

ORDINANCE NO. 781

AN ORDINANCE AMENDING AND REPUBLISHING
TITLE 5
BUSINESS LICENSES AND REGULATIONS

WHEREAS, The City of Mills, Wyoming has had the occasion to review its recently updated Title 5 of its Ordinances and to revise the same; and

WHEREAS, after said review and deliberation, certain amendments there to were seen to be in order; and

WHEREAS, certain provisions which were previously amended constituted amendments that are Charter Ordinances providing for exemptions, and are not now being changed, but none the less are being referenced in this updated Ordinance as the Ordinance is being republished.

NOW THEREFORE, The City Council of the City of Mills hereby amends its existing Title 5 such the the attached text shall reflect Title 5 as amended.

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1st reading the 10 day of May, 2022.

PASSED on 2nd reading the 24 day of may, 2022.


PASSED, APPROVED AND ADOPTED on 3rd and final reading this 14 day of June, 2022

CITY OF MILLS, WYOMING


Seth Coleman, Mayor


Sara McCarthy, Council


Darla R. Ives, Council


James Hollander, Council


Brad Neumiller, Council




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Pages: 32

NATRONA COUNTY CLERK

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Tracy Good
Recorded: CC
Fee: \$105.00
CITY MILLS

ATTESTED:


Christine Trumbull, City Clerk



Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.04 - GENERAL BUSINESS LICENSE REGULATIONS*

5.04.010 - Application.

Every person desiring to engage in any business, trade, profession or calling for which a license is required by this code, unless the requirements for procuring the license are specifically set forth, shall fill out, sign and file with the City clerk a petition or application for the license, which shall state:

- A. The name of the person desiring the license, and in case of a corporation or limited liability company the name of the president or chairman, and in case of a partnership the name of each partner;
- B. The residence or place of business;
- C. The business, calling or profession in which the applicant wishes to engage;
- D. The location where such business or calling is to be carried on;
- E. The applicant's Wyoming sales tax number;
- F. Such other items of information as the City council may require.

5.04.020 - License—Contents.

Every license issued hereunder shall show upon its face:

- A. The name of the business to whom issued;
- B. Sum paid
- C. Kind of business;
- D. Time for which issued;
- E. Place where business is to be carried on;

5.04.030 - Issuance conditions.

The City clerk shall issue and deliver the license to the applicant upon the payment of the fee as provided, and upon completion of any other legal requirements. The City clerk shall deposit the bond in the event the license requires a bond.

5.04.040 - Licenses required for specific businesses.

Licenses shall be required for the following businesses which maintain a permanent physical presence within the City or which are otherwise listed below:

- A. Junk dealers;
- B. Pawnshops;
- C. Itinerant merchants/unsolicited salesmen;
- D. Secondhand dealers;
- E. Sale of alcoholic beverages.
- F, Businesses maintain a permanent physical presence within the City.

5.04.050 - Fees.

Fees for the licenses outlined in Section 5.04.040 shall be established by resolution of the City council.

5.04.060 - Term.

No license shall be issued for any period of time longer than one year and shall expire one year from date of issuance. No license shall be transferable except upon application to the City council. It shall be within the discretion of the City council to grant or deny any application for transfer. Operators of all businesses licensed hereunder are required to comply with all legal orders of the inspecting officer with regard to sanitation, safety, health and compliance with the provisions of this code including having an annual fire inspection and providing proof of liability insurance for such business. Any person who shall operate, or engage in any business whatsoever within the City, without obtaining a license of such operation as required, after ten days following notification or the expiration of any license issued hereunder, shall be deemed a violator under the terms of this section and shall be fined as provided in Section 5.05.150 of this chapter. Each additional day that such business is continued in operation without the required license, shall constitute a separate offense. All license fees are due upon receipt of application. Any license fees paid after issuance date for the purpose of renewal shall be doubled. All licenses issued hereunder shall be nontransferable, and not subject to either transfer or assignment of ownership for any cause.

5.04.070 - Posting required.

Every license shall be posted in the business in a conspicuous place. It is the duty of the licensee to show the license at any time when requested to do so by a police officer, code enforcement officer, any member of the City council or any City employee charged with the supervision of the business licensed or whose duty it is to collect license fees.

5.04.080 - Revocation and suspension—Conditions.

All licenses shall be subject to the City ordinances in force at the time of issuance, and to any ordinances subsequently passed by the City council. The City council may revoke or suspend any license granted when it appears that the licensee is violating any City ordinances, state or federal regulations or laws in the transaction of the trade, profession, business, or calling for which the license was granted.

5.04.090 - Rights terminated when license revoked.

Upon the revocation of any license and notice to that effect being given such licensee, all rights of the licensee to carry on such business, trade, profession or calling shall immediately cease and terminate; and if such licensee shall continue to further engage in such business, trade,

profession or calling he shall be deemed to be doing so in violation of the provisions of this code, and be subject to the fines and penalties herein provided.

Chapter 5.08 - ALCOHOLIC BEVERAGES

Chapter 5.08 ALCOHOLIC BEVERAGES

5.08.010 Definitions.

For the purposes of this chapter the words and terms defined in this section have the meaning ascribed to them, unless the context otherwise requires:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes which contains at least one-half of one percent of alcohol by volume.
2. "Barrel" is a unit of liquid measure equal to thirty-one (31) U.S. gallons.
3. "Brewery" means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year of malt beverage.
4. "Building" means a roofed and walled structure built or set in place for permanent use.
5. "Club" means any of the following organizations:
 - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
 - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subparagraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;
 - c. A hall or building association of a local unit specified in subparagraphs (A) and (B) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
 - d. A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
 - e. A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax-exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one (1) year. The club shall have had during this one (1) year period a bona fide membership paying dues of at least twenty-five dollars (\$25.00) per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division, a

true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to W.S. 12-4-301, shall be in good standing by having paid at least one (1) full year in dues;

- f. Club does not mean college fraternities or labor unions;
- g. A political subdivision of this state owning, maintaining, or operating a bona fide golf course together with a clubhouse.

6. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are synonymous in meaning and definition.

7. "Licensee" means a person holding a: retail liquor license; limited retail liquor license; resort liquor license; twenty-four (24) hour malt beverage permit; restaurant liquor license; catering permit; bar and grill liquor license; malt beverage wholesale license; limited transportation liquor license; manufacturer's license; manufacturer's satellite permit; winery permit; winery satellite permit; out-of-state shipper's license; microbrewery permit; or special malt beverage permit issued under W.S. 12-4-504.

8. "Licensing authority" means the governing body of the City of Mills, Wyoming, with the responsibility to issue, control, and administer a particular license; or staff designee.

9. "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute thereof, containing at least one-half of one percent of alcohol by volume.

10. "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifty thousand (50,000) barrels per year and not less than fifty (50) barrels per year.

11. "Operational" means offering alcoholic liquor and/or malt beverages for sale on an ongoing weekly basis to the general public under a license.

12. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

13. "Person" means and includes an individual person, partnership, corporation, joint venture, proprietorship, limited liability company and any other entity or organization which is recognized as a person by the law.

14. "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one (1) year who has not claimed residency elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this chapter.

15. "Restaurant" means space in a building maintained, advertised, and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages.

16. "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivering or dispensing, and pouring for value, exchanging for goods, services, or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than my gift constitutes a sale.

5.08.050 Possession or consumption of alcohol in public places or on private property.

A. It is unlawful for any person to consume any alcoholic liquor or malt beverage or to possess an open container of any alcoholic liquor or malt beverage in or upon any property owned by the city, within the city's jurisdiction, or its public streets, alleys, schools and parks without a duly issued permit.

B. It is unlawful for any person to drink, consume or exhibit alcoholic liquors or malt beverages in or upon any property owned by any person other than the city, whether such person is in a private vehicle or not, unless such drinking or exhibition is with the express permission of the owner of the property.

- C. "Open container" is any container of alcoholic liquor or malt beverage that is not:
1. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Wyoming Statutes Section 12-4-410(e);
 2. In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;
 3. In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;
 4. In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or
 5. Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

D. Violation of this section is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six months, or both.

5.08.100 Liquor license or permit required, term, transfer—exception.

A. It is unlawful for any person to sell, offer for sale, traffic in, barter, deliver for value, exchange for goods, services or patronage, or exchange in any way other than purely gratuitously, any alcoholic or malt beverage in the city without first obtaining a retail liquor license, limited retail (club) license, restaurant license, resort license, bar & grill license, special malt beverage permit, microbrewery permit, winery permit, satellite winery permit, satellite manufacturer's permit, 24 hour catering permit, 24 hour malt beverage permit, or manufacturer's off-premise permit from the licensing authority; provided, however, that this section shall not apply to wholesale sales of malt beverages by persons holding a license therefor issued by the state liquor division.

17. "Wholesaler" means any person except the Wyoming Liquor Division, who sells any alcoholic or malt beverage to a retailer for resale.

18. "Winery" means a commercial enterprise manufacturing wine in a single location in Wyoming.

5.08.020 Sales establishments generally.

A. Location. The place in which alcoholic liquors and malt beverages are sold under a liquor license or permit shall be located in the licensed building, at such location upon the premises for which the liquor license or permit is issued as shall be approved by the licensing authority. Alcoholic beverages secured in the licensed building or dispensing area(s) may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the licensing authority. This adjacent area shall not be in another building.

B. Limitation on Items Sold. Only alcoholic liquors and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed building.

C. Gambling. No gambling shall be permitted in a licensed building or dispensing area(s).

D. Inspection. The governing body which issued the license shall, as often as may be deemed necessary, inspect the licensed building, dispensing area(s) or adjoining area(s) where alcoholic beverages are served to determine whether or not the requirements of this chapter, as amended, and requirements as to sanitation and fire hazards are being complied with.

E. Separation of Facility for On- and Off-Premises Consumption. The retail licensee shall maintain a separate area for the sale of alcoholic liquors and malt beverages for off-premises consumption from the area used to serve customers for on-premises consumption. In such case:

1. The facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption and shall be designed to comply with the provisions of Section 5.04.120;
2. Except as otherwise restricted in Section 5.04.120, the facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two facilities; and
3. No additional fee as described in subsection A of this section shall be assessed against a licensee who separates the licensed building in this manner.

F. 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-premises 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 ten 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. Establishments that operate primarily for off-premises sales shall maintain a separate area for the sale of alcoholic or malt beverages.
5. Nothing in this section shall be read to preclude an individual employed by a license holder as a server who is at least eighteen (18) years of age from working in a sales establishment.

5.08.030 Sale, etc., to or by persons under the age of twenty-one years or intoxicated individual.

A. It is unlawful for any person under the age of twenty-one (21) years to purchase, sell, possess or solicit the purchase or sale of intoxicating or malt liquors in the city.

B. It is unlawful for any person to sell, give or deliver intoxicating or malt liquors to any person under the age of twenty-one (21) years.

C. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in an establishment that is primarily for off-premises sales of alcoholic liquor and/or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

D. It is unlawful for any person regardless of age to sell, give or otherwise deliver any alcoholic or malt beverage to any intoxicated individual.

E. Any person who violates this section shall be deemed guilty of a misdemeanor, punishable by a fine of up to seven hundred fifty dollars (\$750.00), up to six months in jail, or both.

5.08.040 Hours of sale.

Except as otherwise restricted by Section 5.04.120, all persons licensed under this chapter shall close the licensed building and cease the sale of both alcoholic liquors and malt beverages promptly at the hour of two a.m. each day, and shall clear the licensed building of all persons other than employees by two-thirty a.m., and shall keep the same closed until six a.m. each day; except, that on Sundays not occurring on December 31, such places may only open the licensed building between the hours of nine a.m. and twelve midnight a.m., and shall clear the licensed building of all persons other than employees by ten-thirty p.m. Holders of restaurant liquor licenses shall operate the dispensing area(s) with the foregoing hours of operation, and additionally shall cease all sales of alcoholic liquors and malt beverages at the time food sales and services cease. Clubs holding special club licenses are exempt from all provisions concerning hours of operation.

B. Each liquor license issued by the licensing authority under this article shall be signed by the mayor and attested by the clerk. The following shall be shown in each license: (1) the name of the licensee; (2) a description of the place in which alcoholic or malt beverages may be sold; (3) the date of issuance; (4) the amount of the fee; and (5) that the fee has been paid.

C. Each person holding a license or permit under this article shall display the license or permit in a conspicuous place at the licensed premises.

D. A liquor license issued under this article shall be a personal privilege, good for one year, unless sooner revoked; provided, that 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 or malt beverages under a license, may exercise the privilege of the deceased licensee under such license until the expiration of the same; and provided further, that in the event of a major loss or damage to the licensed premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of even date as 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 made in good faith, may 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, 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, and all subject to the approval of the licensing authority.

E. Except as herein provided, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment or execution. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

5.08.110 Issuance of liquor licenses and permits by category.

A. Liquor licenses and permits issued by the licensing authority shall be categorized as follows:

1. Retail liquor License;
2. Limited retail (club) license;
3. Restaurant license;
4. Bar & grill license;
5. Manufacturer's off-premises permit;
6. Microbrewery permit;
7. Winery permit;
8. One-day malt beverage permit;
9. One-day open container permit;
10. One-day catering permit
11. Special Malt Beverage permit.

5.08.120 Liquor license requirements – restrictions by category, delivery.

A. Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within their respective category:

I. Retail License. Licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption on premise, off premise, or both but not for resale without the express approval from the liquor division.

a. Drive-in Area – Requirements. A drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license from six a.m. each day and shall cease all sales transactions and close the conduct of all business in the drive-in area promptly at the hour of twelve a.m. each day, and shall keep the same closed until six a.m. each day; except, that on Sundays such places may only open the drive-in area between the hours of twelve noon and ten p.m. The licensing authority which issued the retail liquor license shall determine whether traffic conditions; or physical circumstances, hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. Upon approval of the governing body which issued the retail license, a drive-in area adjacent to 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 payment for alcoholic liquor or malt beverages, or other goods as allowed under the following conditions:

- i. 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;
- ii. No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distant from the licensed building;
- iii. The area shall be well-lighted and subject to inspection by the governing body which issued the license at any and all times;
- iv. No walls or screens may be positioned or situated so as to interfere with observing and checking the part of the area used for orders, delivery and payment;
- v. No order shall be accepted from nor delivery made to a person under twenty-one (21) years of age or a person who is visibly intoxicated to any extent, in the area;
- vi. No part of a publicly owned sidewalk, highway, street or alley may be used for taking orders, delivery and payment; and
- vii. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package, and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

- b. Shipping of manufactured wine. A retail liquor licensee may ship not more than a total of twelve cases of manufactured wine directly to any one (1) household in any twelve (12) month period provided the licensee:
 - i. Ships the manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;
 - ii. Ensures that all shipping containers of manufactured wine shipped pursuant to this subsection are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVER"; and
 - iii. Ensures that all of its shipments within the state are made by a licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.
- 2. Limited Retail (Club) License. The applicant must be a bona fide club as defined by Wyoming Statutes, Section 12-1-101(a)(iii). At least fifty-one (51) percent of the membership of a social club as defined by Wyoming Statutes, Section 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the Wyoming State Liquor Division, indicating a desire to secure a special club license. A club holding a special club license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to ensure that all alcoholic or malt beverages sold are consumed within the building, space or premises.
- 3. Restaurant License. Applicants must submit a valid food service permit upon application. The applicant must satisfy the licensing authority that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories: (1) food service sales; and (2) alcoholic and malt beverage sales, showing a breakdown of gross sales indicating that not less than sixty (60) percent of gross sales from the preceding twelve (12) months of operation was derived from food services. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in the licensed building areas approved by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted in the dispensing areas, nor shall any person, other than employees over eighteen (18) years of age, be permitted to enter the dispensing areas. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge. A restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of

wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee. Wine which is resealed shall not be deemed an open container.

4. **Bar & Grill License.** Subject to availability, restaurants, as defined by W.S. 12-1-101(a)(xiv), may be licensed by the licensing authority under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. An applicant for a bar and grill liquor license shall satisfy the licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages. When renewing a bar and grill liquor license, the licensing authority shall condition renewal upon a requirement that not less than sixty (60) percent of gross sales from the preceding twelve (12) months' operation of a licensed restaurant be derived from food services. Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories: food service sales; and alcoholic liquor and malt beverage sales. The annual report shall be submitted upon a form approved by the licensing authority. All sales of alcoholic or malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder. Bar and grill liquor licenses shall automatically terminate and revert back to the city if the holder of the license ceases to do business.
5. **Manufacturer's Off-Premises Permit.** Applicants for a manufacturer's off-premises permit shall complete and submit an application no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a manufacturer's license. A manufacturer's off-premises permit authorizes 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. 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. A manufacturer's off-premises permit shall be issued for one twenty-four (24) hour period. No holder of a manufacturer's license shall receive more than twelve (12) manufacturer's off-premises permits in any one calendar year. The cost of such permits shall be fifty dollars (\$50.00) per twenty-four (24) hour period within city

limits and fifty dollars (\$50.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

6. Microbrewery Permit. The licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premise consumption. The licensing authority will follow the provisions of W.S. 12-4-415.
7. Winery Permit. The licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premise and limited off-premise personal consumption. The licensing authority will follow the provisions of W.S. 12-4-414.
8. One-day Malt Beverage Permit. Applicants for a malt beverage permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any responsible person, organization, or microbrewery for the onsite sale and consumption of malt liquors only at a picnic, bazaar, fair, rodeo, or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt liquors, and no microbrewery holding such permit shall sell any other malt liquors other than their own manufactured product on the premises described on the permit. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquors for more than twelve (12) days by any one person or organization in any one calendar year with the exception of a picnic, bazaar, fair, rodeo, or similar public gathering. The licensing authority may attach rules and regulations and other stipulations they deem appropriate to this permit. The cost of such permit shall be fifty dollars (\$50.00) for any responsible individual, organization, or microbrewery or such amount as the council may set from time to time by resolution.
9. One-day Open Container Permit. A twenty-four (24) hour open container permit may be granted or denied at the sole discretion of the licensing authority without public notice or hearing. The licensing authority may attach rules and regulations, hours, and such other stipulations as they deem appropriate to such permit. The permit shall be issued only for the day or days named therein and it shall not authorize open containers for more than twelve (12) days by any one person or organization in any one calendar year. The cost of such permit shall be fifty dollars (\$50.00) or such amount as the council may set from time to time by resolution. Nothing in this section shall be construed to substitute the permit granted herein for retail licenses for resale, permits for resale or similar provisions of this code.
10. One-day Catering Permit. Applicants for a catering permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a retail

liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises at meetings, conventions, private parties and dinners or similar gatherings not capable of being held within the licensed premises. The permit holder shall abide by all rules and regulations associated with his/her retail liquor license and shall not be permitted to sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for twenty-four (24) hours and the hours of sale must conform to Section 5.04.050. No retail liquor license holder shall receive more than a total of twenty-four (24) catering permits for sales at the same premises within the normal term of the retail liquor license, April 1st through March 31st of each year. The cost of such permit shall be fifty dollars (\$50.00) for such permits within city limits, and fifty dollars (\$50.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

11. Special Malt Beverage Permit. The licensing authority may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers, or events centers. The licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The licensing authority may provide additional rules and regulations dependent upon the event.

B. Delivery of alcoholic liquors and malt beverages. Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

1. All sales of alcoholic liquors and malt beverages shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online, or through a mobile application. All deliveries shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licensee's premise.
2. No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older.
3. All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed in its original package and unopened; in a plastic bag and heat sealed closed; or in a container that has a breakable seal incorporated in the container cap.
4. Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages.
5. Microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location shall

only deliver or contract to have delivered their respective manufactured products.

5.08.130 Fees.

All licensees shall pay, in advance for such license and advertising cost, the established fees for the liquor licenses and permits that have been set by the Council and which are in effect at the time that payment for said fees become due.

5.08.140 Liquor License Applications generally.

A. Any person desiring a liquor license authorized by this code shall apply to the licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the city clerk and shall contain the following provisions:

1. The location and a description of the licensed building in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the building and premises to be licensed;
2. The age, and residence, and of each applicant and each partner, if the application is made by more than one individual or by a partnership;
3. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under state law and of any conviction for a violation of state law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;
4. If the applicant is a corporation:
 - a. The name, age, and residence of each officer, director and stockholder holding, either jointly or severally, ten (10) percent or more of the outstanding and issued capital stock of the corporation, and
 - b. Whether any officer, director or stockholder with ten (10) percent or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section;
5. If the applicant is a limited liability company:
 - a. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company; and
 - b. If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section.
6. A statement indicating the financial condition and financial stability of the applicant.

B. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he or she signs and verifies the application for the license or permit.

C. No corporation shall be granted a license unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions are true.

D. No limited liability company shall be granted a license or permit unless at least one (1) of the officer, managers, or member signs and verifies the application on behalf of the company and also verifies upon their oath that the statements and provisions contained therein are true.

E. Corporate and limited liability company licensees and permittees shall advise the licensing authority within thirty (30) days in writing of any change in the information in the application required by paragraph 5 or 6 of this section. The licensing authority shall provide the liquor division a copy of the notification of change.

F. Any person desiring a liquor permit authorized by this code shall apply to the licensing authority. The application shall be made upon a form furnished by the licensing authority. The permit application shall be filed in the office of the city clerk and shall contain the following provisions:

1. The name, address and contact information of applicant or the responsible party.
2. The location and description of event purpose, date(s) and time(s) of event, and the number of attendees and if minors will be present.
3. A detailed explanation of the applicants security plan, how the applicant will enforce the prohibition of underage access and consumption, the restricted permitted area plan, and the designated driver plan.

5.08.150 Notice of application.

When an application for a license, renewal, or any transfer of location or ownership thereof has been filed in the office of the city clerk under this article, it shall be the duty of the clerk to publish, once a week for two consecutive weeks, in a newspaper of general circulation in the city. The city clerk shall also post the notice on the city or town's official website. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing their application, pay an amount sufficient to cover the cost of publishing notice provided for in this section. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the ____ day of _____, 20__,
_____ (name of applicant) filed an application for a
_____ license, in the office of the Clerk of the City of Mills
for the following described building (insert address):

and protests, if any there be, against the issuance of such license will be heard at the hours of ____M, on the ____ day of _____, 20____, in the City Hall.

Date _____

Signed _____

5.08.160 Issuance or denial.

A. Any license or permit authorized under this code shall not be issued, renewed or transferred until on or after the date set in the notice for pa protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;
3. The number, type and location of existing licenses or premises meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be set or satisfied by the issuance, renewal or transfer of the license or permit; or
5. Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

B. When any application is filed with the licensing authority, the city clerk shall immediately forward a copy of the application to the liquor division. Upon approval or denial of an application, the city clerk shall promptly notify the liquor division.

C. An applicant for a renewal license or permit may appeal to the district court from an adverse decision by the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

5.08.170 Restrictions on issuance.

A. A license authorized by this code shall not be held by, issued or transferred to:

1. Any person who does not own the licensed building or does not holds a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by subsection (A)(4) of this section;
2. Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within one year after a license or permit has been issued;
3. A retail liquor license shall not be renewed if the licensee did not, during the previous one-year term of the license, meet the definition of operational;

4. A manufacturer of alcoholic beverages or wholesaler of malt beverages;
5. A minor;
6. A college fraternity or organization created by one or more college fraternities;
7. A chamber of commerce;
8. A corporation which is not qualified to do business in Wyoming;
9. An individual who is not a resident;
10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

5.04.180 Revocation/suspension of a license or permit, violations, and penalties.

A. If the licensee fails to adhere to the provisions of this chapter or applicable laws of the state, the liquor licensee shall be subject to the provisions herein. To provide for an orderly administration of this chapter, and the maintenance of existing liquor licenses or permits, the city establishes a system for suspension and/or revocation of a liquor license or permit. Violations of this chapter by any licensee or employee or agent of a liquor licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section.

B. All liquor licensees, their agents, and employees must conduct the licensed liquor building and/or premises in compliance with provision of the laws of Wyoming related to liquor and city code related to liquor.

C. Proof of violation of any provisions of this chapter or applicable laws of the state by a licensee or the licensee's agent or employee is sufficient grounds for suspension or recommendation of revocation of the license and licensees and permittees may be reprimanded or assessed a civil penalty at the discretion of the governing body, as outlined in subsection F.

D. The governing body may impose progressive penalties for multiple violations of any laws, city codes and rules within the preceding three-year period as specified unless mitigating circumstances indicate the penalty should be reduced, or aggravating circumstances indicate the penalty should be increased. The governing body shall consider the licensee's prior violation history, the licensee's good faith effort to prevent a violation, and the existence of written policies governing the licensee's employee conduct as mitigating circumstances before taking an action against a licensee who is not in compliance with the provisions of this chapter.

E. Violation Chart:

	Type of Violation	Code
1.	Making a false statement on a liquor license or one-day liquor permit application	W.S. 12-4-102
2.	Failure to notify city of changes in application information for liquor license within thirty (30) days	W.S. 12-4-102(c)
3.	Sale or transfer of liquor license without permission of the city	RMC 5.04.100(e) W.S. 12-4-601(a)
4.	Failure to post liquor license or one-day liquor permit	RMC 5.04.100(c) W.S. 12-5-702(c)
5.	Open after hours; sales or dispensing after hours	RMC 5.04.040 W.S. 12-5-101
6.	Refusal to permit entry or inspection	RMC 5.04.020(d) W.S. 12-5-201(a)

	Type of Violation	Code
7.	Drive-in area conditions	MMC 5.04.120 W.S. 12-5-301
8.	Sale of alcoholic liquor or malt beverage to underage person	MMC 5.04.030 W.S. 12-6-101
9.	Unauthorized minors in licensed building or dispensing area(s)	MMC 5.04.030(c) W.S. 12-5-201(a)
10.	Gambling or other prohibited acts	MMC 5.04.020(c)
11.	Failing to obtain a limited use permit for sexually oriented events	MMC 9.08.210
12.	Limited retail liquor license: selling alcoholic liquor or malt beverages to non-members unless they are an accompanied guest of a member	W.S. 12-4-301(c)
13.	Failure to pay sales tax	MMC 5.04.180 W.S. 12-7-103
14.	All liquor licenses other than full retail or resort: selling alcoholic liquor or malt beverages for consumption off premises	W.S. 12-4-401; 12-5-201(e)(h)(j)
15.	Sale to an intoxicated person	MMC 5.04.030; 9.08.110 W.S. 12-5-301(v)
16.	Manufacturing, rectifying, or sale of alcoholic beverages without a license or permit	MMC 5.04.100 W.S. 12-8-102
17.	Furnishing to a minor by allowing an employee under the age of eighteen (18) years to serve alcohol to customers	W.S. 12-6-101(a); 12-6-101(e)
18.	Failing to comply with regulations pertaining to out-of-jurisdiction catered events	MMC 5.04.120
19.	Failure to maintain operational status	W.S. 12-4-103 MMC 5.04.170

F. Notification of Liquor Violation.

1. Municipal Court. Not later than thirty (30) days following disposition of a charge which results in a conviction to a liquor licensee, agent, or employee for a liquor violation in municipal court, the court shall report the following information to the city clerk:
 - a. The fact that a licensee, permittee, or employees and/or agents of a licensee or permittee have been convicted of a violation of the city code; and
 - b. The date of the alleged violation; and
 - c. Whether the municipal court disposition has been appealed. For purposes of this section, a conviction includes a finding of guilt after trial, a plea of guilty, or a plea of nolo contendere.
2. Notice of Violation to Liquor Licensee. Upon notice to the city clerk of a proof of violation of any one or more violation(s) as outlined in subsection E, the city clerk shall notify the liquor licensee of the violation(s) via regular mail to the address of the licensee listed on the licensee's most recent liquor

license application to the city. The notice shall include the description of the violation and provide for a reasonable timeframe to mitigate the violation. If the licensee fails to correct the violation within a reasonable timeframe, the clerk shall submit the violation to the governing body and the governing body may hold a hearing as outlined in subsection (F)(3).

3. Notice of Hearing before Governing Body. If the governing body chooses to hold a hearing regarding violation(s), all evidence will be admitted and considered prima facie evidence of the liquor licensee's violation(s). The purpose of the hearing is to allow the liquor licensee the opportunity to offer corrections to the information and action taken by liquor licensee to mitigate the violation(s), and for the governing body to determine whether the liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:
 - a. That the city received proof of violation(s), and that a fine, suspension and/or revocation of the licensee's license is possible; and
 - b. Summarizing the nature and date(s) of the incidents resulting in the violation(s).
4. Hearing Before Governing Body. The hearing before the governing body shall be conducted under the Wyoming Administrative Procedures Act (Wyoming Statutes Section 16-3-101 et seq.) and rules as adopted from time to time by the governing body.
5. Penalties. Following the hearing described in this section, and based upon the information considered and received at such hearing, the governing body may:
 - a. Issue a written warning and/or require a mitigation plan of the violation by licensee; or
 - b. Order a fine and/or suspension of license: The suspension of the liquor license shall remain in effect until the governing body lifts the suspension, a court competent jurisdiction lifts the suspension, or the city clerk receives notice from the State of Wyoming that the sales tax liability has been satisfied. Penalties provided in this section are based on the violations of ordinances outlined in subsection E herein against a liquor licensee within a three-year period beginning each year on the first day of April through the last day of March of the following year. Any convictions of liquor law violations during this period of time involving the same licensed liquor building and/or premises may be used by the governing body to determine a gross violation and suspension or recommend revocation of a licensee's license. The maximum fine is seven hundred fifty dollars (\$750.00) per occurrence.
6. Revocation. If it appears to the governing body that a liquor license should be revoked, the governing body may authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license. If

a license is revoked, except as provided in Wyoming Statutes Section 12-7-201(d) concerning the expiration of a license while a revocation order is under appeal, the liquor licensee of such revoked license shall not be eligible to apply for a new liquor license for a period of twelve (12) months from the date of revocation. In the event a suspension occurs, the clerk shall send by certified mail one copy of the suspension notice to the last known address of the liquor licensee and to the director of the state department of revenue. Additionally, the clerk shall post one copy of the suspension notice on the liquor license or permitted building or premises. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or trafficking of liquor or malt beverages in unlawful. Further, the licensee shall either remove all of the alcoholic liquor and malt beverages from the licensed building and/or premises or secure the alcoholic liquor and malt beverages in a manner approved in writing by the chief of police or his designee.

7. Appeal. Action by the governing body suspending a liquor license of a licensee shall be subject to review in the district court upon exhaustion of administrative appeals in accordance with the procedural rules heretofore or hereinafter adopted by the Wyoming Supreme Court concerning the review of administrative actions. Filing an appeal as provided in such rules, stays enforcement of the suspension decision pending final order of the appeal.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

Chapter 5.20 - COMMUNITY TELEVISION SYSTEMS

5.20.010 - Installation permit—Required.

No television wires or cables shall be constructed in or across public streets, alleys or sidewalks within the City unless a permit for such construction has been issued by the building inspector.

5.20.020 - Standards and specifications.

All television wires and cables shall be installed in accordance with the requirements of the National Electric Code in current use in the City. If amendments to such code are subsequently adopted by the City, then any installation of television wires and cables thereafter shall follow then existing amendments.

5.20.030 - Inspection—Correction of unsafe conditions.

The building inspector of the City is empowered to inspect or reinspect any television wires or cables crossing public streets, alleys or sidewalks in the City and, if such wires and cables are

found to be unsafe or found not to have been installed in accord with the requirements of the National Electric Code adopted under Section 5.20.030, the building inspector shall notify the person owning such wires and cables to correct the condition within a time specified by the building inspector. If the owner of such wires and cables fails to correct such unsafe condition within the time specified by the building inspector, the building inspector may, in this event, remove or cause such wires and cables crossing the City streets, alleys or sidewalks to be removed at the cost of the owner thereof. Failure of the owner of such wires or cables to correct such violations of this chapter within the time specified by the building inspector shall constitute a violation of this chapter.

Chapter 5.28 - JUNK DEALERS

5.28.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Junk" means waste or junked, dismantled or wrecked automobiles or parts thereof, old or scrap copper, brass, metal, wire, rope, rags, batteries, tires, paper, trash, clothing, rubber, debris, iron, steel, household recyclables, and any other old or scrapped ferrous or nonferrous material, which in general may or may not be turned into some other use.

B. "Junkyard" means a place in excess of two hundred square feet, where junk is bought, sold, exchanged, baled, packed, disassembled, handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment; but not including places where such uses are conducted entirely within a completely enclosed building.

5.28.020 - License required.

Every person engaged in the business of dealing in junk within the City shall obtain a license under the provisions of Section 5.04.010 of this title, and pay a fee, which shall be established by resolution of the City council.

Chapter 5.36 - PAWNSHOPS/SECONDHAND DEALERS

5.36.010 - Definitions.

For the purposes of this chapter, pawnbroker and secondhand dealers shall pertain to those businesses subject to Wyo. Stat. Sec. 33-6-106.

5.36.020 - License—Requirements.

A. It is unlawful for any person at any time to engage in the business of pawnbroker/secondhand dealer within the City without first having obtained a license to engage in such business, in accordance with the terms of this chapter. All locations where the business is to be conducted within the City shall be specified in the license.

B. Any out-of-City/state secondhand dealers who are conducting business on a temporary basis must obtain licensing documents, and must follow the same regulations as local secondhand dealers.

C. Unless a person has first obtained a license from the administrator of the Wyoming Uniform Consumer Credit Code, authorizing him to engage in the business of making supervised loans, he/she shall not be eligible to hold a pawnbroker license.

5.36.030 - License—Application—Changes of ownership—Fees.

Any person desiring to engage in the business of a pawnbroker/secondhand dealer shall file with the City clerk an application for a license, under the provisions of Section 5.04.010, and pay a license fee as established by resolution of the City council. Any change of ownership shall require a new license application and license.

5.36.050 - License—Bond.

Prior to issuance of any license under this chapter, the applicant shall furnish the City clerk with a bond in the amount of one thousand dollars, which shall be conditioned upon the applicant's observance of the provisions of this code applicable to the applicant, and upon payment of all damages that may accrue to any person by reason of any fraud or misconduct in managing such business.

5.36.060 - License—Revocation conditions—Appeals.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter three or more times in any twelve-month period shall, after a hearing conducted before the City council or its designated hearing examiner at which such violations or failures are established by a preponderance of the evidence, have his/her license revoked, and shall forfeit his/her bond. The decision of the City council may be appealed to the Seventh Judicial District Court in the same manner as the decision of an agency may appeal under the Wyoming Administrative Procedures Act

5.36.070 - Recordkeeping requirements—Inspection authority.

A. Every person licensed as a pawnbroker/secondhand dealer shall be required to have a computer with an internet connection along with a printer. Software for the computer must be capable of accessing the internet, and running or accessing City-approved pawn tracking software and websites. Printer must be able to print City authorized forms.

B. Every person licensed as a pawnbroker/secondhand dealer shall keep at each location specified in the license a record of the name of each person pawning/selling property, the date and time of the transaction, and the number of the property identification ticket for each transaction and the completed and signed declaration of ownership form. Such information shall be kept in a substantial, well-organized notebook. Computer entries shall be printed and must be uploaded into the City-approved computer site daily, and the printed form is to be signed by the seller and placed into the book. All entries shall be made within twenty-four hours of the transaction. If the computer or printer is disabled, a City of Mills approved temporary handwritten form may be used until the information can be placed into the computer system. Once entered into the computer and printed, the temporary ticket shall be attached to the computer-printed copy and placed into the book. All entries shall be made either in ink or indelible pen, and no entry shall be erased, obliterated, deleted, altered or defaced. The book herein shall be kept in a clean and legible condition.

C. All books and records required to be kept in subsection B of this section shall be kept in accordance with accepted accounting practices, and such records shall be preserved and shall be

available for inspection for a period of four years from the date of the original transaction, or two years from the final entry made thereon, whichever is later.

D. Every person licensed as a pawnbroker/secondhand dealer shall make available for inspection the book mentioned in subsection B of this section when requested to do so by law enforcement or other officer of the City, and permit such officer to make a copy thereof, and shall also exhibit any personal property, bonds, notes or other securities that may be left with such licensed person for the inspection of any of the above-named officers when requested to do so.

E. In addition to the requirement in subsection B of this section, every pawnbroker/secondhand dealer shall, within twenty-four hours of the time the transaction takes place, record the details of the transaction in the computer, or upon a property identification ticket, if the computer is disabled which shall contain the following:

1. An accurate, detailed description of all pledged, purchased or traded goods at the location, particularly describing any identifying marks, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks or characteristics that may be on such property, bonds, notes or other securities, and photographed. If the transaction is less than five dollars, the item is not required to be documented. Large quantities (over twenty) of similar items shall have the total number of items documented and only ten specifically identified.

Jewelry descriptions shall require color, metal type and grade or quality, setting style and description, stone type, color, clarity, size, cut, number and approximate weight, damage, inscriptions and any other information reasonably and commonly used in the description of jewelry.

2. A record of the type of identification being used along with any identification numbers from the identification form along with name, current residence and accurate description of each person pledging goods; such description shall include, as to each person, their approximate height and weight, hair and eye color, race and sex, date of birth and phone number.

3. A record of the amount for which the property is pledged or purchased.

4. A record of the date upon which the pledge expires.

F. In addition to the information required in paragraph E of this section, the pawnbroker/secondhand dealer shall at the time of making the pawn transaction, outright purchase or trade, must obtain a written declaration of ownership from the customer stating:

1. Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;

2. How long the customer has owned the property;

3. Whether the customer or someone else found the property; and

4. If the property was found, the details of the finding.

The pawnbroker/secondhand dealer shall require the customer to sign his or her name, in the presence of the pawnbroker/secondhand dealer, on the declaration of ownership and in the register to be kept under this article. Each such declaration shall be signed by the pawnbroker/secondhand dealer at the time of the transaction. The customer shall be given a copy of the receipt for the pawn transaction, outright purchase or trade.

G. All pawnbrokers/secondhand dealers are required to keep the computer and printer in operating condition and keep on hand sufficient supplies for printing the property identification tickets. Such property identification tickets shall be available to any law enforcement officer and shall reflect all of the business done on the preceding day.

H. All property, notes, bonds, or securities purchased outright shall be recorded in the same manner as those for pawn.

I. It shall be considered to be a separate transaction each time a pawn broker or secondhand dealer acquires property from any one person.

J. A description of the physical premises of any licensed pawnbroker/secondhand dealer business, including any area in which tangible personal property is located, to include any warehouse or other storage locations away from the licensed place of business, shall be included on the original license, and notification shall be given to the City clerk when another location has been added to the licensed business. These premises shall be subject to inspection by the Mills police department during all business hours and other times of apparent activity, for the purpose of investigation and inspection of books, records, and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon the request of any member of the Mills police department.

Except for items in plain view, if any inspection is conducted hereunder, the peace officer conducting such inspection shall document the same on a form approved by the Mills police department and shall, within twenty-four hours of conducting such inspection, provide a copy thereof to the pawnbroker/secondhand dealer.

5.36.080 - Holding time and procedure for pledged goods—Hold orders and surrender of property.

A. All pledged, purchased, outright purchased, or traded goods, with the exception of donated goods, shall be held for a period of fifteen days, during which time the same shall not be shown, either for sale or for inspection, to any person other than a police officer, other City officer, or the owner thereof, unless said goods are subject to a hold order as described in subsection C of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released. Goods that have been bought and returned by the same person, and have already been held for the required period are not subject to this provision.

B. All pledged, purchased, outright purchased, or traded goods shall be kept in a separate enclosed portion of the business, free from public view and accessible only to employees and members of law enforcement. At no time will any property be set for display or sale until the above holding period has elapsed, unless said goods are subject to a hold order as described in paragraph C of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released.

C. Hold orders and surrender of property.

1. Any peace officer may order a pawnbroker/secondhand dealer to hold any tangible personal property deposited with or in the custody of any pawnbroker/secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or disposition may be made of such property held by any pawnbroker/secondhand dealer while the hold order remains outstanding. Any such hold order shall be effective for ninety days only, unless a criminal prosecution is undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker/secondhand dealer that the prosecution has been completed or dismissed. This shall be accomplished by issuing a release of property hold order form.

2. If any peace officer determines, after investigation, that any article of personal property held by a pawnbroker/secondhand dealer is stolen or illegally obtained property, such officer may

take such property into evidence after giving the pawnbroker a receipt (Mills property evidence form) for it which sets forth the Mills police department case number as well as the reason for the confiscation.

D. 1. If property that has been taken into custody by the Mills police department pursuant to this chapter is no longer needed for investigation or prosecution of a crime and no conviction for a crime involving the seized property has been obtained, the property shall be returned to its owner, as determined by the Mills police department. If a conviction has been obtained, the property shall be disposed of or returned, as determined by the court in which the conviction occurred.

2. If it appears that ownership of the property is in dispute between the pawnshop or secondhand dealer, and a person reporting the property stolen or otherwise claiming an interest in the property, before such return is completed, the department shall notify both the pawnshop or secondhand dealer from which it was seized and any other party claiming ownership of the item.

3. This notification shall be in the form of a letter describing the property, the initial department determination of the party to whom the property shall be returned, and a statement that if either party disagrees with that determination, they may file with the property and evidence division of the Mills police department, within fifteen days of the mailing of the letter, a request for judicial review of the ownership of the item.

4. Upon timely receipt of a request for review, the department shall notify the Mills court of said request. The Mills court shall then schedule, at its earliest convenience, a hearing on the matter. Notices of setting shall be sent by the court to the Mills police department property and evidence division, the Mills City attorney's office, the party making the objection to the return of the item, and the party to whom the department has proposed returning the item.

5. This review shall be an administrative hearing before the City of Mills Mills court, pursuant to the Wyoming Administrative Procedures Act, with the burden being on the claimant to prove by a preponderance of the evidence their ownership of the property.

6. If their burden is not met, or a request for hearing is not timely made, the property shall be returned to the owner as determined by the department, after thirty days from the date of the notification letter, or in compliance with the order of the court, as applicable.

5.36.090 - Finance charges, advertising and loan terms.

A. Information concerning finance charges, term of agreement, and all other relevant information concerning a pawn transaction, shall be disclosed to any person desiring to enter into a pawn transaction with a pawnbroker at the time of the transaction, and all information disclosed shall conform to the requirements of Federal Reserve Regulation Z of the Truth in Lending Act, and applicable Wyoming Statutes. All property identification tickets shall have the maximum rate of interest to be charged printed on the face thereof. The printing shall be conspicuous, in a legible and clearly readable size print.

B. A pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction.

C. Except as provided below, the term of any pawn transaction made under this chapter shall not exceed thirty days; provided, however, that a pawnbroker shall allow a grace period of fifteen days following the expiration of the term of any loan during which period interest shall not be charged and during which period the property pawned may be redeemed by the debtor. At the expiration of the thirty-day term, the pawnbroker may, at the depositor's request, renew the loan for an additional thirty-day term; the grace period shall not apply to renewed loans.

D. No pawnbroker/secondhand dealer, or the employee thereof, shall:

1. Make any agreement requiring personal liability from a customer in connection with a pawn transaction;
2. Divide or separate a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this chapter;
3. Enter into a pawn transaction, accept pledged goods, or make a purchase from any person under the age of eighteen years, unless a parent or legal guardian is on scene when the transaction takes place;
4. Accept any waiver in writing or otherwise of any right or protection accorded a customer under this chapter;
5. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker under the terms of the pawn transaction;
6. Make any charge for insurance in connection with a pawn transaction;
7. Require, directly or indirectly, any individual to redeem pledged goods or make any payment on a pawn transaction;
8. Accept in pawn or acquire, by purchase or trade any property normally manufactured with a permanently embossed or attached serial number, on which the serial number is missing, obliterated, defaced or otherwise altered; provided, however, this provision shall not apply to sticker-type serial numbers which were affixed to the property by the manufacturer with glue only, and which are missing at the time of the pawn or purchase transaction;
9. Knowingly or willfully make any false representation upon, or in any way falsify any property identification ticket, receipt, pawn/secondhand document or business record;
10. Enter into any transaction, accept pledged goods or make a purchase from any person under the influence of alcohol, narcotics or stimulants;
11. Enter into any pawn/secondhand dealer transaction or accept pledged goods from any person not possessing a valid Wyoming driver's license with picture of the licensee, Wyoming identification card with picture of the licensee, or valid driver's license issued by another state with a picture of the licensee, or current military identification card with picture of the identified individual, or a valid passport with picture of the individual named therein, along with at least one of the following forms of identification, or in lieu thereof, at least two of the following forms of identification: Social Security card, valid temporary driver's license, immigration papers, Mills recreation card, lodge card, major credit card. The pawnbroker/secondhand dealer is required to maintain a photocopy of the above-listed forms of identification when entering into any transaction.

5.36.110 - Unlawful pawn/secondhand dealer practices.

- A. It is unlawful for any person to give false information to any pawnbroker/secondhand dealer regarding either themselves or the property being pledged or disposed of by sale or trade.
- B. It is unlawful to alter the appearance of or conceal the true identity of any item being pledged or disposed of by sale or trade.
- C. It is unlawful for anyone to pledge, or dispose of by sale or trade any item where a serial number has been altered, defaced or removed.
- D. It is unlawful for anyone to pledge or dispose of by sale or trade any item which belongs to an individual who is under eighteen years of age unless the person is the parent or legal guardian of such minor individual.
- E. It is unlawful to pledge or dispose for sale or trade any item which is known to be stolen.

5.36.120 - Violation—Penalty.

Any person who violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished as provided in Chapter 1.28 of this code.

Chapter 5.38 - ITINERANT MERCHANTS/UNSOLICITED SALESMEN

5.38.010 - Definitions.

A. "Itinerant merchant" or "itinerant business," as used in this chapter, shall include all persons not having a permanent place of business in the City, engaged in selling or offering for sale, any goods, services, carnival rides or merchandise of whatever nature, in any open space, from a temporary stand, under tents, canopies, or membrane structures, from a vehicle on property not owned by such person, or in any other manner from any place which is not located in a building which meets building code requirements and which has been approved for occupancy.

B. "Permanent place of business" means a building meeting building code requirements and approved for occupancy by the City. Such building shall be on a properly zoned lot for the particular business conducted.

C. "Prohibition sign" means any and all signs or notices in the English language of legible size, designed and apparently intended to serve notice or convey the meaning that any person coming upon the property where the same is posted as an unsolicited salesman is unwelcome and is not to call upon the occupant or tenant of the property.

D. "Residential property" means any and all homes, houses, basements, apartments, trailers, tents, hotels and other buildings or structures or portions thereof used or occupied by any person as a home or place of abode located within the City.

E. "Temporary stand" means any structure which does not meet building codes required for human occupancy.

F. "Tents, canopies and temporary membrane structures" means structures used for a temporary purpose as defined by the Uniform Fire Code, including but not limited to air-inflated structures, air supported structures and tents.

G. "Unsolicited salesman" means any person who sells, offers for sale, takes or solicits orders for, gives away, delivers or promises to deliver in the future or displays any goods, wares or merchandise or other personal property of any kind whatsoever, who sells, offers for sale, offers to, solicits or takes orders for the performance of or distributes literature or other information of any and all types of services including securities, policies of insurance, reading material or entertainment at or upon any residential property other than such residential property as is owned or occupied by such person without invitation of the owner or occupant. However, any person operating a business from their home within the City, and who conducts activities covered by this chapter in conducting that business, shall be exempt from the provisions of this chapter. Unsolicited salesmen shall not include an itinerant merchant.

5.38.020 - License—Required—Term—Exemptions.

A. No person shall carry on the trade or occupation of itinerant merchant or unsolicited salesman within the City until such person shall have obtained an annual license, under the provisions of Section 5.04.010 of this title, and paid a fee, which shall be established by resolution of the City council.

B. No person may carry on business as an itinerant merchant for more than ten total days in any one year. Any person carrying on business as an itinerant merchant for any longer than ten days in any one calendar year shall obtain a permanent place of business in the City from which to operate; however, vendors of fresh produce and/or Christmas trees may apply to the Mayor or his designee for one ninety-day exemption to this chapter per year.

Following the ninety-day exemption period, vendors of Christmas trees and/or fresh produce may apply to the Mayor or his designee for one thirty-day extension of the exemption for a reasonable business need.

Any denial by the Mayor or his designee may be appealed to the City council or its designated hearing examiner under Section 2.22.020 of this code by filing a written notice of appeal with the Mayor within ten days of the denial.

C. Any participants in an event recognized by the Mayor or his designee, such as a craft fair, festival, bazaar or similar activity shall be exempt from the provisions of this chapter.

D. Charitable organizations and all persons representing them are exempt from the provisions of this chapter, provided that the charitable organization shall secure from the Mayor a letter of exemption which shall be issued to such charities as the Mayor shall find to have lawful charitable purposes. The Mayor's letter of exemption shall be available at all times on the premises for inspection by any police officer or any other officer authorized to inspect for licenses or letters of exemption.

5.38.030 - License—Application.

Every person shall procure a license to engage in the trade or occupation of itinerant merchant or unsolicited salesman and shall fill out, sign and deposit with the City clerk a petition or application for a license, which shall state:

- A. The name of the person desiring the license;
- B. The residence, and in case of a corporation, the name of the president; and if a partnership, the names of the partners;
- C. The location where the trade or occupation will be conducted;
- D. The applicant's Wyoming sales tax license number;
- E. Such other information as may be required by the Mayor or by the provisions of this title.

5.38.040 - Location.

All itinerant businesses must be in a location which shall not create a traffic hazard, shall provide approved paved off-street parking, and shall provide temporary sanitary facilities or obtain written permission to utilize permanent sanitary facilities within four hundred feet of the proposed location.

5.38.050 - Unlawful acts designated.

It is unlawful for an itinerant merchant or unsolicited salesman to:

- A. Carry on the business or calling of an itinerant merchant or unsolicited salesman without a license as required by this chapter;
- B. Enter upon any residential property which is posted with a prohibition sign;

C. Refuse to leave or continue solicitation on residential property after being advised by the occupant or tenant that he or she does not wish the product solicited or does not wish the solicitation to continue.

5.38.060 - Violation—Penalty.

Any person found to be violating this chapter shall be guilty of a misdemeanor punishable by a fine no less than one hundred dollars and no more than seven hundred fifty dollars. Each day of violation of this chapter shall be considered a separate and distinct violation of this chapter.

5.40.010 Franchise Agreements.

A. Wherever it has been provided by state or Federal statute that a municipality may grant or require a franchise agreement, including where a municipality has the right to grant authority to any person or firm to carry on the operation of a public utility or a communications or telecommunications operation or business, the City of Mills shall require said persons or firms to enter into the same. Said franchise agreements shall contain:

1. Such terms as the governing body deems proper to any utility company, and, for communication companies, in accordance with W.S. 15-1-131, provided no franchise may be entered into with any person in which that person is given an exclusive right for any purpose whatsoever.

2. Grant to any franchisee utility company the privilege to install and maintain necessary installations under or over any streets, alleys or avenues;

3. Contract for a specified time period with any franchisee electric light or gas company for the necessary energy and service for the lighting of streets, public buildings or other requirements of the city or town;

4. Upon renewal or initial grant or renewal after condemnation of a franchise, may provide in the franchises that the franchisee shall furnish a gas distribution system through which any supplier, including the franchisee, may sell and distribute natural gas as provided by subsection (b) of this section, to any person served by the distribution system, provided that before any city or town implements this subparagraph, the question of whether or not to do so shall be submitted to and approved by a majority of the electors of the city or town voting on the question at a one-time election called for that purpose

5. All franchise agreements entered into by a governing body with a communications company under this section or with a cable company pursuant to 47 U.S.C. § 541 et seq. shall:

(a) Be fair and reasonable;

(b) Be competitively neutral and nondiscriminatory;

(c) Comply with all requirements of applicable federal and state laws and ordinance;

(d) Not unreasonably impair or inhibit the deployment of communications services;

(e) To the extent practical encourage the deployment of communications services to serve consumers.

6. Franchise fees assessed under a franchise agreement entered into pursuant to this section shall:

- (i) Be passed through to customers unless otherwise agreed;
- (ii) Not be assessed on revenues from internet access service.

7. A communications company assessed a franchise fee on local exchange services by shall not be assessed any additional franchise fees, including an assessment on any other communications services.

8. Any holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. shall be exempt from the provisions of this section except as provided in this subpart. Subject to federal law and the provisions of this subsection, the City of Mills may assess a franchise fee on gross revenues as determined in accordance with generally accepted accounting principles for the provision of cable service over a cable system operated by a holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. As used in this subsection, "gross revenues" shall not include any taxes, fees or assessments collected by a holder of a cable franchise from subscribers that are passed through to a government agency, including the user fee assessed by the federal communications commission, franchise fees, sales taxes and utility taxes. Nothing in this subsection shall be construed to prohibit or alter any decision the City of Mills to not impose the franchise fee authorized by this section or any decision by the City of Mills to enter into an agreement with a holder of a cable franchise to impose a franchise fee on only a portion of the gross revenues from the provision of cable service subject to franchise fees under federal law and the provisions of this subsection.

B. A franchisee proposing to enter into a franchise agreement shall provide to the city a request for negotiations. Negotiations between the city and a proposed franchisee shall not exceed one hundred eighty (180) days unless agreed to by the parties in writing. A request made under this subsection shall include, at a minimum, the date of the request for negotiations, the proposed date for the start of negotiations, the date by which negotiations shall terminate and the contact information for the proposed franchisee.

C. The City may approve such franchise fees by Resolution or Ordinance.

5.40.010 Franchise Agreements Index

The Town Clerk shall keep an index of all Franchise Agreements entered into by the City together with such pertinent information as the parties thereto and the date and terms of the Agreement. All such agreements shall be available for public inspection upon reasonably request.