

Title 6 Liquor Licenses and Permits

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Chapter 6.10
DEFINITIONS

Sections:

6.10.010 Definitions.

6.10.010 Definitions.

In the interpretation of this chapter, unless the context indicates a different meaning:

- A. "**Alcoholic beverage permit**" means the authority under which the sale of alcoholic beverages is authorized as to hospitals, religious organizations, physicians, and dentists.
- B. "**Alcoholic liquor**" means any spirituous and/or fermented fluid intended for beverage purposes which contains at least one-half of one percent (.5%) of alcohol by volume, including alcohol, brandy, whiskey, rum, gin, and wine, liquids and compounds.
- C. "**Club**" means a fraternal organization, not including college fraternities, labor unions, or associations organized for commercial purposes or profit, which is a member of, and holds a charter from, a national organization, and which owns or leases a building or space in a building for the use and accommodation of its members and guests.
- D. "**Drugstore**" 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.
- E. "**Hotel**" means a suitable building kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for pay to transient guests. Such sleeping accommodations shall be in the same building and such sleeping accommodations shall be so equipped and serviced that the Town Council shall be satisfied that the chief source of revenue to be derived from the operation of the hotel shall be from sleeping accommodations and not from the sale of alcoholic or malt beverages. No cottage, tourist camp, or rooming house shall be considered a hotel.
- F. "**Intoxicating liquor,**" "**alcoholic liquor,**" "**alcoholic beverage,**" and "**spirituous liquor**" shall be construed as synonymous in meaning and definition.
- G. "**Licensed Building**" means the physical licensed building for which the license is issued and as approved by the licensing authority; which may include an immediately adjacent fenced or enclosed area as approved by the licensing authority. This term does not apply to restaurant liquor licenses.
- H. "**Licensing Authority**" means the governing body of an incorporated city, town, or county in Wyoming with the responsibility to issue, control, and administer a particular license.
- I. "**Limited retail liquor license**" means the authority under which clubs as defined in this section shall be permitted to sell alcoholic and/or malt beverages.
- J. "**Malt beverage**" means any fluid of any name or description manufactured from malt, wholly or in part, or from any substitute therefore, containing more than one percent of alcohol by volume.
- K. "**Malt beverage permit**" means the authority under which the sale of malt beverages is authorized for specifically limited periods or as hereinafter otherwise provided.
- L. "**Original package**" means any bottle, flask, jug, cask, barrel, hogshead, or other receptacle or container used, which is corked or capped, and sealed or labeled by the manufacturer of alcoholic beverages, containing any alcoholic beverage.

- M. **"Person"** includes an individual person, partnership, corporation, limited liability company or any other or association or entity, public or private.
- N. **"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-premises 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.
1. **"Full service restaurant"** means a restaurant at which waiters and waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths.
 2. Food menu shall contain a minimum of five (5) qualifying selections. 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.
 3. Kitchen shall be an area with cooking appliances required to prepare plated meals.
 4. Dispensing Room means an enclosed and partitioned space within a restaurant large enough for a person to enter, but not a cabinet. Wall partitions may contain cut-out windows and doorways, but partitions shall extend from floor to ceiling.
- O. **"Retailer"** means a person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.
- P. **"Retail liquor license"** means the authority under which a retailer shall be permitted to sell alcoholic and/or malt beverages for use or consumption but not for resale.
- Q. **"Sell"** or **"sale"** includes offering for sale, trafficking in, bartering, delivering for value, exchange for goods, or in any way other than purely gratuitously. Any delivery of any alcoholic and/or malt beverage made otherwise than by gift shall constitute a sale.
- (Ord. 1185 § 1, 2017; Ord. 998 § 1, 2011; Ord. 853 § 3, 2007; Ord. 389 § 1, 1989; Ord. 90 § 1, 1965.)

Chapter 6.20
APPLICATION FOR LICENSES AND PERMITS

Sections:

6.20.010 Affidavit and of Authorization and Understanding.

6.20.015 Affidavit of Understanding. (Repealed. Ord.1185 § 1, 2017)

6.20.020 Notice publication--Protests.

6.30.030 Term - Exception.

6.20.010 Affidavit of Authorization and Understanding.

All persons filing applications for new licenses and permits, renewals or for transfer of ownership, unless otherwise noted in this title, shall submit a signed Affidavit of Authorization form as provided by the Town Clerk, which includes the applicant's full legal name, signature, social security number, driver's license number, and date of birth to assist with application processing by the Town Clerk and Chief of Police. By signing, all persons filing applications shall agree to a background check, including criminal information, conducted by the Chief of Police or his designee and that the applicant understands that it shall be the duty of the applicant to seek any additional required reviews, authorizations, permits, and approvals from any Town or County department or elected bodies. Procedures for reviewing applications will be established by the Town Clerk, Chief of Police and Risk Manager.

(Ord. 1185 § 1, 2017; Ord. 969 § 1, 2010; Ord. 853 § 4, 2007)

6.20.015 Affidavit of Understanding. Repealed.

(Ord.1185 § 1, 2017; Ord. 969 § 1, 2010)

6.20.020 Notice publication--Protests.

When an application has been filed in the office of the Town Clerk, it shall be the duty of such Town Clerk to promptly publish, post on the official website of the town and display conspicuously on the premises in which the applicant desires to use as the place of sale a notice pursuant to Section § 12-4-104 of the Wyoming State Statutes which may be amended from time to time that such applicant has made application for a license and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be at a special or a regular meeting of the Town Council, and all such licenses shall be issued in accordance with the requirements of the statutes of the state of Wyoming, and all such licenses, when issued, shall be made and executed in accordance with the laws of the state and Town of Jackson. Each applicant shall pay an amount sufficient to cover the costs of publishing the notice, as determined by the Town Clerk.

(Ord. 1185 § 1, 2017; Ord.1076 § 1, 2014; Ord. 853 § 4, 2007; Ord. 90 § 5, 1965.)

6.20.030 Term - Exception.

A license or permit shall be a personal privilege, good for one (1) year unless sooner revoked or if issued by the licensing authority for less than one (1) year to coincide with the annual date of renewal, or if issued as a twenty-four (24) hour permit.

A. Exception. When a valid license or permit is determined to be part of the estate of a deceased licensee, the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic and/or malt beverages under

a license, may exercise the privilege of the deceased under such license or licenses or permit until the expiration of the same; and provided further, that upon approval of the Town Council, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of the date of the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale to be made in good faith, may, if proceedings are not pending to suspend, revoke, or otherwise penalize under this title or the provisions of the laws of the state of Wyoming, the license holder, assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration of the same, upon the express condition, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license as required by this title and the laws of the state of Wyoming, and all subject to the approval of the Town Council.

(Ord. 1185 § 1, 2017; Ord. 853 § 4, 2007; Ord. 90 § 6, 1965.)

Chapter 6.30
ANNUAL LICENSES AND PERMITS

Sections:

6.30.010 Retail or Limited Retail (Club) Liquor Licenses.

6.30.020 Resort or Restaurant Liquor Licenses.

6.30.030 Bar & Grill Liquor Licenses.

6.30.040 Microbrewery Permits, Authorization and Application.

6.30.050 Satellite Winery Permits, Application.

6.30.060 Satellite Manufacturer's Permits, Authorization and Application.

6.30.010 Retail or Limited Retail (Club) Liquor Licenses.

Any person desiring a limited or retail liquor license under this title shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state of Wyoming, as and in accordance with the statutes of the state of Wyoming, in such case made and provided, and not otherwise. The amount or fee to be paid for such retail liquor license shall be, and is fixed at, the sum of one thousand five hundred (\$1,500.00) per year, and the amount or fee to be paid for limited retail (club) liquor licenses shall be five hundred (\$500.00) per year, all such fees shall be payable in full in advance, and no such retail or limited retail (club) liquor license shall issue to the applicant until payment in full has been made.

Establishments holding a retail liquor license that operate primarily for sales for off-premise consumption (i.e. a grocery store) shall maintain a separate area for alcoholic or malt beverages that shall restrict entry to persons over the age of twenty-one (21) years of age. (Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 503 § 3, 1995; Ord. 90 § 3, 1965.)

A. Events for persons under 21

The holder of a retail liquor license may be issued a permit authorizing the holding of an event at which persons under the age of twenty-one (21) are permitted on the premises if:

1. Application is made with the Town Clerk and a fee of twenty-five (\$25.00) dollars is paid.
2. No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person attending the event.
3. No alcoholic liquor or malt beverages are accessible to persons attending the event.

(Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 569 § 1, 1996.)

B. Drive-in liquor stores.

A drive-in area adjacent or contiguous to the licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payments for alcoholic and/or malt beverages under the following conditions and safeguards:

1. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;
2. The area shall be well lighted and subject to inspection by the Town Council at any and all times;
3. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery, and payment;

4. No orders shall be received from or delivery made to a person under the age of twenty-one (21) or an obviously intoxicated person in the area;
5. No part of a sidewalk, highway, street, or alley shall be used for orders, sales, or deliveries;
6. Alcoholic and/or malt beverages shall be sold and delivered in the area only in the original, unopened package, and consumption of alcoholic and/or malt beverages in the drive-in area shall not be permitted.

It shall be the duty of the members of the Town Council and the agents and officers of the Town of Jackson to determine whether traffic conditions or the difficulty of checking sales and delivery or violations of safeguards should require a decision for bidding or restricting sales and delivery in any drive-in area, and if by resolution the right to use such drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee. (Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 90 § 10, 1965.)

C. Sales by drugstores.

All sales of alcoholic and/or malt liquor by drugstores holding a retail liquor license under the provisions of this title shall be sold only in the container received by the druggist in the original package and no such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore, and any such sale shall be made only by a licensed pharmacist or by a clerk over the age of nineteen (19) years.

(Ord. 853 § 5, 2007; Ord. 90A § 2, 1973; Ord. 90 § 11, 1965.)

D. Sales by fraternal clubs.

Bona fide fraternal clubs with national organizations shall be licensed under a limited retail liquor license for which they shall pay a license fee of five hundred dollars (\$500.00) annually in advance, which license fee shall be paid to the Town treasury. A club holding such a license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises leased or owned by said club for the use of its members and guests. It shall be the duty and obligation of said club to so check and regulate sale to members and guests that any and all alcoholic or malt beverages sold by it shall be consumed on such licensed premises.

(Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 504 § 7, 1995; Ord. 90 § 7, 1965.)

6.30.020 Resort or Restaurant Liquor Licenses.

- A. Any person desiring a resort or restaurant liquor license under this title, as such licenses may be available from time to time pursuant to the applicable statutes of the state, shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state, as and in accordance with the said statutes of the state in such case made and provided and not otherwise. The fee for a resort or restaurant license shall be fifteen hundred dollars (\$1,500.00), which amount may be amended from time to time by resolution of the Town Council, provided that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state. All such fees shall be payable in full in advance and no such license shall be issued to the applicant until payment in full has been made. The term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on March 31st of each year.

- B. All applications for restaurant licenses shall be accompanied by a plan of operations setting forth in detail the areas proposed for service of alcoholic and malt beverages, plans for service of alcoholic and malt beverages and dispensing rooms.
- C. No restaurant liquor licensee shall promote the restaurant as a bar or lounge, nor shall the licensee compete with a retail liquor license in activities other than dining functions.
 - 1. A Restaurant Liquor License does not allow:
 - a. Providing liquor service at dances, receptions, or other social gatherings.
 - b. Advertising as a bar or saloon in publications or signage.
 - c. Having a separate name for any room or area that denotes the availability of alcoholic or malt beverages.
 - d. Advertising special prices or promotions for sale of alcoholic beverages separate from meals, “happy hour”, unless the special price or promotion includes a qualifying restaurant meal.
 - e. Selling alcoholic or malt beverages to customers seated at a bar or counter unless they have been given a printed food menu.
 - f. Collecting a “cover charge” that includes the cost of any entertainment, live or television, unless such cover charge is part of and not separated from a package price which includes payment for a restaurant meal.
 - 2. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease.
- D. The provisions of this section shall not apply to validly existing restaurant liquor licenses issued prior to May 1, 1989, unless application for relocation of the dispensing room shall have been made, in which event all of the requirements of this sections shall apply. (Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 605 § 1, 1997; Ord. 388 § 1, 1989.)

6.30.030 Bar & Grill Liquor Licenses.

- A. The Town, upon application and after public hearing, may authorize the issuance of a Bar and Grill License to a restaurant pursuant to Section § 12-4-413(a) of Wyoming Statutes.
- B. Any person desiring a Bar and Grill Liquor License shall file with the Town Clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a Bar and Grill License shall be fifteen hundred dollars (\$1,500.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming.
- C. A Bar and Grill Liquor License shall not be sold, transferred or assigned by the holder.
- D. Bar and Grill licensees shall not sell alcoholic or malt beverages for off-premises consumption.

- E. Any Bar and Grill Liquor License issued shall be subject to the terms and conditions of Section § 12-4-413 of Wyoming Statutes, including § 12-4-408 and 12-4-410(c) as applicable to restaurant liquor licenses, and all other applicable state and local statutes and ordinances governing local licenses.

(Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 828 § 1, 2006.)

6.30.040 Microbrewery Permits, Authorization and Application.

Any person desiring a permit for the operation of a micro-brewery defined as a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifty (50,000) thousand barrels per year and not less than fifty (50) barrels per year in accordance with the requirements of Section § 12-4-412 of Wyoming Statutes, shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state as and in accordance with the applicable statutes of the state of Wyoming in such case made and provided and not otherwise. The amount of the fee to be paid for such micro-brewery permit shall be five hundred dollars (\$500.00) and the said amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state of Wyoming. All such fees shall be payable in full, in advance, and no such license shall issue to the applicant until payment in full has been made. The term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on March 31st of each year.

The permittee shall comply in all particulars with the applicable statutes of the State of Wyoming and the issuance of a permit by the Town shall entitle the permittee to:

- (i.) Sell other malt beverages for on-premises consumption only when obtained through licensed wholesale malt beverage distributors;
- (ii.) Sell its product on-site only, for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale.

The number of microbrewery permits available shall be limited in accordance with the provisions of Wyoming Statutes § 12-4-201(d). A dual microbrewery permit may be issued to an applicant in addition to and even though such applicant may be the holder of a retail liquor license, a restaurant license or a resort license, as provided by applicable statutes, without payment or assessment of an additional fee over and above that charged for the original retail, restaurant, or resort license.

(Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 456 § 1, 1993.)

6.30.050 Satellite Winery Permits, Application.

- A. The Town, upon application and after public hearing, may authorize the issuance of a satellite winery permit to a holder of a winery permit pursuant to Section § 12-4-412(d) of Wyoming Statutes as such section may be amended from time to time. A satellite winery permit allows a permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site.

- B. Any person desiring a satellite winery permit shall file with the Town Clerk and application with the required supporting documentation and payment of the applicable fee. The fee for a

satellite winery permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the state of Wyoming.

- C. Any satellite winery permit issued shall be subject to the terms and conditions of Section § 12-4-412 of Wyoming Statutes and all other applicable state and local statutes and ordinances governing local licenses.

(Ord. 853 § 5, 2007; Ord. 723 § 1, 2003.)

6.30.060 Satellite Manufacturer's Permits, Authorization and Application.

- A. Pursuant to Section § 12-2-203(g) of Wyoming State Statutes as such section may be amended from time to time, the Town, upon application and after public hearing, may authorize the issuance of one (1) satellite manufacturer's permit to the holder of a Wyoming Liquor Division manufacturer's license and who is a federally licensed distiller or rectifier.

- B. Any person desiring a satellite manufacturer's permit shall file with the Town Clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a satellite manufacturer's permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming.

- C. Any satellite manufacturer's permit issued shall be subject to the terms and conditions of Section § 12-2-203 of Wyoming State Statutes and all other applicable state and local statutes and ordinances governing local liquor licenses.

(Ord. 1185 § 1, 2017; Ord. 1069 § 1, 2014)

Chapter 6.40
RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS

Sections:

6.40.010 License: Transfer, Renewal.

6.40.020 License: Contents, Signing, Attestation and Display.

6.40.030 Hours of Sale: Unlawful Acts Designated.

6.40.040 Place of Sale: Location, Regulation, and Restrictions.

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

6.40.060 Minor, Habitual and Common Drunkards and Incompetent: Restrictions.

6.40.010 License: Transfer, Renewal.

Upon the expiration of any license, the owner thereof shall have a preference right to a new license or renewal of license if such license may be granted under this title or the laws of the State of Wyoming. Except as above provided in Section 6.20.030 of this title, no liquor shall be dispensed in any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment, or execution. Retail, limited retail, and microbrewery licenses may be transferred or renewed on different premises on the same basis as the original application only after public hearing and with the approval of the Town Council. Restaurant, bar and grill, and resort licenses may not be transferred to a new location.

There shall be no refund of all or any part of any license fee. The fee for the transfer of a liquor license or permit shall be one hundred dollars (\$100.00). (Ord. 1185 § 1, 2017; Ord.960 § 1, 2010; Ord. 853 § 6, 2007; Ord. 90 § 6, 1965.)

6.40.020 License: Contents, Signing, Attestation and Display.

Each license issued by the Town shall be signed by the Mayor and attested by the Clerk. The following shall be shown in each license:

- A. The name of the licensee;
- B. A description of the place in which alcohol and/or malt beverages may be sold;
- C. The date of issuance;
- D. The amount of the fee and that the same has been paid;
- E. Each licensee shall display the license in a conspicuous place in the licensed room.

(Ord. 853 § 6, 2007; Ord. 90 § 12, 1965.)

6.40.030 Hours of Sale: Unlawful Acts Designated.

- A. All persons licensed under this title except clubs holding a limited retail license shall close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two (2) a.m. each day and keep the same closed until six (6) a.m. the same day. The Town Council may meet in January of each year to designate the dates during any city or county fairs, rodeos, pageants, jubilees or similar public gatherings when all licensees may operate without restriction as to closing hours, such unrestricted operation shall not exceed a total of four (4) full days in any one (1) calendar year.
- B. It is unlawful for any owner, manager or employee of any business licensed under this title, except clubs holding a limited retail license, to allow anyone other than an employee of the

licensed business or organization to be or remain in the licensed room from and after thirty minutes after the time designated by statute or ordinance for closing of the dispensing room and ceasing the sale of both alcoholic and malt liquors; provided, that in cases of food service operations for which an additional dispensing room license has been obtained pursuant to this chapter, the food service facilities may remain open to the public, but it shall be unlawful to allow the consumption of alcoholic beverages therein from and after thirty (30) minutes after the time established by statute or ordinance for the closing of the dispensing room and the ceasing of sale of alcoholic and malt liquors.

(Ord. 853 § 6, 2007; Ord. 544 § 1, 1996; Ord. 227 § 1--2, 1977; Ord. 90A § 1, 1973; Ord. 90 § 8, 1965.)

6.40.040 Place of Sale: Location, Regulation, and Restrictions.

The place in which alcoholic and malt beverages are sold under a retail liquor license shall be located in the licensed building for which the license is approved and issued. Alcoholic beverages secured by a server may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the licensing authority. The adjacent area shall not be located in another building. The licensing authority which issued the license shall as often as may be deemed necessary inspect the licensed building and adjoining areas where alcoholic beverages are served to determine compliance with sanitation, fire hazard, local permitting, and other applicable laws.

(Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 90 § 9, 1965; Ord 516 § 1, 1995.)

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

No alcoholic or malt beverage shall be consumed or carried by any person in open containers of any type on any street, sidewalk or curb or any other public property whatsoever within the town, except in dedicated town parks maintained by Jackson/Teton County Parks & Recreation, athletic fields, and the rodeo grounds.

No alcoholic or malt beverages shall be consumed or carried by any person in open containers of any type within:

- A. The grandstands, or adjacent to, or on any baseball field during any game sanctioned by Little League Baseball Incorporated; or
- B. The Town Square which is bounded by East Broadway Street, North Cache Street, East Deloney Street and North Center Street.

(Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 172 § 1, 1974.)

6.40.060 Minor, Habitual and Common Drunkards and Incompetents: Restrictions.

- A. It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the State of Wyoming, or the servant or employee of such holder to sell, furnish, give or deliver or cause to be sold, furnished, given or delivered alcoholic or malt beverages to any habitual or common drunkard or to any disorderly or obviously intoxicated person; or for any person, firm or corporation or its agents, to sell alcoholic or malt beverages to any habitual or common drunkard or any incompetent person. In the case of habitual or common drunkards the licensee must be notified in writing, by the Chief of Police or his/her designee of such habitual or common drunkenness. For purposes of this section, "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially

impaired and the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction that would have been obvious to a reasonable person.
(Ord. 1072 § 1, 2014)

- B. It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the State of Wyoming, or his or its servants, agents or employees to permit any person under the age of twenty-one (21) years to enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse, or legal guardian who is twenty-one (21) years of age or older.
1. Exception: Minors may be allowed, if accompanied by a parent, spouse, or legal guardian who is twenty-one (21) years of age or older:
 - a) In a dining or waiting area not later than 10:00 p.m.;
 - b) In drugstores, in which intoxicating or malt liquors are sold or dispensed; or
 - c) In an establishment, or in a separate area designated within that establishment, that is primarily for off-premise sales of alcohol or malt beverages.(Ord. 1185 § 1, 2017; Ord. 1072 § 1, 2014; Ord. 987 § 1, 2011; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)
- C. It is unlawful for any person to sell, furnish, give or cause to be sold, furnished or given any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient, or member of his own immediate family, unless otherwise excepted under W.S. 12-6-101(d) or (e), as amended.
(Ord. 1072 § 1, 2014; Ord. 987 § 1, 2011; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)
- D. Under Section 9.64.020 of the Jackson Municipal Code it is unlawful for any person under the age of twenty-one (21) years to have any alcoholic or malt beverage in his possession or to be under the influence of any intoxicating liquor or malt beverage, within the Town of Jackson, unless an exemption stated under Wyoming State Statute § 12-6-101 is applicable, which includes possession by a person under the age of twenty-one (21) years making the delivery of such alcoholic beverage pursuant to his employment.
(Ord. 1063 § 1, 2014; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)
- E. It is unlawful for any person under the age of twenty-one (21) years to be in, or attempt to be in, or remain in any place where intoxicating or malt liquors are sold or dispensed, or for any person to falsify any identification or use any false identification in order to be or remain in such place of business or to obtain intoxicating liquor or malt beverages unless an exemption stated under W.S. § 12-6-101 is applicable.
(Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

Chapter 6.50
SPECIAL TWENTY-FOUR (24) HOUR PERMITS

Sections:

6.50.010 Catering Permits.

6.50.020 Malt Beverage Permits.

6.50.010 Catering Permits.

- A. A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the Town to any person or organization holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable, or desirable to be held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.
- B. The permits authorized by this section shall be issued for one (1) twenty four (24) hour period, subject to the schedule of operating hours provided in Section 6.40.030 of this Code. No person or organization shall receive more than a total of thirty-six (36) catering permits for sales at the same premises in any one (1) year.
(Ord. 1185 § 1, 2017; Ord. 1118, §1, 2016; Ord. 853 §7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)
- C. The catering permit shall be issued on application to the Town without public notice or hearing. An application for a catering permit shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located outside of the Town shall secure the written approval of the licensing authority of Teton County or other applicable jurisdiction, prior to filing an application for a permit.
- D. The fee for the catering permit shall be twenty dollars (\$20.00) per each twenty-four (24) hour period.
- E. It shall be the duty and obligation of the permit holder to ensure that no sales are made to any person under the age of twenty-one (21) years.
(Ord. 1185 § 1, 2017; Ord. 853 § 7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)

6.50.020 Malt Beverage Permits.

- A. A malt beverage permit may be issued to any responsible person or organization, qualified by W.S. 12-4-103 (a)(vii), for the sale of malt beverages only at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverages be sold or consumed off the premises authorized by the permit.

- B. It shall be the duty and obligation of the permit holder to ensure that no sales are made to any person under the age of twenty-one (21) years.
- C. The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided in Section 6.40.030 of this Code. No person or organization shall receive more than a total of twelve (12) malt beverage permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises.
- D. The permit shall be issued by the Town Council without notice of application on forms prepared by the Town of Jackson. The fee for a malt beverage permit, shall be one hundred dollars (\$100.00) per twenty-four (24) hour period.

(Ord. 1185 § 1, 2017; Ord. 969 § 2, 2010; Ord. 853 § 7, 2007; Ord. 697 § 1, 2002; Ord. 90 § 4, 1965.)

Chapter 6.60
SUSPENSION AND REVOCATION OF LICENSES AND PERMITS

Sections:

6.60.010 Grounds for Denying Renewal of License or Permit.

6.60.020 Grounds for Suspension or Revocation.

6.60.010 Grounds for Denying Renewal of License or Permit.

- A. A license or permit shall not be renewed or transferred if the governing body finds from evidence presented at the hearing required under Wyoming Statutes § 12-4-104, as amended, any of the conditions found under Wyoming Statutes § 12-4-104(b) or violations of subsection C of this section.
- B. The holder of an expired annual license, or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyoming Statutes § 12-4-104(c), as amended. No other preference rights are authorized or recognized by the Town. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.
- C. The following actions, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:
 - 1. Failure of the license holder to comply with any provisions of this chapter;
 - 2. Three (3) or more convictions by the license holder and its employees in any calendar year for sale of alcohol to underage persons;
 - 3. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;
 - 4. A pattern (i.e. three (3) or more in one (1) calendar year) of failing to report incidents of assault and battery, disorderly conduct, sexual assault, discharge of firearms, or any other illegal act upon the premises which results in injury to persons or property, and which the license holder knew or should have known about;
 - 5. Conviction of any nonprocedural violation of state or local liquor laws.
 - 6. Failure to provide education materials to its employees on Wyoming liquor laws and the duties associated with the prevention of service of alcohol to minors. The business shall have the ability to provide this educational information in any format they wish.
 - 7. Initial, consecutive, and cumulative compliance check failures. Should a business fail an initial, consecutive, or cumulative compliance check as outlined below and conducted by law enforcement for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;
 - a. On the first compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hours TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training approved by the Jackson Police Department or the Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.

- b. On the second consecutive compliance check failure or a second compliance check failure within a twelve (12) month period, the business shall be required to have all of its employees who serve alcohol attend a four (4) hours TIPS/RBST (approved by Jackson Police Department or Wyoming Liquor Division) training within forty-five (45) days of failing the compliance check.
- 8. Failure to comply with the Plan of Operations set forth in the license application shall be grounds for non-renewal of the license by the Town Council.
(Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

6.60.020 Grounds for Suspension or Revocation.

- A. Wyoming Statute § 12-7-103 authorizes the Town to suspend a liquor license or permit if the licensee has not paid sales taxes. The determination that a licensee has not paid sales taxes will be determined by the State Liquor Division, with the Wyoming Department of Revenue.
- B. After receiving a certified order from the Liquor Division that a licensee or permittee owes sales taxes to the state, the Town Clerk will notify the licensee or permittee by certified mail if the Town intends to hold a hearing on whether the license or permit should be suspended.
- C. The suspension hearing will be conducted under rules adopted by the Town. The Liquor Division's order of delinquency and all evidence presented at the Liquor Division's hearing will be admitted and considered prima facie evidence of licensee's or permittee's tax delinquency.
- D. In the event a license or permit is suspended in accordance with this section, the holder of the license or permit may appeal the suspension in accordance with the provisions of Wyoming Statute § 12-7-103, as amended.
- E. The suspension of the license or permit shall remain in effect until either the governing body lifts the suspension, a court of competent jurisdiction lifts the suspension, or the Town Clerk receives certified notice from the state that the sales tax liability has been satisfied.
- F. In the event a suspension occurs:
 - 1. The Town Clerk shall send by certified mail one copy of each of the suspension notices to the last known address of the license or permit holder and to the Director of the Wyoming Liquor Division of the State of Wyoming;
 - 2. The Town Clerk shall post one (1) copy of the suspension notice on the licensed or permitted premises;
 - 3. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful; and,
 - 4. The licensee or permittee shall either remove all of the alcoholic liquor and malt beverages from the licensed premises or secure the alcoholic liquor or malt beverages in a manner approved in writing by the Chief of Police or his/her designee.
- G. When a liquor license holder has acted in violation of this chapter, the Town may take action pursuant to Wyoming Statute § 12-7-201, as amended, seeking suspension or revocation of

the license or permit. Any revocation procedures of a license or permit will be in accordance with Wyoming Statute § 12-7-101 through § 12-7-201. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of Chapter 6.70 of this title.

- H. In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or consecutive and cumulative compliance check failures as outlined below may be cause for the initiation of suspension and/or revocation procedures.
1. If a business fails a third consecutive compliance check or a third compliance check in a twelve (12) month period, the business shall be subject to suspension for a minimum of one hundred twenty (120) days and shall be subject to revocation proceedings.
 2. If a business fails five (5) compliance checks in a twenty-four (24) month period, the business shall be subject to suspension for a minimum of one hundred fifty (150) days and shall be subject to revocation proceedings.
- I. It is unlawful for any person to knowingly submit false information or false facts as true, on an application for any license or permit authorized by this chapter. Each application submitted shall be affirmed as being true and correct to the best of the applicant's knowledge.
1. If, in the opinion of the Town Attorney, a licensee or permittee has violated subsection (A) above, the Town Attorney may request the governing body to take action pursuant to Wyoming Statute § 12-7-101, § 12-7-102 or § 12-7-201 to suspend or revoke the applicable license or permit.

(Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

**Chapter 6.70
VIOLATIONS**

Sections:

6.70.010 Violations.

6.70.010 Violations.

- A. The governing body shall not issue a license or permit to any person or organization violating this title.

- B. Excessive drinking of alcoholic liquor and malt beverages in any place licensed under this title shall not be permitted by the licensee.

(Ord. 853 § 9, 2007.)

Chapter 6.90
PENALTY FOR VIOLATIONS

Sections:

6.90.010 General Penalty for Violations.

6.90.010 General Penalty for Violations

Any person who violates any provisions of this title for which violation no specific penalty is provided is guilty of a misdemeanor and upon conviction thereof shall be punished according to Section 1.12.010 of this code.

(Ord. 853 § 10, 2007; Ord. 90 § 14, 1965.)