

**ORDINANCE NO. 1001**

**AN ORDINANCE AMENDING CHAPTER 5.16 OF DOUGLAS MUNICIPAL CODE PERTAINING TO LIQUOR LICENSING, PERMITTING, AND SALES IN ORDER TO COMPLY WITH ACTIONS TAKEN DURING THE 2019 LEGISLATIVE SESSION**

**WHEREAS**, the City of Douglas shall, pursuant to Wyoming Statute § 12-4-101 *et seq.*, license and regulate the manner in which liquor licenses and permits are issued; and

**WHEREAS**, there must be a balance struck between the privileges of license holders, economic development, and the health, safety, and welfare of all residents and visitors to the City of Douglas; and

**WHEREAS**, the 65<sup>th</sup> Wyoming Legislative Session resulted in additional statutory amendments to Title 12, which the governing body desires to evaluate and address within our own municipal code; and

**WHEREAS**, based upon staff recommendations, the following are recommended changes to Chapter 5.16 of the Douglas Municipal Code.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLAS, WYOMING:**

**Section 1.** Section 5.16.020 of the Douglas Municipal Code is hereby amended to read as follows:

**5.16.20 Definitions.**

**"Complete ownership" means that all officers, owners or members are identical for all licenses and permits held.**

**"Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title.**

**Section 2.** Section 5.16.030 (K) of the Douglas Municipal Code is hereby created to read as follows:

**5.16.030 General Provisions.**

**K. Licensees authorized to sell alcoholic liquors at retail may purchase for resale not more than nine (9) liters of alcoholic liquors per week from a retail licensee authorized pursuant to this section. Purchases of alcoholic liquors authorized pursuant to this subsection shall be conducted in accordance with the following:**

- i. The seller shall record on a form furnished by the division all of the following:**
  - a. The name and signature of the licensee making the purchase;**
  - b. The date and time of the purchase;**
  - c. The purchaser's Wyoming state tax resale number.**
  
- ii. The form collected pursuant to paragraph (i) of this subsection shall be provided to the Wyoming state liquor division within thirty (30) days of the sale and shall be maintained by the seller of the alcoholic liquor for not less than one (1) year after the date of the sale. The form shall be available upon request for the division to inspect.**

**Section 3.** Section 5.16.100 (A) of the Douglas Municipal Code is hereby amended to read as follows, and Section 5.16.100 (D) is hereby created to read as follows:

5.16.100 (A) Annual License Fees

A. The governing body is authorized to issue the following annual licenses pursuant to state law and this chapter. **The fees for one day permits shall be determined by the following schedule.**

1. Retail liquor license	\$1,000.00
2. Limited retail "club" liquor license	\$500.00
3. Resort retail liquor license	\$500.00
4. Restaurant liquor license	\$500.00
5. Open container permit	\$25.00
6. Bar and grill liquor license	\$1,500.00
7. Microbrewery license/permit	\$500.00**, ***
8. Winery license/permit	\$500.00**
9. Special malt beverage permit for auditoriums, civic centers	\$1,500.00
10. Satellite wineries	\$100.00
11. Motel/hotel mini bar license	One-half of the original license fee
12. Manufacturers satellite permit—Distillery or rectifier	<b><u>\$100.00***</u></b>
13. Transfer of ownership/location	\$100.00*

**\*\*\* In addition to the one (1) additional license or permit authorized under W.S. 12-4-212(b)(iii), the holder of a microbrewery or winery permit may also hold a manufacturer’s license under W.S. 12-2-203(a).**

**D. The rates and charges established in this section may be modified by a resolution adopted and ratified by the governing body. The rates so determined shall remain in effect until or unless revised by any subsequent resolution. The governing body may further review and adjust such charges during the budgetary process as is necessary. The rates so determined shall remain in effect until or unless revised in any subsequent year.**

**Section 4.** Section 5.16.170 (A)of the Douglas Municipal Code is hereby amended to read as follows and Sections 5.16.170 (J) and (K) are hereby created to read as follows:

**5.16.170 One day permits - General Provisions**

A. **Permit Fees.** The city administrator is authorized to issue or recommend denial of the following temporary permits pursuant to state law and this chapter. **The fees for one day permits shall be determined by the following schedule.**

1. Malt beverage permit for State Fair	\$100.00
2. Catering permit (retail, resort, or <b><u>microbrewery</u></b> )	\$25.00
3. Malt beverage permit	\$25.00
4. Additional dispensing room permit (restaurant licensees only)	\$25.00
5. Open container permit	\$25.00
<b><u>6. Manufacturer’s off-premise permit</u></b>	<b><u>\$25.00</u></b>
7. Applications for the above-listed permits requiring a special meeting of the governing body for approval; the governing body may, at its discretion, waive the special meeting fee.	\$250.00
8. Refundable deposit required if permit is to be used on public property.	\$100.00

- J. The holder of a microbrewery permit may obtain a twenty-four hour malt beverage permit authorizing the sale of its own brewed malt beverages for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No microbrewery 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.
- K. The rates and charges established in this section may be modified by a resolution adopted and ratified by the governing body. The rates so determined shall remain in effect until or unless revised by any subsequent resolution. The governing body may further review and adjust such charges during the budgetary process as is necessary. The rates so determined shall remain in effect until or unless revised in any subsequent year.

**Section 4.** Section 5.16.190 (D) of the Douglas Municipal Code is hereby created to read as follows:

- D. The holder of a microbrewery permit may obtain a twenty-four hour malt beverage permit authorizing the sale of its own brewed malt beverages for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No microbrewery 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.

**Section 5.** Section 5.16.205 of the Douglas Municipal Code is hereby created to read as follows:

**5.16.205 One day manufacturer's off-premise permit**

- A. The holder of a manufacturer's license who is a federally licensed distiller or rectifier may obtain a manufacturer's off-premises permit authorizing 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.
- B. 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. An off-premises permit shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No holder of a manufacturer's license shall receive more than twelve (12) off-premises permits in any one (1) calendar year. An off-premises permit may be issued on application to the appropriate licensing authority.

**Section 6.** Section 5.16.210 (G) of the Douglas Municipal Code is hereby amended to read as follows:

**5.16.210 Suspension/revocation of license or permit, violations, and penalties.**

- G. **Hearing before Governing body.** The hearing before the governing body shall be conducted under the Wyoming Administrative Procedures Act (Wyoming Statutes 16-3-101 et seq.) as a show cause hearing under and rules adopted by the governing body.

**Section 6.** Douglas Municipal Code Sections 1.04.050, 1.04.060 and 2.08.060, by reference, are incorporated herein and made a part hereof.

**Passed and Approved on First Reading** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**Passed and Approved on Second Reading** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**Passed, Approved, and Adopted on third and final reading** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Rene' Kemper, Mayor

**Attest:**

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Karen Rimmer, City Clerk

**Published:** August 2, 2017

#### **ATTESTATION**

I, Karen Rimmer, the Clerk of the City of Douglas, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

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Karen Rimmer, City Clerk