

**Chapter 9.08**

**ALCOHOLIC BEVERAGES**

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**Article I. Definitions and General  
Provisions.**

**9.08.010** Definitions.

Except as otherwise noted below, definitions used in this chapter shall be found in W.S. Section 12-1-101:

“Clerk” means the town clerk for the town of Encampment.

“Governing body” means the mayor and council of the town of Encampment.

“Minibar” means a closed container, refrigerated or unrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. (Ord. 96-06 (part): prior code § 3-100)

**9.08.020** Compliance required.

A. For the protection of the health, safety and welfare of the residents, citizens and guests of the town, it is declared to be in the best interest of the town, and the residents, citizens and guests hereof, that the sale, distribution, possession and traffic of alcoholic or malt beverages shall be regulated to the extent that all such activity be, and the same is, prohibited, except as provided in this chapter, and that no sale at retail or possession of such substances shall occur within the jurisdictional limits of the town except as authorized herein and the exceptions provided in W.S. Section 12-1-101, et seq., reserving certain powers to the state. It is the intent of this

chapter to comply and coincide with provisions of W.S. Section 12-1-101 et. Seq., which regulates such substances.

B. It is not the intent of the town to regulate, or interfere with the regulation by the state of limited transportation licenses issued in compliance with provisions of W.S. Section 12-2-202. (Amended during 1998 codification; Ord. 96-6 (part): prior code § 3-110; amended in part 02-12-2015)

## **Article II. License Application**

### **9.08.030 Application for annual license.**

A. Any person desiring an annual license as authorized by this chapter shall make application to the town by delivering to the town clerk, on the form prepared by the Attorney General pursuant to W.S. Section 12-4-701 and provided to the applicant by the clerk, a completed, verified and signed form. The license fee, or any other fees related to a license, shall be paid to the clerk at the time the application is filed or the clerk shall not commence processing the application. Renewal of an annual license, application for transfer of ownership and transfer of location shall be made upon the same form and in the same manner. The information contained in the application shall conform to the requirements of W.S. Section 12-4-102.

B. Upon receipt of an application, the clerk shall send one copy of the application to the Wyoming Liquor Commission, and shall prepare a notice of application and publish the notice in a newspaper of general circulation in the county, once a week for two consecutive weeks. The notice shall comply with the provisions of W.S. Section 12-4-104. (Amended in part 05-12-2022)

C. On behalf of the licensing authority, the clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various town department representatives as required by the town clerk. Representatives of town departments may enter licensed and permitted premises during regular business hours to make reasonable inspections. (Ord. 96-6 (part): prior code § 3-200; amended in part 02-12-2015)

### **9.08.040 Restrictions upon applicants and license.**

A. Except as provided in subsection B of this section, all permits and license recipients must post the license or permit in a conspicuous place within the licenses dispensing room described in the application.

B. Any license issued pursuant to W.S. Section 12-4-103(a)(iv) shall be held by the clerk in the clerk's office, or other location as designated by the clerk, until the license can be placed in a physically functional building. (Ord. 96.06 (part): prior code § 3-210)

### **9.08.050 Grounds for denial of license.**

A license shall not be issued, renewed or transferred if the governing body finds from evidence presented at the hearing required under W.S. Section 12-4-104, any of the conditions found under W.S. Section 12-4-104(b), including:

A. The holder of an expired annual license or one due for expiration has a preference right to a renewal of that license for the same location. No other preference rights are authorized or recognized by the town. The preference

right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit. (Ord. 96-6 (part): prior code § 3-220) (Amended in part 05-12-2022)

**9.08.060 Transfer of annual license.**

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 nonrefundable additional license fee of one hundred dollars (\$100.00). The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with W.S. Section 12-4-601. (Ord. 96-6 (part): prior code § 3-230)

**9.08.070 Terms of annual license.**

A. Annual licenses shall be for a period of not more than one year, expiring each year on June 17<sup>th</sup>. Annual licenses shall be a personal privilege of the licensee.

B. The executor or administrator of the estate of a deceased licensee, when the estate consists in whole or in part of a business selling alcoholic or malt beverages under an annual license issued by the town, may exercise the personal privilege of the deceased licensee under terms of the license until the expiration date of the license.

If the license of the deceased licensee has not been transferred prior to the annual expiration date, the governing body shall consider the license of the deceased licensee as an un-issued license. (Ord.96-06 (part): prior code § 3-240)

**9.08.080 Application for temporary license.**

A. Application for any temporary license issued under this chapter shall be made on the form for such provided by the town clerk, which shall contain directions to the prospective licensee to complete the application and return such to the town clerk's office. The clerk shall then notify the Encampment Police Department of the issuance of the license. The clerk shall issue the requested license in those cases authorized by this chapter, or where reason for denial is determined by the clerk, deny the issuance of the license. In those instances where consent of the town council is required, or where the clerk has refused to issue the requested license and the applicant has requested an appearance before the town council, the clerk shall request that the application be placed on the agenda for town council determination.

B. Upon receipt of a completed application containing approval of such from the various town departments which have been designated as potentially affected by the issuance of the requested license, the clerk shall perform one of the following acts:

1. In the event that the applicant has not requested a street closure, and has requested one or more temporary licenses none of which require town council action pursuant to this chapter, the clerk shall issue the requested license, together with a set of instructions and restrictions on the use of the license.

2. In the event that the applicant has requested a street closure, or if the applicant has requested some other temporary license which requires town council approval before the license is issued, or if the clerk has refused to issue

a requested temporary license and the applicant has requested in writing that the application be reviewed by the town council, the clerk shall take the application and request that such be placed upon the town council agenda for further action. (Ord. 96-06(part); prior code § 3-250)

**9.08.090 Denial of temporary license.**

A temporary license shall be denied by the clerk and referred to the town council for action if one or more of the following facts or circumstances are found to exist:

A. The application is for a location within the town that is not located in a park or other public location that has been designated for the use of malt beverages;

B. The application is for use of an outside location in or near a residential area and is requesting a use later than ten p.m.;

C. The circumstances given to the clerk are such as to indicate a significant problem for the residents in the area, or an adjacent area, which problems may include traffic, noise, light, odor, or other significant annoyances;

D. The town has received complaints about previous licenses for substantially the same circumstances are present in the current application. (Ord. 96-06 (part); prior code § 3-260, amended in part 02-12-2015)

**Article III. Licenses and Permits**

**9.08.100 Annual Licenses.**

A. The governing body of the town of Encampment is authorized to issue the following annual licenses pursuant to state law and this chapter:

1. Retail liquor license, as defined in W.S. Section 12-4-201.

2. Limited retail liquor (special club) license, as defined in W.S. Section 12-4-301.

3. Resort retail liquor license, as defined in W.S. 12-4-401.

4. Restaurant liquor license, as defined in W.S. Section 12-4-407.

5. Microbrewery permit, as defined in W.S. Section 12-4-415.

6. Winery permit, as defined in W.S. Section 12-4-412.

7. Special malt beverage permit for public auditoriums, as defined in W.S. 12-4-504.

8. Motel/Hotel minibar license, as defined in W.S. 12-5-201(e).

9. Bar and Grill liquor license, as defined in W.S. 12-4-413.

B. The annual fee for each license shall be payable at the time of application and shall be paid in the full amount as shown for each class of license below:

1. For a retail liquor license, the annual fee shall be five hundred dollars (\$500.00).

2. For a limited retail liquor (special club) license, the annual fee shall be five hundred dollars (\$500.00).

3. For a resort retail liquor license, the annual fee shall be five hundred dollars (\$500.00).

4. For a restaurant liquor license, the annual fee shall be five hundred dollars (\$500.00).

5. For microbrewery permit, the annual fee shall be five hundred dollars (\$500.00).

6. For a winery permit, the annual fee shall be five hundred dollars (\$500.00).

7. For a special malt beverage permit for public auditoriums, as defined

in W.S. Section 12-4-504, the annual fee shall be five hundred dollars (\$500.00).

8. For a motel/hotel minibar license, the annual fee shall be one-half of the fee paid for the original license.

9. For a Bar and Grill liquor license, the annual fee shall be one thousand five hundred dollars (\$1,500.00). (Amended in part 05-12-2022.)

C. No refund of all or any part of any license fee shall be made at any time following the issuance of the license.

D. In addition to paying an application fee at the time of application, the applicant shall also pay a nonrefundable publication fee in an amount designated by the town clerk to cover the cost of publishing public hearing notices, or be direct billed for the publication fee. (Ord. 96-06(part): prior code § 3-300)

#### **9.08.110 Temporary licenses and permits.**

A. The governing body of the town is authorized to issue the following temporary licenses pursuant to state law and this chapter:

1. Malt beverage permit, as defined in W.S. Section 12-4-502(a).

a. A malt beverage permit is the authority under which a licensee is permitted to sell malt beverages only for a period not to exceed twenty-four hours per permit.

b. A malt beverage permit may be issued to any responsible person or organization for sales of malt beverages at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No alcoholic liquors, other than malt beverages, shall be sold on the premises described in the permit, nor shall any malt beverage be sold which are to be consumed off the premises.

c. No person or organization shall receive more than twelve malt beverage permits in one year as set forth in W.S. 12-4-502 (c).

d. The hours of operation contained elsewhere in this chapter shall apply to a malt beverage permit.

2. Catering permit, as defined in W.S. Section 12-4-502(b).

a. A catering permit is the authority by which a retail liquor licensee is permitted to sell alcoholic liquors and malt beverages off the licensed premises for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable of being held within the permittees licensed premises.

b. The permittee shall not sell or permit the consumption of any alcoholic or malt beverages off the premises described in the permit.

c. No retail liquor licensee shall receive more than *thirty-six* catering permits in one year as set forth in W.S. 12-4-502 (c). (Amended 05-12-2022)

d. The hours of operation contained elsewhere in this chapter shall apply to a catering permit.

3. Repealed 05-12-2022.

4. Repealed 05-12-2022.

5. Street closure permit, as defined in Section 9.08.120 of this chapter.

B. The fee for each license shall be payable at the time of application, shall be paid in cash or certified check, and shall be in the full amount as shown for each class of license below:

1. For a malt beverage permit, the fee shall be ten dollars (\$10.00) per twenty-four (24) period.

2. For a catering permit, the fee shall be ten dollars (\$10.00) per twenty-four (24) period.

3. Repealed 05-12-2022.

4. For an extended club hours permit there shall be no fee.

5.. For a street closure permit, as defined in Section 9.08.120 of this chapter, the fee shall be ten dollars (\$10.00).

C. No refund of all or any part of any temporary license or permit fee shall be made at any time following the issuance of the license.

D. In addition to paying application fee at the time of application, the applicant shall also pay a nonrefundable publication fee in an amount designated by the town clerk to cover the cost of publishing public hearing notices, or be direct billed for the publication fee. (Amended during the 1998 codification; Ord. 96-06 (part): prior code § 3-310, amended in part 02-12-2015; Amended in part 05-12-2022)

#### **9.08.120 Street closure permit.**

A. Any responsible person or organization, in conjunction with a public or private gathering, with or without applying for one or more of the permits authorized in this chapter, may apply to the town clerk in writing on the form provided for such a permit for the temporary closure of an area to vehicular traffic within the town. Upon receipt of a completed application, the town clerk shall issue the permit, except in the instances listed in this title.

B. The town clerk may issue a temporary street closure permit except in those cases where one or more of the following facts are existing:

1. The closure will affect a business area during hours when one or more of the businesses will be open.

2. The closure will affect a residential area during the hours after ten p.m. with accompanying increased noise from the gathering.

3. The closure will affect a collector street within the town, or the only convenient access for emergency vehicles to an area.

4. The closure will be in effect for more than six hours. (Ord. 96-06 (part): prior code § 3-320)

#### **Article IV. Restrictions.**

##### **9.08.130 Hours of operation.**

A. All licensees and permittees holding an annual or temporary license under this chapter shall operate between the hours of 6:00 a.m. and 2:00 a.m. as set forth by the Town of Encampment. (Amended 02-12-2015, amended 05-12-2022)

B. This section shall not apply to licensees holding limited retail liquor (special club) licenses who have been authorized by the governing body under W.S. Section 12-5-101(d) to have hours of operation other than those authorized by the section.

C. Repealed 02-12-2015.

D. It is unlawful for any person to operate a bottle club in the town. Used herein, "bottle club" is defined as an operation or enterprise in which no alcoholic liquor or malt beverages are sold, but where food, soft drinks and mixes are sold, and the safekeeping of alcoholic or malt beverages is provided for individual club members who bring alcoholic liquor or malt beverages upon the premises for their own use and consumption. Income, profits or fees of the operator of a bottle club are typically derived from sales or furnishing of mixes, ice, food and glasses, or from

dues, charges, contributions, membership cards or assessments.

E. Excessive drinking of alcoholic or malt beverages or disorderly conduct in any place licensed under this chapter shall not be permitted by the licensee. In addition to any penalty provided by the code or state law, excessive drinking or disorderly conduct may be cause for the initiation of suspension and/or revocation procedures. (Ord. 96-06 (part): prior code § 3-400, amended in part 02-12-2015)

**9.08.140 Drive-in facilities.**

Upon approval of the original application by the governing body, or the renewal thereof, a drive-in area adjacent to or contiguous with the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic or malt beverages under the terms and conditions found in W.S. Section 12-5-301. (Ord. 96-06 (part): prior code § 3-410)

**Article V. Violations**

**9.08.150 Falsification of application.**

A. It is unlawful for any person or organization to knowingly submit false information or false facts as true, or to submit a fact or piece of information without knowing such to be true or false, on an application for any license or permit authorized by this chapter, and that each application being submitted shall be sworn to the true and to the best of the knowledge by the person submitting such application.

B. If, in the opinion of the town attorney, a liquor license holder has acted in violation of this section, the

town attorney shall upon action of the licensing authority take action on behalf of the licensing authority pursuant to W.S. Section 12-7-201 seeking revocation of the license or permit. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of this section. (Ord. 96-09 (part): prior code § 3-500)

**9.08.160 Possession by underage persons.**

It is unlawful for any person under the age of twenty-one (21) years to possess, buy, sell, drink, consume or otherwise solicit the sale or purchase of alcoholic or malt beverages in the town. As used in this section, possession shall also include alcohol which has been consumed and is present within the body at the time of determination. (Ord. 96-06 (part): prior code § 3-510; amended in part 02-12-2015)

**9.08.170 Sales to underage persons.**

It is unlawful for any person to sell, give or deliver any alcoholic or malt beverage to any person under the age of twenty-one (21) years, provided, however, that such prohibition shall not apply to any parent or guardian providing such to his or her child in the confines of their home. (Ord. 96-06 (part): prior code § 3-520; amended in part 02-12-2015)

**9.08.180 Use of false proof of age or identity.**

It is unlawful for any person under the age of twenty-one (21) years to make, use or possess any identification which falsely indicates the person's age as greater than twenty-one (21) years, whether in the person's correct name or

not, or attempt to obtain any alcoholic or malt beverage using any false identification. (Ord. 96-06 (part) prior code § 3-530, amended in part 02-12-2015)

**9.08.190 Dispensing room restrictions.**

A. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in the dispensing room or brewing area of any premises licensed or permitted under this chapter to dispense or brew alcoholic or malt beverages, except as provided for in this section.

B. No licensee, permittee or agent, employee or servant to a licensee or permittee shall permit any person under the age of twenty-one (21) years to enter or remain in a dispensing room or brewing area of a licensed premises owned, operated, leased or managed by them.

C. This subsection shall not apply to a licensee's employee under the age of twenty-one (21) years when, in the course of his employment, the employee is in the dispensing room and the dispensing room or brewing area is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages.

D. This subsection does not apply to a person under the age of twenty-one (21) years if the underage person is in a dining or waiting area within the dispensing room with an adult not later than ten p.m. Used herein, "adult" is defined as a person over the age of twenty-one (21) who is the parent or legal guardian of the person under the age of twenty-one (21), and "dining or waiting area" means specifically delineated area which has been

submitted with the licensee's application and has been approved by the governing body. (Ord. 96-06 (part): prior code § 3-540)

**9.08.200 Suspension of license or permit.**

A. The governing body may suspend any license or permit issued under this chapter if the licensee or permittee fails to pay sales taxes and the Wyoming Liquor Division has ceased sales of alcoholic beverages to the licensee or permit pursuant to W.S. Section 12-2-306. Upon receipt by the clerk of a certified notice from the state issued pursuant to W.S. Section 12-2-306, and upon order of the governing body, the clerk shall notify the licensee or permittee, by certified mail that the town intends to hold a hearing on whether the license or permit should be suspended. The suspension hearing shall be conducted under the Wyoming Administrative Procedures Act (W.S. Section 16-6-101 et seq.) and rules adopted by the governing body. The certified notice from the state and all evidence presented to the state in support of the certified notice will be admitted and considered prima facie evidence of the licensees or permittees delinquency.

B. In the event a license or permit is suspended in accordance with this section, the holder of the license or permit may appeal the suspension in accordance with the provisions of W.S. Section 12-7-103.

C. The suspension of the license or permit shall remain in effect until either the governing body lifts the suspension, a court of competent jurisdiction lifts the suspension, or the clerk receives certified notice from the state that the sales tax liability has been satisfied.



(Ord.96-06 (part): prior code § 3.550; amended 02-12-2015 in part)

1<sup>st</sup> Reading: March 10, 2022  
2<sup>nd</sup> Reading: April 14, 2022  
3<sup>rd</sup> Reading: May 12, 2022

**9.08.210 Delivery of alcoholic liquor and malt beverages.**

A. Retail liquor licensees may deliver or contract to have delivered alcoholic liquors and malt beverages pursuant to W.S. Section 12-5-601 (Amended 05-12-2022).


B. Any contract delivery service shall adhere to the requirements of W.S. Section 12-5-601. (Ord. 96-09 (part): prior code § 3-560; amended 02-12-2015, in part; amended in part May 12, 2022)

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ENCAMPMENT, CARBON COUNTY, WYOMING** that section 09.08 of the Town of Encampment be amended as presented.

PASSED, ADOPTED and APPROVED this 12<sup>th</sup> Day of May, 2022.

**09.08.220 Duty to Maintain Order.**

The Chief of Police or his designee may order any establishment operating with a liquor license closed until the following 6 A.M. when the Licensee or person in charge fails to maintain peace and order which creates an emergency and immediate threat to the bodily security or property of any member of the general public within the establishment. (Adopted 02-12-2015)

  
\_\_\_\_\_  
Greg Salisbury, Mayor

Attest:

  
\_\_\_\_\_  
Doreen Harvey, CMC  
Clerk Treasurer

