

ORDINANCE NO. 1009

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 2021 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, based upon the recommendations of staff and the actions taken during the 2021 State of Wyoming Legislative Session, 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 5.16.030 of the Douglas Municipal Code is hereby amended to read as follows:

5.16.030 General Provisions.

- M. All sales or carrying of alcoholic liquors and malt beverages for off-premise consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed in one of the following methods:
 - i. In its original package and unopened; or
 - ii. In a plastic bag and heat sealed closed; or
 - iii. In a container that has a breakable seal incorporated in the container cap

Section 2. Section 5.16.080 of the Douglas Municipal Code is hereby amended to read as follows:

5.16.080 Persons under the age of twenty-one (21) years-Licensed building restrictions-Exceptions-Provisions.

- A. Licensed Building Restrictions. 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 a licensed building where alcoholic or malt beverages are dispensed unless:
 - 1. The licensed establishment is operating a restaurant with a commercial kitchen as defined per Section 5.16.020 of this chapter; that the restaurant is consistently open to the public; and the primary source of revenue for the establishment is from the sale of food and/or recreational activities such as arcade games, pool tables, bowling, or similar activities, and from the sale of alcoholic or malt beverages. The city may require the licensee to provide proof of revenues or other information to ensure compliance with this exception.
 - 2. The licensed building contains a separate dispensing ~~room~~ area(s), as approved by the licensing authority, designated for the dispensing of alcoholic and malt beverages for on premise consumption. No other dispensing of alcohol shall occur in any other location within the licensed building, and no one under the age of twenty-one (21) years of age shall be allowed to enter or remain in the dispensing ~~room~~ area(s), with the following exceptions:
 - i. If the establishment operates a restaurant with a commercial kitchen as defined per Section 5.16.020 of this chapter, employees of the licensee who are at least eighteen (18) years of age may serve alcoholic and malt beverages to patrons, and may enter or remain in the dispensing ~~room~~

area(s) in order to conduct duties required of their position of employment, including but not limited to cleaning, restocking supplies, and/or dispensing beverages other than alcoholic and malt beverages.

3. If the licensed building contains a ~~separate room~~ designated sales area for the sale of alcoholic liquor and malt beverages for off-premise consumption, ~~commonly referred to as a package store or liquor store~~, a person under the age of twenty-one (21) years of age may temporarily be allowed within the ~~room area~~ but must be accompanied by ~~his or her~~ a parent, spouse, or legal guardian who is at least twenty-one (21) years of age per W.S. 12-6-101.

Section 3. Section 5.16.100(A)(9) of the Douglas Municipal Code is hereby amended to read as follows:

5.16.100(A) Annual license fees.

9. Special malt beverage permit for auditoriums, civic centers, and event centers ... \$1,500.00

Section 4. Section 5.16.130 of the Douglas Municipal Code is hereby amended to read as follows:

5.16.130 Annual License – Retail License.

Retail liquor establishments offering pre-mixed alcoholic drinks or “slushies” shall be permitted. A “slushy” or other pre-mixed alcoholic drink that is to be removed from the building and/or premises for consumption shall be securely sealed by the licensee or agent of the licensee ~~and placed in a tamper-proof transparent bag which shall also be securely sealed per the method(s) prescribed in Section 5.16.030(M) herein~~ prior to removal from the building and/or premises, ~~so that it is visibly apparent that it has not been tampered with~~. A slushy which is resealed in accordance with the provisions of this ~~subsection~~ chapter shall not be deemed an open container ~~under this chapter~~.

Section 5. Section 5.16.140 of the Douglas Municipal Code is hereby amended to read as follows:

5.16.140 Annual License – Restaurant License.

- A. ~~Dispensing room restrictions and exceptions. 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 room or rooms where alcoholic or malt beverages are dispensed. No person under the age of twenty-one (21) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold. Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in the licensed building in areas approved by the local licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing area(s) nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing area(s)~~
- B. ~~Employees of a restaurant licensee who are at least eighteen (18) years of age may serve alcoholic and malt beverages to patrons of the restaurant. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge.~~
- C. ~~Restaurant license holders may be issued up to six (6) one-day permits per licensing term authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original liquor license. Application shall be made to the city on forms provided by the city and must comply with Section 5.16.120 herein.~~
- D. ~~Applicants for new restaurant liquor licenses shall provide the city clerk with a copy of the menu, or proposed menu, of all food and beverage items for sale or proposed for sale during full food service hours and a list of the hours or proposed hours of full food service for weekdays and weekends.~~

Section 6. Section 5.16.160(B) of the Douglas Municipal Code is hereby amended to read as follows:

5.16.160(B) Annual License – Microbrewery or Winery Permit.

- B. Following receipt of a completed application, publication, and a public hearing as required by law, the governing body shall issue or renew a microbrewery or winery permit if it finds:
 1. ~~That the issuance of the permit would not cause the city to exceed the number of microbreweries or wineries allowed by W.S. 1977, 12-4-201(d), as amended.~~
 2. That the issuance of the permit would not violate the provisions of W.S. 12-4-103, except subsection (a)(vi).
 3. That the issuance of the permit will not adversely affect the health, safety, and general welfare of the citizens of the city. Issuance is subject to the same findings as governing body must make for liquor licenses.

Section 7. Section 5.16.170(A) of the Douglas Municipal Code is hereby amended to read as follows:

5.16.170(A) 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 microbrewery)
 - a. One-day events.....\$25.00
 - b. Multi-day events.....\$10.00 per day of event
 3. Malt beverage permit\$25.00
 4. ~~Additional dispensing room permit (restaurant licensees only).....\$25.00~~
 5. Open container permit
 - a. One-day events.....\$25.00
 - b. Multi-day events.....\$10.00 per day of event
 6. Manufacturer’s off-premise permit.....\$25.00
 7. Applications for the above listed permits requiring a special meeting of the governing body for approval; the governing body may, at it’s discretion, waive the special meeting fee.....\$250.00
 8. Refundable deposit required if permit is to be used on public property.....\$100.00

Section 8. Section 5.16.190(D) of the Douglas Municipal Code is repealed

5.16.190(D) One-day Catering Permits

- ~~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 9. Section 5.16.210(E)(10) of the Douglas Municipal Code is amended to read as follows:

5.16.210(E)(10) Suspension/Revocation of license or permit, violations, and penalties.

- E. Violations include, but are not limited to, those listed on the following chart.

10. Unauthorized minors in licensed building or dispensing room area	DMC 5-16-080; W.S. 12-5-201(a) 12-6-101
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PASSED AND APPROVED ON FIRST READING this 28th day of June, 2021.

PASSED AND APPROVED ON SECOND READING this _____ day of _____, 20_____.

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING this _____ day of _____, 20_____.

René Kemper, Mayor

Attest:

Chaz Schumacher, City Clerk

Published: _____

ATTESTATION

I, Chaz Schumacher, 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.

Chaz Schumacher, City Clerk