

ENROLLED ORDINANCE NO. 17-009

AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, REVISING CHAPTER 5.04 ALCOHOLIC BEVERAGES, SECTIONS 5.04.020 “SALES ESTABLISHMENTS GENERALLY”; 5.04.050 “HOURS OF SALE”; 5.04.110(A), 5.04.110(A)(2) AND 5.04.110(B) “DRIVE-IN AREA – REQUIREMENTS”; 5.04.140 (A)(1) APPLICATION GENERALLY”; OF THE RIVERTON MUNICIPAL CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:

Section 1. Section 5.04.020 Sales establishments generally is hereby amended to read as follows:

5.04.020 Sales establishments generally.

A. Location. The place in which alcoholic liquors and malt beverages are sold under a retail liquor license shall be located in ~~one room~~ *the licensed building*, at such location upon the premises for which the retail liquor license is issued as shall be approved by the license issuing 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 the additional dispensing room.~~ Alcoholic beverages secured in the licensed ~~room~~ *building or dispensing room* by a server may be served only in the *licensed building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This adjacent area shall not be in another building.*

B. Limitation on Items Sold. Only alcoholic liquors and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed ~~room~~ *building*.

C. Gambling. No gambling shall be permitted in a licensed ~~room~~ *building* or dispensing rooms.

D. Inspection. The governing body which issued the license shall as often as may be deemed necessary inspect the licensed *building, dispensing room and* or adjoining rooms where alcoholic beverages are served to determine whether or not the requirements of this chapter, as amended, and requirements as to sanitation and fire hazards are being complied with.

E. Separation of Facility for On and Off-Premises Consumption. The retail licensee ~~may~~ *shall maintain a separate the facility area* for the sale of alcoholic liquors and malt beverages for off-premises consumption from the ~~facility~~ *area* used to serve customers for on-premises consumption. In such case:

1. The facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption and shall be designed to comply with the provisions of Section 5.04.110;
2. Except as otherwise restricted in Section 5.04.110, the 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; and
3. No additional fee as described in subsection A of this section shall be assessed against a licensee who separates the licensed ~~premises~~ *building* in this manner. (Ord. 99-004 § 4, 1999; prior code § 3-2)

F. Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on-premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

1. *The establishment is operating a restaurant with a commercial kitchen 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;*

2. *The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of 10:00 p.m.;*

3. *Limited Retail Licenses (Clubs) are exempt from the age restrictions listed above;*

a. *Limited Retail License holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.*

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

Section 2. **Section 5.04.050 Hours of sale** is hereby amended to read as follows:

Except as otherwise restricted by Section 5.04.110, all persons licensed under this chapter shall close the ~~dispensing room~~ *licensed building* and cease the sale of both alcoholic liquors and malt beverages promptly at the hour of two a.m. each day, and shall clear the ~~dispensing room~~ *licensed building* of all persons other than employees by two-thirty a.m., and shall keep the same closed until six a.m. each day; except, that on Sundays not occurring on December 31, such places may only open the ~~dispensing room~~ *licensed building* between the hours of twelve noon and ten p.m., and shall clear the ~~dispensing room~~ *licensed building* of all persons other than employees by ten-thirty p.m. Holders of restaurant liquor licenses shall ~~be bound to operate the dispensing room with~~ the foregoing hours of operation, and additionally shall cease all sales of alcoholic liquors and malt beverages at the time food sales and services cease. Clubs holding special club licenses are exempt from all provisions concerning hours of operation. (Ord. 00-013 § 1, 2000; Ord. 99-004 § 5, 1999; prior code § 3-5)

Section 3. **Section 5.04.110(A), 5.04.110(A)(2) and 5.04.110(B) Drive-in area – Requirements** are hereby amended to read as follows:

A. Upon approval of the governing body which issued the license, a drive-in area adjacent to 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, or other goods as allowed pursuant to Section 5.04.020, as amended, under the following conditions:

2. No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distant from the licensed ~~room~~ *building*;

B. Unless otherwise restricted by a resolution adopted pursuant to Section 5.04.120(B), a drive-in area adjacent to or contiguous to the licensed ~~room~~ *building* may be used by the holder of a retail liquor license from six a.m. each day and shall cease all sales transactions and close the conduct of all business in the drive-in area promptly at the hour of twelve a.m. each day, and shall keep the same closed until six a.m. each day; except, that on Sundays such places may only open the drive-in area between the hours of twelve noon and ten p.m. (Ord. 99-004 § 2, 1999; prior code § 3-8.1)

Section 4. **Section 5.04.140 (A)(1) Application generally** is hereby amended to read as follows:

1. The location and a description of the ~~room~~ *building* 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 plans of the ~~room~~ *building* and premises to be licensed;

Section 6. This ordinance shall take effect from and after its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING May 2, 2017

PASSED ON SECOND READING May 16, 2017

PASSED ON THIRD READING June 6, 2017

PASSED, APPROVED AND ADOPTED this 6th day of June, 2017.

CITY OF RIVERTON, WYOMING

By: _____
John L. Baker
Mayor

ATTEST:

Kristin S. Watson
City Clerk/Human Resource Director

ATTESTATION

I, Kristin S. Watson, City Clerk of the City of Riverton, attest that Ordinance #17-009 was passed, approved, and adopted by the Governing Body of the City of Riverton on the 6th day of June, 2017. I further certify that the above ordinance ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being _____.

Kristin S. Watson
City Clerk/Human Resource Director