

TITLE 8

ALCOHOLIC BEVERAGES

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8-5 Regulations of Alcoholic Beverages

CHAPTER 5

REGULATIONS OF ALCOHOLIC BEVERAGES

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8-5-100. Declaration of Policy. For the protection of the welfare, health, peace, morals and safety of the residents of the Town of Big Piney, and for the purpose of raising revenue, it is hereby declared to be a public policy of said Town that the traffic in spirituous, fermented and malt liquor should be regulated to the extent of prohibiting all

traffic therein except as hereinafter provided. No sale at retail of such liquors may be consummated in the Town except in compliance with the provisions of this Chapter. (Ord. 101, §4-401, 1972; Ord. 38 §1, 1935)

8-5-110. Definition of Terms. Unless the context indicates otherwise, words and phrases in this Chapter shall have the meanings indicated in the subsections following:

(a) "Malt Beverage" shall mean any fluid of any kind or description manufactured from malt, wholly or in part, or from any substitute therefore containing more than one percent of alcohol by volume.

(b) "Intoxicating Liquors" shall be construed as synonymous with alcoholic liquor, alcoholic beverage and spirituous liquor both in meaning and definition.

(c) "Retail Liquor License" shall mean the authority under which a retailer shall be permitted to sell alcoholic and/or malt beverages for use and consumption but not for resale.

(d) "Limited Retail Liquor License" shall mean the authority under which private clubs shall be permitted to sell alcoholic and/or malt beverages.

(e) "Malt Beverage Permit" shall mean the authority under which the sale of malt beverages is authorized for specifically limited periods.

(f) "Alcoholic Beverage Permit" shall mean the authority under which the sale of alcoholic beverages is authorized to hospitals, religious organizations, physicians and dentists.

(g) "Club" means a fraternal organization not including college fraternities, labor unions, or associations organized for commercial purpose or profit, which is a member of and holds a charter from a national organization, and which owns or leases a building or space for the use and accommodation of its members.

(h) "Drug Store" means a suitable space in a building kept, used, maintained, advertised and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded, and where a registered pharmacist is regularly employed.

(i) "Original Package" means any bottle, flask, jug, cask, barrel, keg, hogshed or other receptacle or container used, corked or capped, sealed or labeled by the manufacturer of alcoholic beverages containing any alcoholic beverage.

(j) "Person" includes any individual person, partnership, corporation or association.

(k) "Restaurant" means 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. 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 licensing authority that the space is intended for use as a full service restaurant. "Full service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. 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.

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

(m) "Wholesaler" means any person except the Wyoming Liquor Commission, who sells or offers for sale any alcoholic or malt beverage to a retailer.

(n) "Sell" or "Sales" shall include offering for sale, trafficking in, bartering, delivering for value, exchanging for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic and/or malt beverage made otherwise than by gift shall constitute a sale. (Ord. 99-1, §1, 1999; Ord. 101, §4-402, 1972; Ord. 38, §2, 1935)

8-5-120. Regulation Of Liquor Traffic. The Town of Big Piney shall regulate, prohibit, or license the sale of alcoholic and/or malt beverages within the Town limits under the provisions of this Chapter. (Ord. 101, §4-403, 1972; Ord. 38, §3, 1935)

8-5-130. Two Liquor Licenses. The Town Council may license two retail liquor stores only, provided, however, that the Town Council of this Town may make application to the Wyoming Liquor Commission for additional licenses to be granted, and after receiving approval and consent of that forum, said Town Council may grant such additional licenses as proper investigation and public hearing may disclose to be expedient or necessary. The Town Council shall not issue more than one retail license to any one person. (Ord. 101, §4-404, 1972; Ord. 38, §3, 1935)

8-5-140. Application For License. Any person desiring a retail liquor license under this Chapter shall apply to the Town Council for the same. Such application shall be made on a form that conforms with the application form prepared by the Attorney General of the State of Wyoming. Among other things, the application shall contain a description in detail of the place within which alcoholic beverages will be sold, and a description of the location of said premises. (Ord. 101, §4-405, 1972; Ord. 38, §3, 1935)

8-5-150. Publication Of Notice. Upon receipt of an application for a retail liquor license, the Town Clerk shall promptly publish once a week for four consecutive weeks in a newspaper of general circulation in the Town, and also display conspicuously on the premises in which the applicant desires to use the license, a notice that such applicant has made application for a license, and that protests the issuance of such a license to the applicant will be heard at a time certain which is stated in the notice. (Ord. 101, §4-406, 1972)

8-5-160. Issuance Of License. After the notice time has expired and the public hearing has been held, a license may be issued by the Town Council, signed by the Mayor and attested by the Town Clerk. The name of the licensee, a description of the place in which the alcoholic or malt beverages may be sold, the date of issuance, the amount of the license fee, and indication that the same has been paid to appear on the face of the license. Each licensee shall display his license in a conspicuous place in the license premises. (Ord. 101, §4-407, 1972; Ord. 38, §5, 1935)

8-5-170. License a Personal Privilege. A retail liquor license shall be a personal privilege, good for one year unless sooner revoked. (Ord. 101, §4-408, 1972; Ord. 38, §6, 1935)

8-5-180. Transfer, Renewal, or Modification Of License. In the event of a major loss or damage to the license premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application except for the payment of license fee, which renewed license shall expire as of even date with the original license. No license shall be transferred, sold, assigned or used for any place not described in the license at the time of issuance, without the filing of a new application, the publication of notice, and the official approving action of the Town Council. Such renewed license shall not be assessed a new license fee. Upon the expiration of any license, the owner thereof shall have a preference right to a new license, if such license may then be granted under the provisions of this Chapter. (Ord. 101, §4-409, 1972; Ord. 38, §6, 1935)

8-5-190. Sales To Habitual Drunkard. No holder of a license issued under the provisions of this Chapter, or the servant, employee, or agent of such holder, shall sell, give, or deliver alcoholic and/or malt beverages to any habitual drunkard or incompetent person, nor shall the holder of any retail liquor license or his servant, agent, or employee, permit any such person to enter or remain in a place in which he sells intoxicating malt beverages or liquor. (Ord. 101, §4-410, 1972)

8-5-200. Limitation On Sale To One Person. Not more than eight gallons of malt beverages nor more than three gallons of intoxication liquor may be sold to any person in any one day. (Ord. 101, §4-411, 1972)

8-5-210. Liquor License Fee. Every person licensed as a retail liquor dealer by the provisions of this Chapter shall pay in advance for such license the sum of \$1,000.00 for the annual 1989 license fee and the sum of \$1,500.00 annually thereafter. All license fees paid under this Chapter shall be deposited in the Town Treasury. (Ord. 88-6, 1988; Ord. 101, §4-412, 1972; Ord. 38, §8, 1935)

8-5-215. Restaurant Liquor License. Restaurants as defined by Section 8-5-110(k) of this Chapter may be licensed by the Town under a restaurant liquor license. In addition to the application requirements required by Wyoming Statutes, the license applicant shall submit a valid food service permit upon application. (Ord. 99-1, §2, 1999)

8-5-216. Fee for Restaurant Liquor License. Every person granted a restaurant liquor license shall pay in advance for such license the sum of \$750.00 annually. (Ord. 99-1, §3, 1999)

8-5-220. Special Malt Beverage Permit. A special malt beverage permit may be issued to any responsible person or organization for the sale of malt liquors only at a public bazaar, fair, rodeo, or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt beverages on the premises described in the permit. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt beverages on the premises described for more than six days by any one person or organization in any single year. The permit may be issued by the Town Council of Big Piney without notice of the application in an amount not to exceed

\$10.00 per day, payable to the Town treasury. (Ord. 101, §4-413, 1972; Ord. 38, §14, 1935)

8-5-230. No Sale on Credit. No liquor retailer shall sell any alcoholic and/or malt beverages under this Chapter to any person, firm or corporation on credit. Upon proper proof of the violation of this provision, the Town Council shall have the power and authority to revoke the retail liquor license for such person. (Ord. 101, §4-414, 1972; Ord. 38, §12, 1935)

8-5-240. Notice of Complaint. Whenever the parent or guardian or any other Town, County, or State Officer shall notify any licensee or permittee in writing that any child is under the age of 21 years or that any person liable for their support is a habitual drunkard, and by reason thereof is neglecting to provide for or support such dependents, the licensees or permittees so notified shall not thereafter sell, give or deliver any alcoholic and/or malt beverage to such child or habitual drunkard. (Ord. 101, §4-415, 1972; Ord. 38, §13, 1935)

8-5-250. Possession of Federal Tax Stamp. The possession of a special tax stamp from the government of the United States authorizing the sale of any alcoholic beverage as defined in this Chapter, by a person not licensed by this Chapter, shall be prima facie evidence that the person so holding is selling in violation hereof. The original or certified copy of such special tax stamp, verified by the proper authorities, shall be admitted in evidence in the proper court of this Town. (Ord. 101, §4-416, 1972; Ord. 38, §11, 1935)

8-5-260. Closing Hours. Any retail liquor establishment, tavern, saloon or club licensed under the provisions of this Chapter shall be closed in conformity with the Wyoming statutes. (Ord. 101, §4-417, 1972; Ord. 86, 1967)

8-5-270. Telephone Required on Licensed Premises. Any retail liquor establishment, tavern, saloon or club licensed under the provisions of this Chapter shall have a telephone on the licensed premises. (Ord. 101, §4-418, 1972)

8-5-280. Evacuation. All persons not employed by the retail liquor licensee shall be evacuated from the premises on or before the time set in this Chapter for the closing of such businesses. No intoxicating liquor and/or malt beverage shall be dispensed in any manner after said closing hours. (Ord. 101, §4-419, 1972)

8-5-290. Duty of Prosecuting Attorney. It shall be the duty of the Town Attorney of this Town to prosecute by complaint in the Police Court, all violations of this Chapter in the manner now provided by law for the prosecution of criminal offenses under the general statutes of this State and the ordinances of this Town. (Ord. 101, §4-420, 1972; Ord. 38, §15, 1935)

8-5-300. Revocation of License; Grounds. The violation of any provision of this Chapter by any wholesaler, retailer or other licensee shall be sufficient cause for the

revocation of the retail liquor license granted under the provisions of this Chapter. (Ord. 101, §4-421, 1972)

8-5-310. Special Alcoholic Beverage Permit. An alcoholic beverage permit shall be required for the purchase or use of alcohol or malt liquors by hospitals, religious organizations and licensed physicians and dentists, but such permit shall not authorize resale, and shall be issued gratis by the Town Council of Big Piney. (Ord. 101, §4-422, 1972)

8-5-320. Pharmacists, Sales By. Licensed pharmacists not holding retail liquor licenses may, with the approval of the Wyoming Liquor Commission, purchase alcohol and/or malt liquor for the purpose of filling bona fide prescriptions written by duly licensed physicians, surgeons and dentists and shall be permitted to fill the same, but no such prescription shall be for more than one quart of such liquor for any one person in any one day. (Ord. 101, §4-423, 1972)

8-5-330. Penalties. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine in a sum not less than \$10.00 nor more than \$200.00, or by imprisonment in the Town jail for a term not to exceed 90 days. Revocation of a retail liquor license shall not be construed in any way so as to reduce the penalty herein imposed. (Ord. 101, §4-424, 1972)