

**RULES AND REGULATIONS GOVERNING THE
LICENSING OF LIQUOR AND MALT BEVERAGE SALES**

CARBON COUNTY, WYOMING

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Adopted by the Board of Carbon County Commissioners July 17, 2017, Amended effective October 7, 2020, Amended effective July 1, 2021.

SECTION 1. AUTHORITY.

These rules and regulations are adopted under the authority of W.S. 16-3-101 et. seq., W.S. 12-4-101(a), 12-4-201(e), 12-4-201(h), 12-4-301(a), 12-4-405, 12-4-411, 12-4-412(b)(viii), 12-4-413(d), 12-4-502(e), 12-4-504(a), 12-4-601(a) and (b), 12-5-101(d), 12-5-201(e) and (h), and 12-5-201(k)(iii).

SECTION 2. PURPOSE.

The purpose of these rules and regulations is to establish uniform policies governing the licensing of liquor sales by entities licensed by the Carbon County Board of County Commissioners, as the "Licensing Authority" under Title 12 of the Wyoming Statutes.

SECTION 3. LICENSE FEES.

The following license or permit fees shall apply to the specified type of license. Each license fee shall be payable at the time of application and shall be in the full amount, unless an annual license is prorated for a license issued after the annual license term of September 1 of each year. No refund of all or any part of any license fee shall be made at any time following the issuance of the license or permit.

Annual License Fees:

1. Retail Liquor License (12-4-201(e))- \$1,500.00
2. Resort Retail Liquor License (12-4-405)- \$2,000.00
3. Malt Beverage Permit (12-4-201(h))- \$500.00
4. Limited (Club) Retail Liquor License (12-4-301(a))- \$750.00
5. Restaurant Liquor License (12-4-411) - \$2,000.00
6. Microbrewery Permit (12-4-412(b)(viii))- \$500.00
7. Winery Permit (12-4-412(b)(viii))- \$500.00
 - a. Satellite Winery Permit (12-4-412(d)(i))- \$100.00
8. Bar and Grill Liquor License (12-4-413(d)) - \$1,500.00
9. Special Malt Beverage Permit for Public Auditoriums, Civic Centers or Event Centers (12-4-504) - \$1,500.00
10. Satellite Manufacturer Permit (12-2-203(g)(i))- \$100.00
 - a. This type of permit is subject to approval after a public hearing.

24 Hour Permit Fees:

1. Twenty-four (24) hour Catering Permit (12-4-502(e)) - \$50.00
2. Twenty-four (24) hour Malt Beverage Permit (12-4-502(e))- \$50.00
3. Manufacturer's Off-Premise Permit (12-2-203(g)(ii)) - \$50.00

SECTION 4. TWENTY-FOUR HOUR CATERING, MALT BEVERAGE, MANUFACTURER'S OFF-PREMISE AND RODEO PERMITS.

Applications for 24 hour permits shall be made on a form provided by the County Clerk and shall be accompanied by a letter from the property owner where the event is to be held approving the sale of alcohol or malt beverages on the specific date(s) and time(s). No person shall receive more permits than the statutory allowance for the same premises in any one (1) year with the exceptions as defined in W.S. 12-4-502(c) and W.S. 12-2-203(g)(ii). The one (1) year period begins September 1 and ends August 31. Premises will be determined by the County Clerk or Board of Carbon County Commissioners on a case by case basis.

The 24 hour period begins at twelve o'clock midnight (12:00 a.m.) and ends at eleven fifty-nine (11:59 p.m.) the same calendar day however service time is restricted as outlined in Section 7, Hours of Sale of these Rules.

Per W.S. 12-4-507, upon application and submission of a reasonable malt beverage sales and control plan, a malt beverage permit shall be issued for events conducted at an indoor or outdoor rodeo with a total seating capacity of over seven thousand five hundred (7,500). Malt beverages shall only be served on fenced or enclosed grounds contiguous or immediately adjacent to the arena in areas specifically designated by the permittee and approved by the county. This permit is only valid for the dates and times issued and the fee for such permit shall be double the amount of a 24 hour malt beverage permit per day.

The County Clerk is authorized to issue the requested permits under this section. Where reason for denial is determined by the County Clerk, the Clerk may deny the issuance of the permit. In those instances where the permit has been denied, the applicant may request an appearance before the Board of County Commissioners and the Clerk shall place the matter upon the agenda at the next regular meeting.

When an event is held on or at property owned by Carbon County the county will require a \$1 million liquor liability insurance policy copied to the County Clerk listing Carbon County as an additional insured.

SECTION 5. LICENSE TRANSFER.

A person seeking to transfer an annual license shall submit a new application form and shall pay to the clerk at the time of such application a non-refundable additional license fee of one hundred dollars (\$100.00). The transfer application shall be set for public hearing and otherwise considered by the Board of County Commissioners in a manner consistent with W.S. 12-4-601.

SECTION 6. SPECIAL MALT BEVERAGE PERMITS FOR SALES AT PUBLIC AUDITORIUMS, CIVIC CENTERS OR EVENTS CENTERS.

A "Public Auditorium", "Civic Center" or "Events Center" is defined as:

- a. An enclosed building owned by the county, city or town containing meeting rooms, kitchen facilities and an auditorium which seats at least 5,000 people and is used for public gatherings;
or

- b. A stadium utilized for public event including but not limited to a stadium, racetrack, outdoor arena or rodeo grounds with seating for at least 5,000 people.

To qualify for a special malt beverage permit, the Board of Carbon County Commissioners shall require that:

- b. The establishment meets the definition of a public auditorium; and
- c. The establishment shall be utilized for a public event; and
- d. The person 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.

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.

Special malt beverage permits authorized by this section shall be issued after a hearing on application for a one (1) year period expiring August 31, unless sooner revoked.

The permit shall be operational per W.S. 12-1-101(a)(xxi) but can be classified as seasonal by the licensing authority upon request by the licensee. For the purposes of this type of license, "Seasonal" shall mean an operation that is open for not less than three (3) consecutive months during a twelve (12) month period beginning September 1 each year.

SECTION 7. HOURS OF SALE.

All licensees may open the licensed building at six o'clock (6:00 a.m.) and shall close the licensed building and cease the sale of both alcoholic and malt beverages promptly at the hour of two o'clock (2:00 a.m.) the following day, and shall clear the licensed building and any other area in which dispensing alcoholic and malt beverages is authorized, of all persons other than bona fide employees by two-thirty o'clock (2:30 a.m.). Provided however, upon request from the licensee and with the prior approval of the Board of Carbon County Commissioners, a licensee may be permitted to sell alcoholic and malt beverages for a longer period of time. If such a request is approved, the extended period of time shall apply to all licensees with the same type of license and only for the same date.

SECTION 8. ADDITIONAL RESTRICTIONS ON OPERATION OF MINIBARS.

There are no additional restrictions imposed on the operation of minibars in the sleeping rooms of a licensee's motel or hotel operation beyond the requirements of W.S. 12-5-201(e).

SECTION 9. CONDITIONS FOR OPERATING ON A GOLF COURSE AND A CLUB.

Operation on a Golf Course

There are no conditions imposed on a retail liquor license, a club limited retail liquor license or a restaurant liquor licensee operating on a golf course beyond the requirements of W.S. 12-5-201(g) and (h) and W.S. 12-4-410(b).

Operation at a Club Other Than a Golf Course

Other than a golf club, limited retail license holders may only dispense alcoholic or malt beverages from locations outside their licensed building as approved by the Board of Carbon County Commissioners.

SECTION 10. ADDITIONAL CONDITIONS FOR EVENTS ALLOWING UNDER 21-YEAR OLDS IN THE LICENSED BUILDING.

There are no additional conditions imposed on retail liquor licensees holding an event in the licensed building at which persons under the age of twenty-one (21) are permitted beyond the requirements of W.S. 12-5-201(k).

SECTION 11. RESTRICTIONS ON MINORS.

Except as provided otherwise by law, no licensee or agent, employee or server thereof shall 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 being dispensed in an establishment that is primarily intended for on-premise consumption of alcoholic and/or malt beverages unless:

- e. The establishment operates 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; or
- f. The establishment, other than a restaurant, operates a commercial kitchen in which case persons under the age of twenty-one (21) years may enter and remain in a dining room or waiting area when accompanied by a parent, spouse or legal guardian over the age of twenty-one (21) years in the licensed building but not later than ten o'clock (10:00 p.m.) or one (1) hour after the kitchen closes, whichever is earlier; or
- g. The establishment is specifically approved by the Board of Carbon County Commissioners to allow minors. Establishments specifically approved by these rules include bowling alleys, hotels, theaters, civic/event centers, family entertainment centers however such establishments shall have a separate service area designated.

Limited retail licenses for bona fide clubs are exempt from the age restrictions in this section.

Establishments that operate primarily for off-premise sales shall maintain a separate dispensing area for the sale of alcoholic or malt beverages and the licensee shall not allow individuals under twenty-one (21) years to enter or remain in the dispensing area without being accompanied by a parent, spouse or legal guardian twenty-one (21) years or older. Examples of such establishments include but are not limited to grocery stores and convenience stores.

No person shall sell, furnish, give or cause to be sold any alcoholic liquor or malt beverage to any person under the age of twenty-one. No person shall be authorized to provide alcohol or malt beverages to any person under the age of twenty-one (21) even if that individual is a legal ward, medical patient or member of his own immediately family.

SECTION 12. OTHER RULES.

Additional Information

The County Clerk and Board of Carbon County Commissioners are authorized to request additional information and supporting documentation in conjunction with applications filed for any license or permit. Prior to issuance, review and inspection of the proposed premises may be conducted by various county department representatives as required by the County Clerk and/or Board of Carbon County Commissioners per W.S. 12-5-201. Representatives of the county may enter the licensed and permitted premises, or those premises where a license or permit is applied for during regular business hours to make reasonable inspections.

General Guidelines for Issuing Licenses

When reviewing new applications for licenses available under these rules the Board of County Commissioners may consider the following information in addition to any other information presented by the applicant(s):

1. The health, welfare, quality of life or peaceful enjoyment of the people residing in the vicinity of the proposed premises to be licensed shall not adversely affected.
2. The purpose of Wyoming Statutes, Title 12, Alcoholic Beverages shall be carried out by the issuance of the license.
3. The number, type and location of existing licenses in the vicinity.
4. Whether the proposed premises to be licensed serves as an amenity compatible with other neighborhood activities.
5. The proposed site meets current zoning requirements.
6. Whether a license, if issued, would provide social and economic opportunities benefiting the community.
7. Whether the proposed premises to be licensed is located within 500 feet of a hospital, church, school or daycare facility.
8. The anticipated timeframe in which the applicant plans to be operational and open to the public.

In addition, supporting documentation including but not limited to the following may be submitted with the application:

1. Business Plan including but not limited to:
 - a. Whether the license will be used to attract other businesses;
 - b. If the license would be used as part of a renovation of a historic building or building of community significance;
 - c. Whether the issuance of the license would create a business anchor for a particular area;

- d. Whether the anticipated business hours, customer offerings, and building design, will meet the need of a particular market segment or location through the issuance of the license;
 - e. The possible effects of existing business in and out of the area;
 - f. Any franchise or chain affiliation.
2. Financial Plan: For example, information reflecting the applicant's resources to acquire, construct or remodel a building, if applicable, to be used as the licensed premises.
 - a. A financial statement;
 - b. A financial plan, if submitted would be a more detailed description indicating the applicant's ability to become operational to provide the type(s) of services proposed under the license in a timely manner.

Applications and supporting documentation submitted by applicants may be considered a record open to the public pursuant to Wyoming Statute 16-4-201 et. Seq, the Wyoming Public Records Act.

Nothing in this section shall be construed to require the issuance of a liquor license by Carbon County. Pursuant to Wyoming Statute 12-4-101(a), the governing body retains sole discretion to issue licenses and may refuse to issue any license authorized by Wyoming Statute.