

ENROLLED ORDINANCE NO. 19-007

AN ORDINANCE AMENDING TITLE 5 “BUSINESS LICENSES AND REGULATIONS”, TO REVISE CHAPTER 5.04 “ALCOHOLIC BEVERAGES”, SECTIONS 5.04.100 “PERMIT FOR RETAIL SALES AT PICNICS, BAZAARS, FAIRS, ETC.”; 5.04.230 “ISSUANCE OF LIQUOR LICENSES BY CATEGORY”; AND 5.04.270 “ISSUANCE BY CLASSES”; 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.**

**5.04.100 Permit for retail sales at picnics, bazaars, fairs, etc., is hereby revised to read as follows:**

**5.04.100 Permit for retail sales at picnics, bazaars, fairs, etc.**

Applicants for a malt beverage permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any responsible person, ~~or~~ organization, *or microbrewery* for the *onsite sale and consumption* 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, *and no microbrewery holding such permit shall sell any other malt liquors other than their own manufactured product* on the premises described on 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 for more than two days by any one person or organization in any one calendar year with the exception of a picnic, bazaar, fair, rodeo, or similar public gathering. The city council may attach rules and regulations and other stipulations they deem appropriate to this permit. The cost of such permit shall be fifty dollars (\$50.00) ~~for a non-profit organization and one hundred dollars (\$100.00)~~ for any responsible individual, ~~or~~ organization, *or microbrewery* or such amount as the council may set from time to time by resolution. (Ord. 15-005 § 1, 2015; Ord. 12-002 § 1, 2012; Ord. 07-012 § 1, 2007; prior code § 3-8)

**Section 2.**

**5.04.230 Issuance of liquor licenses by category., is hereby revised to read as follows:**

**5.04.230 Issuance of liquor licenses by category.**

A. Liquor licenses issued by the city council shall be categorized as follows:

1. Retail liquor license;
2. Special club license;
3. Resort license;
4. Restaurant license;
5. Catering permit.
6. *Manufacturer's Off-Premises Permit.*

B. Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within their respective category:

1. Retail License. Licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.
2. Special Club License. The applicant must be a bona fide club as defined by Wyoming Statutes, Section 12-1-101(a)(iii). At least fifty-one (51) percent of the membership of a social club as defined by Wyoming Statutes, Section 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the Wyoming State Liquor Commission, indicating a desire to secure a special club license. A club holding a special club license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building, space or premises.
3. Resort License. Applicants must be owners or lessees of a resort complex which has an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land. The complex must include a restaurant and convention facility which facility seats not less than one hundred (100) persons and include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. No resort license may be transferred to another location but license ownership may be transferred to a purchaser or lessee of the

licensed premises with the approval of the city council. Resort license shall not sell alcoholic or malt beverages for consumption off the premises.

4. Restaurant License. Applicants must submit a valid food service permit upon application. The applicant must satisfy the city council that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories: (1) food service sales; and (2) alcoholic and malt beverage sales, showing a breakdown of gross sales indicating that not less than sixty (60) percent of gross sales from the preceding twelve (12) months of operation was derived from food services. No restaurant license shall be transferred to another location but license ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the city council. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area where served. No consumption of alcoholic or malt beverages shall be permitted in the dispensing room, nor shall any person, other than employees over eighteen (18) years of age, be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which was licensed prior to February 1, 1979, for the 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 license, and any person over the age of eighteen (18) is permitted to enter the separate dispensing room.

5. Catering Permit. Applicants for a catering permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a retail liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises at meetings, conventions, private parties and dinners or similar gatherings not capable of being held within the licensed premises. The permit holder shall abide by all rules and regulations associated with his/her retail liquor license and shall not be permitted to sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for twenty-four (24) hours and the hours of sale must conform to Section 5.04.050. No retail liquor license holder shall receive more than a total of twenty-four (24) catering permits for sales at the same premises within the normal term of the retail liquor license, April 1st through March 31st of each year. The cost of such permit shall be ~~one hundred fifty~~ dollars (~~\$100.00~~ *\$50.00*) for such permits within city limits, and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution. (Ord. 15-005 § 1, 2015; Ord. 12-002 § 1, 2012; Ord. 07-012 § 1, 2007; prior code § 3-19)

*6. Manufacture's off-premises permit. Applicants for a manufacturer's off-premises permit shall complete and submit an application no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a manufacturer's license. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. A manufacturer's off-premises permit shall be issued for one (1) twenty-four (24) hour period. No holder of a manufacturer's license shall receive more than twelve (12) manufacturer's off-premises permits in any one (1) calendar year. The cost of such permits shall be fifty dollars (\$50.00) per twenty-four (24) hour period within city limits and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.*

### **Section 3.**

**5.04.270 Issuance by classes., is hereby revised to read as follows:**

#### **5.04.270 Issuance by classes.**

A. The city council may issue microbrewery permits in any of the following classes:

1. Microbrewery permit;
2. Dual microbrewery permit and retail liquor license;
3. Dual microbrewery permit and restaurant liquor license; ~~and~~
4. Dual microbrewery permit and resort liquor license;
5. *Dual microbrewery permit and manufacture's license under W.S. 12-2-203(a);*
6. *24 hour Microbrewery Malt Beverage Permit pursuant to RMC 5.04.100; and*
7. *24 hour Manufacturer's Off-premises Permit pursuant to RMS 5.04.230*

B. A holder of a microbrewery permit may sell its products but shall not sell other alcoholic liquor or malt beverages. All sales shall be made on the site described in the permit. All sales shall be for personal

consumption and not for resale. All product sold for off-premises use must be in sealed packaging when delivered to the buyer. No sale may exceed an aggregate volume of two thousand (2,000) ounces.

C. A holder of a dual microbrewery permit and retail liquor license may sell its product together with other alcoholic beverages, as allowed by the laws governing retail liquor licenses.

D. A holder of a dual microbrewery permit and restaurant liquor license may sell its product together with other alcoholic beverages as allowed by the laws governing restaurant liquor licenses.

E. A holder of a dual microbrewery permit and resort liquor license may sell its product together with other alcoholic beverages, as allowed by the laws governing resort liquor licenses.

F. The holder of a microbrewery permit under subsections C, D and E of this section, may sell, in addition to its own product, malt beverages obtained through licensed wholesale malt beverage distributors. (Prior code § 3-23)

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING May 21, 2019

PASSED ON SECOND READING June 4, 2019

PASSED ON THIRD READING June 18, 2019

PASSED, ADOPTED AND APPROVED the 18<sup>th</sup> day of June 2019.

CITY OF RIVERTON

By: \_\_\_\_\_  
Richard P. Gard, Mayor

ATTEST:

\_\_\_\_\_  
Kristin S. Watson  
City Clerk/Human Resource Director

**ATTESTATION**

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance No. 19-007 was passed, adopted, and approved by the Governing Body of the City of Riverton on the 18<sup>th</sup> day of June 2019. I further certify that the above proclamation 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 *June 21, 2019*.

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Kristin S. Watson  
City Clerk/Human Resource Director