

**ORDINANCE**  
**NO. 703**

**AN ORDINANCE REPEALING ORDINANCES 48A, 48B, 48C, 207, 220, 276, 349, 390, 413, 667, 687, AND THE EXISTING CHAPTER 5 OF THE MILLS MUNICIPAL CODE DEALING WITH THE LICENSES AND PERMITS PERTAINING TO ALCOHOLIC BEVERAGES AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER 5 DEALING WITH LICENSES AND PERMITS PERTAINING TO ALCOHOLIC BEVERAGES TO CHANGE THE REQUIREMENT FOR ALCOHOLIC BEVERAGES IN REFERENCE TO PURPOSE, LICENSES AND PERMITS-TYPES, APPLICATION FEES, TERMS OF LICENSES AND PERMITS, TRANSFER OF OWNERSHIP, SALES AND CONSUMPTION, SPECIAL USE AREAS, HOURS OF OPERATION, LICENSED BUILDING RESTRICTIONS, SUSPENSION OR REVOCATION OF LICENSE AND VIOLATIONS**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

**Chapter 5. ALCOHOLIC BEVERAGES**  
**As of 6-27-2017**

Sections: 5.10.010 - Purpose—Authority—General provisions.

A. The purpose of this chapter is to establish regulations and procedures for the review, licensing, permitting, control, legal distribution and administration of alcoholic liquor and malt beverage sales, consumption and related activities within the Town of Mills.

B. Pursuant to the authority granted Cities and Towns by Wyo. Stat. Sections 15-1-101, et seq., and Wyo. Stat. Section 12-4-101, the sale, consumption and related activities of alcoholic liquors



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Fee: \$36.00  
TOWN OF MILLS



and malt beverages will be in compliance with Wyo. Stat. Sections 12-1-101, et seq., which is made a part of this chapter by reference, and the Town's Home Rule powers.

C. On behalf of the licensing authority, the Town Clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various town department representatives, as required by the Town Clerk.

D. Representatives of law enforcement, health, building and fire departments may enter licensed and permitted premises to make reasonable inspections to enforce compliance.

#### 5.10.020 - Licenses and permits—Types.

A. The Town of Mills, through its governing body, is authorized to issue any license or permit which the laws of the State of Wyoming allow for it to issue. The listing of a specific license or permit herein is not intended to be exclusive. Where a license or permit is authorized under Wyoming Law, either now or by future enactment, it is the intent of these ordinances to allow for the proper issuance of the same through its governing body.

B. In all instances licenses and permits under this section are to be authorized by the governing body, the Town Council of Mills, Wyoming, and to be subsequently issued by the Mayor or the Town Clerk.

C. The Town is authorized, pursuant to Wyo. Stat. Sections 12-1-101, et seq., to issue the following types of alcohol, winery and malt beverage licenses:

1. Retail Liquor License. The governing body may authorize issuance of a license to an applicant for direct alcoholic liquor and malt beverage sales to patrons in a lounge or bar, which may include a package store and/or drive-up facility as approved by the governing body. (Wyo. Stat. Section 12-4-201)

2. Limited Retail Liquor License. The governing body may authorize issuance of a license to a club, as defined in Wyo. Stat. Section 12-1-101, to provide sales of alcoholic liquors and malt beverages to its members and their guests. (Wyo. Stat. Section 12-4-301).

3. Restaurant Liquor License. The governing body may authorize the issuance of a license to an applicant for alcoholic liquor and malt beverage sales by a restaurant as defined in Wyo. Stat. Section 12-1-101(a)(xiv). (Wyo. Stat. Sections 12-4-407, et seq.)

4. Bar and Grill Liquor License. Pursuant to provisions of Wyoming Statute, Title 12, Alcoholic Beverages, effective July 1, 2006, the governing body may authorize issuance of a Bar and Grill Liquor License to an applicant for alcoholic liquor and malt beverage sales by a restaurant, as defined in Wyo. Stat. Section 12-1-101(a)(xiv).

5. Resort Liquor License. The governing body may authorize the issuance of a license to an applicant for alcoholic liquor and malt beverage sales to a resort. (Wyo. Stat. Section 12-4-401)

D. The Town is authorized, pursuant to Wyoming Statutes Sections 12-1-101, et seq., to issue the following types of alcohol, winery and malt beverage permits:

1. Catering Permit. The governing body may authorize the issuance of a Catering Permit to a Retail Liquor Licensee and Resort Liquor Licensee authorizing off-premise sales of alcoholic liquors and malt beverages (Wyo. Stat. Section 12-4-502). This provision includes events in which the licensee sells alcohol and malt beverages on the real estate associated with the licensed establishment but outside of the licensed building. Specific rules for such events will be set in the Town of Mills Catering Permit Policy that will be updated from time through a resolution of the governing body.

a. On behalf of the licensing authority, the Town Clerk is authorized to provide written approval, pursuant to Wyo. Stat. Section 12-4-502(d), to eligible Town Liquor Licensees who wish to submit an application for a Temporary Catering



Permit within the jurisdiction of another liquor licensing authority within the State of Wyoming. Written request for approval must be submitted by the eligible licensee to the Town Clerk, containing information as required by the Town Clerk, for approval by the Chief of Police prior to issuance of written approval. The number of permits issued for the events outside of the Town of Mills boundaries will be limited to 20 per year as counted from Oct 15<sup>th</sup>.

b. No more than one catering permit per month may be issued under this section to any single applicant for a location that is adjacent to or on the same real property as an establishment that has a liquor license as otherwise described in Chapter 5 of the Mills Town Code. If an event will last 2 or 3 consecutive days a total of three permits may be issued as long as it is the same single event that last consecutive days.

2. Consumption Permit. The governing body may authorize the issuance of a permit to applicants requesting consumption of alcoholic liquors or malt beverages under provisions of Section 5.10.060(C).

3. Malt Beverage Permit. The governing body may authorize issuance of a permit to any responsible person or organization allowing malt beverage sales only at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. (Wyo. Stat. Section 12-4-502)

4. Malt Beverage Permit with Open Container Waiver. The governing body may authorize, under Section 5.10.060(C)(5) of this code, issuance of a permit in conjunction with a special community-based event, waiving the Town's open container restriction.

5. Microbrewery Permit. The governing body may authorize issuance of a permit to an applicant to provide for brewing and dispensing of malt beverages. (Wyo. Stat. Section 12-4-412)

6. Satellite Winery Permit. The governing body, upon application, may authorize issuance of a Satellite Winery Permit to the holder of a Winery Permit pursuant to the provisions of Wyo. Stat. Section 12-4-412(d).

7. Winery Permit. The governing body may authorize issuance of a permit to an applicant for the manufacturing and dispensing of wines. (Wyo. Stat. Section 12-4-412)

8. Special Malt Beverage Permit. The governing body, upon application, may issue a Special Malt Beverage Permit to any reasonable person or organization for sales of malt beverages at public auditoriums, civic centers or event centers.

a. To qualify for a Special Malt Beverage Permit the governing body shall require that:

1. The public auditorium, civic center or events center shall be an enclosed building owned by the County, City or Town containing meeting rooms, kitchen facilities and an auditorium;

2. A stadium utilized for a public event;

3. The person or organization holding the Special Malt Beverage Permit holds a written agreement with the building owner giving said person the right to sell malt beverages within the building for which the permit will be effective.

b. No person or organization holding a Special Malt Beverage Permit shall sell any alcoholic liquor or wine other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the permit holder to see that no sales are made to any person under the age of twenty-one (21) years.

c. Special Malt Beverage Permits authorized by this section shall be issued after a hearing on application for a one (1) year period unless sooner revoked and the license fee shall be one thousand five hundred dollars (\$1,500.00) payable annually in advance.

9. Satellite Manufacturer's (Distillers) Permit. The governing body, upon application, may authorize issuance of a Satellite Manufacturer's Permit to the holder of a federally licensed distiller or rectifier pursuant to the provisions of Wyo. Stat. Section 12-2-203(g).

E. All requests for permits and licenses must be made on application forms supplied by the Town Clerk.

5.10.030 - Application—Fees—Procedures.

A. Pursuant to the provisions of Wyoming Statutes Sections 12-1-101 et seq. and this chapter, any person desiring a license or permit to sell, consume, or pertaining to, alcoholic liquors and malt beverages within the Town shall file an application with the Town Clerk, including supporting documentation as required and payment of applicable fees as follows:

License Type	Fee
Retail	\$1,500.00
Limited and Club Retail	\$1,500.00
Resort	\$1,500.00
Restaurant	\$1,500.00
Bar and Grill	\$1,500.00
Transfer (ownership/location)	\$100.00*

\* Transfer of ownership and/or location for certain types of licenses is not allowed pursuant to Wyoming Statute.

Permit Type	Fee
Catering	\$100.00/Per Day
Consumption	\$50.00/Per Day
Malt Beverage	\$100.00/Per Day
Malt Beverage with Open Container Waiver	\$100.00/Per Day
Microbrewery	\$500.00
Satellite Winery	\$100.00
Winery	\$500.00
Satellite Manufacturer's (Distiller's)	\$100.00

B. In addition to paying an application fee at the time of filing, the applicant shall also pay a nonrefundable publication fee in an amount designated by the Town Clerk to cover the cost of publishing public hearing notices.

C. When filing new, renewal, or transfer of ownership or location applications, the applicant shall submit a signed affidavit and authorization form, as provided by the Town Clerk, which includes the applicant's name, signature, address, and date of birth. The applicant shall agree to a background check conducted by the proper authority for the same.

D. Upon receipt of an application, the Town Clerk will forward one copy of the application to the State Liquor Division as required by Wyo. Stat. Section 12-4-104(a). The Town Clerk shall also prepare a notice of application, place the notice conspicuously upon the proposed place of sales



shown on the application, and publish the notice in a newspaper of local circulation once a week for four consecutive weeks.

E. The fees set forth in this section, in whole or in part, may be revised at any time by the Town Council upon an appropriate resolution provided that any new fees set by the Town Council comport with the applicable Wyoming Statutes at the time the resolution goes into effect.

5.10.040 - Issuance—Term of licenses and permits—Renewal of annual licenses.

A. Licenses and permits renewed on an annual basis (i.e., retail, limited retail, resort, restaurant, bar and grill, microbrewery and winery) are effective for a period of not more than one year, expiring each year on October 15. Applications for renewal of licenses and permits, together with fees, must be submitted by the date and time established annually by the Town Clerk. Compliance and an alcoholic liquor and malt beverage review system, in addition to State Law and Town Code regulations and requirements, will be evaluated by the governing body during the annual liquor license renewal process. Any violation or noncompliance of the review system, State Law or Town Code regulations and requirements will be considered by the governing body in its decision to renew, or not renew, an annual license.

1. Annual Liquor License compliance criteria may include efforts to provide:

- a. Such proper training as the issuing authority may deem appropriate, depending upon availability and individual requirements for the facility.
- b. Prohibit sales to and consumption by minors within licensee's establishment or areas of service.
- c. Report to local law enforcement by licensee, including any on-site managers, agents or employees, any incidents upon the premises requiring law enforcement response services.
- e. Violations of subsection (A)(1)(a) or (b) of this section shall be a misdemeanor punishable by a fine not to exceed seven hundred fifty dollars (\$750.00) and/or a jail sentence not to exceed six months.

2. The governing body shall review licensees and/or their agents who repeatedly violate any applicable provisions of the law. Violations while acting in the service of the licensee shall be imputed to the licensee for purposes of this section. Accordingly, a licensee may be reviewed upon the conviction of its employee(s) and/or agent(s) for violations of this section.

a. Convictions of any alcoholic beverage laws shall be monitored by the Mills Police Department. Within thirty (30) days of a licensee's or agent's conviction resulting in the licensee receiving more than two convictions in any twelve (12) consecutive month period, the Chief of Police will report the violations to the governing body and Town Clerk. Upon direction from the governing body, the Town Clerk will provide the licensee or their agent with a notice and an opportunity for a public hearing. Date of the notice shall precede any hearing by at least ten (10) days. The notice shall be served by personal service or by certified, return receipt requested, and first-class mail.

b. In the event that the governing body concludes there is substantial evidence that a licensee, their agent or employee has routinely failed to correct areas where violations have occurred, the governing body may request action be taken to revoke or suspend the licensee's liquor license or permit pursuant to Wyo. Stat. Sections 12-7-101, et seq. Three or more violations of any applicable laws pertaining to the liquor license shall be considered prima facie evidence of a licensee's or permittee's failure to remedy the violations.

B. Temporary permits, catering, malt beverage, malt beverage with open container waiver, and special permits, are effective only for the term listed upon the permit issued by the Mayor and Town Clerk.



C. All recipients must post a license or permit in a conspicuous place within the licensed dispensing facility described in the application. Any license or permit approved for issuance by the governing body shall be held by the Town Clerk until the license can be posted in a physically functional building. (Wyo. Stat. Section 12-4-103(a)(iv))

D. All applicants for a license or permit under this Chapter must provide proof of having an annual fire inspection for any establishment for which the license or permit will apply.

5.10.050 - Transfer of ownership or location.

A. A licensee seeking to transfer an existing annual license or permit shall submit an application, together with a nonrefundable fee as specified in Section 5.10.030, to the Town Clerk. The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with Wyo. Stat. Section 12-4-601.

B. Transfer of ownership shall include, in the case of a corporation, the transfer of shares, or issuance of new shares, of a corporation representing up to 25% of the ownership interest in the corporation. Transfer of ownership shall include, in the case of a limited liability company, a change in the membership of up to 25% of the ownership interest in the limited liability company.

5.10.060 - Sales and consumption—Restrictions.

A. A license or permit is required to conduct the sale of alcoholic liquors or malt beverages as defined in Wyo. Stat. Section 12-1-101(a)(xvi).

B. A Retail Liquor Licensee may not provide delivery or cause to be delivered any alcoholic liquors or malt beverages to any person. No person may engage in the business of making deliveries of alcoholic liquors and malt beverages from the licensed place of business of any Retail Liquor Licensee. For purposes of this section, a delivery shall mean the physical delivery of alcohol, in any amount, outside of the licensed or permitted premises.

C. No person may drink or carry in his or her immediate possession an alcoholic liquor or malt beverage in a container that has been open or unsealed, either on foot, within a motor vehicle, or other means of conveyance, upon town streets, sidewalks, parks, public parking lots, or public school property, or without the consent of the owner upon any private parking lot or any private areas that are open to the public, except:

1. The Town Council may allow the Mayor or Town Clerk to issue a Consumption Permit to applicants requesting to consume or carry an alcoholic liquor or malt beverage in an open container on foot or in a motor vehicle or other means of conveyance as part of a ceremony, show, theatre, parade, or similar public event.

2. The Town Council may allow the Mayor or Town Clerk to issue a Consumption Permit to applicants requesting to consume or carry malt beverages in a Town park. The designated areas allowed are those which can be reserved through the Town Parks division.

3. Prior to consumption permits being issued per subsections (C)(1) and (C)(2) of this section, an applicant shall provide the Town with a written release, indemnification and hold harmless agreement and agree to assume responsibility relative to liquor liability coverage as approved by the Town Attorney.

4. The Town Council may allow the Mayor or Town Clerk to approve a Malt Beverage Permit with an Open Container Waiver for special community-based events in accordance with administrative guidelines on file with office of Town Clerk.

5. The Town Council may allow the Mayor or Town Clerk to approve a Catering Permit, restricted to sales of wine, including champagne, and malt beverages, with an Open Container Waiver for special community-based events and activities in accordance with administrative guidelines on file with the office of Town Clerk.

- a. No permit will be issued until the applicant submits proof of general liability coverage, including liquor liability, as approved and in an amount determined by



the Town. Proof of coverage document must name the Town of Mills as an additional insured and certificate holder.

b. Applicants shall provide the Town with a written release, indemnification and hold harmless agreement as stated upon the permit application form.

c. Sales and dispensing locations and consumption boundaries for the event or activity will be determined and approved by the Chief of Police and Town Clerk.

6. The area of service for consumption may not extend to the outside of the building except for within an attached and enclosed permanent structure, such as a deck or patio. For a specific event approved by council under the provisions provided for above the area of consumption, if it is to extent outside of the building, must be enclosed. Temporary enclosure may be allowed for temporary permits provided that it is approved by Town Council at the time the permit is issued. Any such temporary enclosures must first be inspected and approved by the Town of Mill's Building Inspector and Fire Chief prior to their use. In instances of temporary permits any area outside of a permanent structure must be prominently marked so as to indicate that no alcohol is permitted beyond that point.

D. It shall not be unlawful for any person to consume or have in his or her possession any alcoholic liquor or malt beverage in a container that has been open or unsealed where a State Limited Transportation Liquor License has been issued. (Wyo. Stat. Section 12-2-202)

E. Consumption of alcoholic beverages by individuals engaged in serving alcohol or food for an individual or entity holding a license or permit issued under this Chapter shall be prohibited. Consumption of alcohol by the holder of a license or permit issued under this Chapter or an employee of a license or permit holder while at work at the location holding the license or permit shall not be allowed. A liquor license or permit holder shall not knowingly allow an employee or employees to consume alcoholic beverages in violation of this section. A limited exception to his section may be applied for in those circumstances in which a permitted event primarily features the tasting of alcoholic beverages, such as a wine tasting, as its main focus, but only in such instances when the exception is permitted by the Town Council.

5.10.070 - Miscellaneous licenses and permits—Special use areas.

A. While traveling within the Town, each vehicle operating under a State Limited Transportation Liquor License must have a copy of the license conspicuously displayed in the rear window.

B. Upon written request and payment of fee, as authorized by the Town Council, the Mayor or Town Clerk may authorize a retail or resort licensee to sell alcoholic liquors and malt beverages in sealed containers from a minibar located in a sleeping room of the licensee's hotel or motel premises. (Wyo. Stat. Section 12-5-201)

1- Hours of operation.

A. On all days but Sundays, Licensees may begin alcoholic or malt beverage sales in the licensed building at 6:00 a.m. and shall close and cease the sale of both alcoholic and malt beverages and close the licensed facility promptly at the hour of 2:00 a.m. the following day.

B. On Sundays, licensees may begin alcoholic or malt beverage sales in the licensed building at 9:00 a.m. and shall close and cease the sale of both alcoholic and malt beverages and close the licensed facility promptly at the hour of 12:00 a.m. the following day.

C. Hours of operation may be modified on no more than four days each calendar year where all license holders may sell alcoholic or malt beverages for up to twenty-four (24) hours as approved by the governing body. All license holders shall have the same dates.

5.00.90 Licensed Building Restrictions.

A. 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 building where alcoholic or malt beverages are dispensed in an establishment that



provides adult entertainment and/or is primarily for on-premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

1. The establishment is operating a restaurant with a commercial kitchen 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;
2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of 10:00 p.m.;
3. Limited Retail Licenses (Clubs) are exempt from the age restrictions listed above;
  - a. Limited Retail License holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.
4. Any other establishment approved by the governing body.
5. Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale of alcoholic or malt beverages.

5.10.100 - Suspension or revocation of license.

A. Wyo. Stat. Section 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 made by the State Liquor Division, Wyoming Department of Revenue.

B. After receiving a certified order from the State 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 Wyo. Stat. Sections 16-3-107 through 16-3-115, and rules adopted by the Town. The State 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 the licensee's or permittee's tax delinquency.

D. Any revocation procedures of a license or permit will be in accordance with Wyo. Stat. Sections 12-7-101 through 12-7-201.

5.10.101 - Violations—Penalty.

A. It is unlawful for any person to knowingly submit false information on an application for any license or permit. Each application submitted shall be affirmed as being true and correct to the best of the applicant's knowledge. If, in the opinion of the Town Attorney, a licensee or permittee has violated this subsection, the Town Attorney may request that the governing body take action pursuant to Wyo. Stat. Section 12-7-101, Section 12-7-102 or Section 12-7-201, to suspend or revoke the applicable license or permit.

B. Excessive drinking of alcoholic liquor or malt beverages in any place licensed under this chapter shall not be permitted by the licensee. In addition to the penalty provided by this code or State Law, excessive drinking or disorderly conduct may be cause for the initiation of suspension and/or revocation procedures.

C. Any person who violates any provision of this chapter is guilty of a misdemeanor punishable pursuant to the general penalty provisions of the Town Code, except where a penalty is already set forth herein.

D. The Town reserves the right to suspend or revoke any liquor license or permit up to the full extent of the authorization of law, after application of the proper procedure, as found at Wyoming Stat. Section 12-7-101 et seq. Any revocation procedures of a license or permit will be in accordance with Wyo. Stat. Sections 12-7-101 through 12-7-201.




E. Any Governing Body member, that has any financial or personal interests of any establishment that holds a liquor license will recuse themselves from any vote pertaining to issuing of license or permit or disciplinary action involving any establishment.

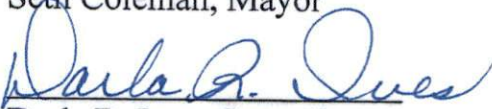
**THIS ORDINANCE SHALL BECOME IN FULL FORCE AND EFFECT UPON  
PASSAGE ON THIRD READING AND PUBLICATION BY NOT SOONER THAN  
JULY1ST, 2017**

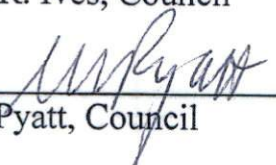
PASSED ON 1<sup>ST</sup> READING 14<sup>th</sup> DAY OF June 2017

PASSED ON 2<sup>ND</sup> READING 21<sup>st</sup> DAY OF June 2017

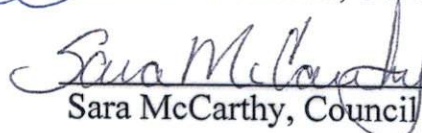
PASSED, APPROVED AND ADOPTED ON THIS 28<sup>th</sup> DAY OF June,  
2017

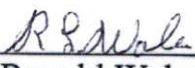
  
Seth Coleman, Mayor

  
Darla R. Ives, Council

  
Mike Pyatt, Council

  
Christine Trumbull, Town Clerk

  
Sara McCarthy, Council

  
Ronald Wales, Council

