of operation shall be deemed a separate offense.

Division 4. Resort Liquor Licenses

Section 4-13. Resort Retail Liquor Licenses.

(a) Authorized. The Town Council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection of this section.

(b) Qualifications. To qualify for a resort retail liquor license, the Town Council shall require the resort complex to:

- (i) have an actual valuation, or the applicant shall have committed or expended on the complex, not less than one million dollars, excluding the value of the land;
- (ii) include a restaurant and a convention facility , which convention facility shall seat no less than 100 persons; and
- (iii) include motel or hotel accommodations with a minimum of 100 sleeping rooms.

Section 4-14. Sale of Beverages for Off-Premises Consumption Prohibited.

Resort liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee . The dispensing of alcoholic or malt beverages licensed to be sold hereunder shall be controlled by Section 4-27 of this ordinance.

Section 4-15. Annual Fee.

The annual fee for a resort liquor license shall be ~~\$500.00~~ \$750.00 -payable in advance. The annual fee may be changed by Resolution of the Town Council of Mountain View, Wyoming.

Section 4-16. Applicability of Other Provisions.

The general control and regulatory provisions of this ordinance shall apply to resort liquor licenses except as otherwise provided.

Division 5. Restaurant Liquor License

Section 4-17. Restaurant Liquor Licenses; Authorized.

Restaurants as defined by Section 4-1 (1) may be licensed by the Town Council under a restaurant liquor license. In addition to the application requirements required by this ordinance, the license applicant shall submit a valid food service permit upon application.

Section 4-18. Revenues of Licensee to be Derived Primarily from Food Service and not the Sale of Alcoholic Beverages.

(a) An applicant for a restaurant liquor license shall satisfy the Town Council that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not the sale of alcoholic or malt beverages.

(b) When renewing a restaurant liquor license, the Town Council shall condition renewal upon a requirement that not less than sixty per cent (50%) of gross sales from the preceding twelve (12) months operation of a licensed restaurant be derived from food services.

(c) Upon application for a license renewal a license holder shall submit an annual report to the Town Council of the sales of the licensed restaurant. The reports shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories:

- (i) food service sales; and
- (ii) alcoholic and malt beverage sales.

Section 4-19. Transfer of Licenses.

No restaurant liquor licenses shall be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the Town Council .

Section 4-20. Regulations and Restrictions on Restaurant Liquor Licenses .

(a) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over ~~2149~~ 21 years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license and any person over ~~2149~~ 21 years of age is permitted to enter the separate dispensing room.

(c) 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 4-26 of this Chapter if food sales and services extend beyond the hours specified therein.

Section 4-21. Restaurant ~~and Bar and Grill~~ Liquor License Fee.

The annual fee for a restaurant liquor license ~~and a bar and grill liquor license~~ shall be ~~\$500.00-750.00~~ payable in advance. The annual fee may be changed by Resolution of the Town Council of Mountain View, Wyoming.

Division 6. Special Permits

Section 4-22. Twenty-Four Hour Malt Beverage Permit and Catering Permit.

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the Town Council 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.

(b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the T6Bp Council 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 or malt beverages off the premises described in the permit.

(c) The permits authorized for this section shall be issued for one twenty-four hour period subject to the schedule of operating hours provided by Section 4-26 of this ordinance, and shall not authorize sales or consumption on the premises described for more than six (6) twenty-four hour periods in any one year by the same permittee.

(d) The malt beverage permit and the catering permit shall be issued on application to the Town Council without public notice or hearing. 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 application for a permit.

(e) The fee for the malt beverage permit and the catering permit shall be \$25.00 payable in advance.

Section 4-23. Hospitals, Religious Organizations, Physicians, and Dentists.

An alcoholic beverage permit is required for the purchase from the Wyoming Liquor Commission or a wholesaler of alcoholic or malt beverages by hospitals, religious organizations, and licensed physicians and dentists, but the permit shall not authorize resale and shall be issued gratis by the Town Council.

Division 7. Sale, Assignment, and Transfer

Section 4-24. Transfer of Licensed Location and Ownership.

(a) After public hearing and with the approval of the Town Council, a license or permit, except a restaurant license, may be transferred to or renewed on different premises on the same basis as the original application except that no additional license fee is required during the term of the license or permit. The transferred license or permit shall expire on the same date as the original license or permit.

(b) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the Town Council which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or the 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 Town Council if proceedings are pending to suspend, revoke, or otherwise penalize the original license or permit holder. A transferrable license or permit shall not require the payment of any additional license fee for the transfer and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

Section 4-25. Transfer or Sale of License Only as Provided Above.

No license or permit shall be transferred or sold except as provided by Section 4-24, used for any place not described in the license or permit at the time of issuance, or subject to attachment, garnishment, or execution.

ARTICLE III. RESTRICTIONS UPON LICENSES

Division 1. Hours of Operation

Section 4.26. Generally and on Sundays; Exceptions.

(a) All licensees except trains holding liquor licenses shall be controlled by the following schedule for operating hours:

(i) on all days except Sunday, a licensee may open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day and shall clear the dispensing room of all persons other than employees by 2:30 a.m.; and

(ii) on Sundays, licensees may open the dispensing room between the hours of 12:00 noon and 10:00 p.m. and shall clear the dispensing room of all persons other than employees by 10:30 p.m.

(b) The hours of operation designated in sub-section (a) of this section may be modified on no more than four (4) days each calendar year by request of a retail liquor license holder ~~a resolution~~ or agreement made each year by the Town Council designating those dates during town or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four hours beginning at 6:00 a.m. on days other than Sunday and beginning at 12:00 noon on Sundays.

(c) Retail liquor license holders must be open a minimum of forty (40) hours a week.

~~(e) Clubs holding liquor licenses are exempt from the hours of operation specified in sub-section (b) of this section until January 1, 1980.~~

Division 2. Dispensing Rooms

Section 4-27. Location, Regulation and Restrictions as to Place of Sale.

(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 Town 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. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located. Only alcoholic and malt beverages, non-alcoholic beverages, food, tobacco, and national alcoholic 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 products the item is advertising may be sold and served in the licensed room. The Town Council shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sale for off- premise consumption shall be located adjoining the facility for making sale for on-premise consumption. The two facilities may be separated by a glass or other suitable partition.

(b) 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 sub-section (a) of this section. For purposes of this sub-section a convention facility shall have and maintain all of the following:

- (i) motel or hotel sleeping room accommodations;
- (ii) restaurant facilities; and
- (iii) conference facilities.

(c) The Town 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 (6)~~ four (4) permits in any one year period. The fee for the period will be \$25.00 payable in advance.

Section 4-28. Storage Outside Licensed Premises Prohibited; Exceptions.

Retail licensees shall not store alcoholic liquor outside of the licensed premises unless he files with the Wyoming Liquor Commission a written statement that he stores liquor in a place other than his place of business and states the exact location of the storage place.

Section 4-29. Under Age Persons Restricted from Dispensing Room; Exceptions; Penalty.

(a) No licensee or agent, employee, or servant there- of shall knowingly permit any person under the age of 21 to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of 21 may be permitted in the course of their employment to work in the room or rooms.

(c) Any person violating sub-section (a) of this Section or aiding, abetting, or inciting any violation thereof is guilty of a misdemeanor.

Section 4-30. Prohibited Acts Within Dispensing Rooms.

No licensee or agent or employee thereof shall knowingly permit prostitution, lewdness, or assignation as defined by Wyoming Statutes 6-5-106, any unlawful act pursuant to W.S. 6-5-107, or gambling as prohibited by W .S. 6-9-101 within any dispensing room, building, or premises licensed under this ordinance.

Division 3. Drive-In Areas

Section 4-31. Conditions for Operation.

A drive-in area adjacent or contiguous to the li- censed 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 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, or making payment shall be more than 40 feet distant from the licensed room.

(c) The area shall be well-lighted and subject to inspection by the Town Council 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 orders shall be received from, nor delivery made to a person under the age of 21 years 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.

Section 4-32. Restrictions or Denial of Right to Use Drive-In Areas.

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

ARTICLE IV. MINORS

Section 4-33. Sale or Furnishing Alcoholic Liquor or Malt Beverage to Under Age Persons.

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic liquor or malt beverage to any person under the age of 21 who is not his legal ward, medical patient, or member of his own immediate family is guilty of a misdemeanor.

Section 4-34. Purchase and Possession by Minors.

(a) Any person who has not yet reached the 21st anniversary of his birth, who possesses or consumes any alcoholic liquor or malt beverage, or who is drunk or under the influence of any intoxicating liquor or drug or malt beverage at any place within the limits of the Town of Mountain View is guilty of a misdemeanor. This sub-section shall not apply to possession by a person making a delivery of such alcoholic liquor or malt beverage pursuant to his employment.

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

(c) No person shall be in a bar, saloon, liquor store, or cocktail lounge unless such person has in his possession reasonable means of proof or identification showing that such person is not under the age of 21 years and unless she displays such proof or identification upon the request of a police officer or the licensee or employee of such establishment. No person who lacks such proof of identification, or refuses to display the same shall be guilty of a violation of

this section if he leaves the establishment promptly upon the request of a police officer or owner or employee of such establishment.

(d) A motor vehicle driver's license, a registration certificate issued under the federal selective service act, an identification card issued to a member of the armed forces, or an identification card issued by the department of revenue is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown, and acted in reasonable reliance upon the information contained in any one of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

Section 4-35. Transporting or Possessing in Motor Vehicle with Intent to Furnish to Minor.

(a) No person over the age of 21 shall transport, or have in his possession or control any alcoholic liquor or malt beverage with the intent of furnishing the same to any person under the age of 21 years while operating or occupying a motor vehicle.

(b) Any person who violates sub-section (a) of this section is guilty of a misdemeanor.

ARTICLE V . PROHIBITED ACTS GENERALLY

Section 4-36. Persons Under the Influence .

Any person who is drunk or under the influence of intoxicating liquor or drugs or malt beverages, on any street or highway or in any public place is guilty of a misdemeanor.

Section 4-37. Open Containers.

(a) It shall be unlawful to consume or to possess alcoholic or malt beverages in an open container while operating a motor vehicle.

(b) It shall be unlawful for any person to consume or to carry in an open container any alcoholic or malt beverage while upon a public street, sidewalk, curb, or other public area, except areas designated by the Town Council for the consumption of such beverages, and areas licensed by a twenty- four hour malt beverage or catering permit in accordance with Section 4-22.

(c) For the purposes of this ordinance, an open container is any glass , cup , bottle, can or other receptacle used for drinking which is not sealed or capped.

ARTICLE VI . PENALTY

Section 4-38. Any person who violates any provision of this ordinance, whether such violation is specifically designated as a misdemeanor or not, shall be guilty of a misdemeanor and upon conviction therefore shall be cited or sanctioned pursuant to the Town of Mountain View ~~pursuant to the terms of the Town Uniform Penalty Ordinance 82-1.~~

Section 2: This Ordinance is effective immediately upon the adoption of said ordinance. Sections 4-11(b), 4-13, 4-14, 4-15, 4-16, 4-22(b), 4-27(b), and 4-27(e) of the Code of the Town of Mountain View, Wyoming, as amended by this ordinance, are effective January 1, 1980, and the balance of this ordinance is effective immediately upon the adoption of said ordinance.

Section 3: Prior sections and amendments to prior sections of Section 4-26(e) of the Code of the Town of Mountain View, Wyoming, as amended by this ordinance, are repealed and deleted effective January 1, 1980.

PASSED AND APPROVED on first reading this 16 day of May, 2017.

Scott Dellinger
Mayor

ATTEST:

Penny Hopkins
Town Clerk

PASSED AND APPROVED on second reading this 6 day of June, 2017.

Scott Dellinger
Mayor

ATTEST:

Penny Hopkins
Town Clerk

PASSED AND APPROVED on third and final reading this 20 day of June, 2017.

Scott Dellinger
Mayor

ATTEST:

Penny Hopkins
Town Clerk

