

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

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Chapter 5.01

BUSINESS LICENSES

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Section 5.01.010 **Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them and if not listed herein terms shall have the meanings ascribed to them by the occupancy classifications listed in the International Building and Fire Codes:

"Amusement exhibition" means any amusement activity not defined elsewhere which is open to the public for a fee and which does not include gambling.

"Amusement show" means a live show of unusual or unique talents, events or skills performed for the monetary gain of the operators and for the amusement or entertainment of others, but does not include educational activities.

"Auctioneer" means an individual who sells personal or real property of another at public auction for a fee or commission, provided, however, that such definition shall not include a public employee who performs such as a portion of his duties.

"Business" means an activity, under single ownership, which includes the sale, purchase, pawn, proposed sale or rental of goods, services, facilities or entertainment including, but not limited to, retail sales, wholesale, amusements, exhibitions or solicitation by telephone.

"Carnival" means an event or an activity which includes rides, side shows, games and refreshments for monetary gain to the operator, whether all of the listed parts are present, or not.

"Circus" means a live show of acrobats, wild animals, clowns and other performers, whether all of the listed parts are present, or not.

"Construction contractor" means any person or entity engaged in the construction, erection, location, alteration, repair or restoration of any building, structure, sidewalk or street, including the installation, repair, alteration or restoration of any electrical or plumbing services, concrete or masonry, painting, roofing or carpentry.

"Contractor" means any person or firm engaged in the building trades industry who charges a fee or receives an incentive to perform such work for another.

"Electrical contractor" means a person who is engaged in the business of installing, altering, repairing or servicing electrical wiring, fixtures, conductors, devices, equipment, materials, apparatus and similar items in buildings or structures who contracts with another to perform such work for another.

"General contractor" means a person who is engaged in the building trades industry, other than electrical, plumbing or mobile home installation, who charges a fee to perform such work for another.

"Mobile home installer" means a person who engages in the business of locating, setting, leveling, connecting or attaching mobile homes.

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"Mobile home park operator" means a person who engages in the business of renting mobile home spaces in an approved mobile home park.

"Nonresident business" means a business which is located within the municipal boundaries, but does not have a local address or street location or has its principal office other than in the city.

"Pawnbroker" means a person who engages in the business of lending money on security of personal property deposited or placed in pawn, on the condition of selling them to the holder of a receipt at a stipulated price.

"Peddler" means any person who travels from one location to another within the city and conducts, or attempts to conduct, a business activity in the course of travelling, thus going to prospective customers, and shall include such persons as "hawker," "huckster," "canvasser," "solicitor," and "street vendor."

"Person" means any real individual or group of individuals, or any artificial entity or association, such as partnerships, limited partnerships, corporations or companies.

"Plumbing contractor" means a person who is engaged in the business of the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system, or portion thereof, who charges a fee to perform such work for another.

"Resident business" means a business located within the municipal boundaries with a local address and street location of an office which employs or supports at least one person, and has no intention to abandon a local address.

"Secondhand dealer" means any person who engages in the business of buying, selling, exchanging or dealing in personal property which has been previously owned or used, but not from an original source. It shall not include those persons engaged in the pawn business.

"Security alarm operator" means any person who engages in the business of installing, repairing, maintaining, operating security alarms, or who operates a security alarm for himself/herself, and has the alarm or alarm system connected so as to notify the city police department.

"Security officer" means a person who for consideration from private individuals performs a watchman or guard duty of more than one private property, whether employed by the property owners or by a security patrol operator, but shall not include persons who routinely make deliveries of money to financial institutions, or employees of a single establishment.

"Security patrol operator" means a person who engages in the business of furnishing one or more security officers for private persons to act as guards or watchman, or to provide a patrol for private persons or private property.

"Solid waste hauler" means a person who engages in the business of collecting or transporting any solid waste, garbage, refuse or other waste materials intended to be discarded.

"Special business" means one of the enumerated businesses in this chapter which receives individual definition, and which may receive individual treatment hereunder.

"Taxicab driver" means an individual who drives a taxicab for consideration, whether as the taxicab operator or as an employee.

"Taxicab operator" means a person who is engaged in the business of operating any vehicle to carry passengers for hire not on an established route within the city.

"Temporary resident business" means a business located within the municipal boundaries with a local address and street location which has no intent to remain indefinitely.

"Transient merchant" means a person who is engaged in any business temporarily located at a fixed location in the city. (Ord. 5-90 (part))

Section 5.01.020 Purpose.

The purpose of this chapter is to regulate and license the businesses located or operating within the city for the protection and promotion of the health and welfare of the citizens of the city. (Ord. 5-90 (part))

Section 5.01.021 Solicitation Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:
“Commercial Solicitator” shall mean any person, whether as volunteer, owner, agent consignee, or employee, who engages in door-to-door commercial solicitation.

“Door-to-Door Commercial Solicitation” shall mean attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:

- a. Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;
- b. Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation;
- c. Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

“Door-to-Door Non-Commercial Solicitation” shall mean attempting to make personal contact with any person at his residence, without prior specific invitation by or appointment with the resident, for the primary purpose:

- a. Seeking or asking for a gift or donation for a public entity or non-profit organization exempt from federal income tax under 26 U.S.S. 501(c);
- b. Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or non-profit organization exempt from federal income tax under 26 U.S.C. 501(c);
- c. Personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service;
- d. Distribution of religious tracts and information on behalf of a religious organization;
- e. Door-to-door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engage in political activities as a candidate or on behalf of an issue on an upcoming ballot.

“Door to Door Solicitation Permit” shall mean a document issued by the City of Rawlins authorizing a commercial solicitator to engage in door-to-door commercial solicitation.

“Employer” shall mean any person, company, corporation, business, partnership, organization, or any other entity on behalf of whom a person is acting.

“No Commercial Solicitors” or “No Commercial Solicitation” Sign: shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating “No Commercial Solicitors” or “No Commercial Solicitation” and applies only to commercial solicitation.

“No Solicitors” or “No Solicitation” Sign: shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating “No Solicitors” or “No Solicitation.”

“Non-Commercial Solicitor” shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door non-commercial solicitation.

“Permit Holder” shall mean any person to whom a permit has been issued under the provisions of this Chapter.

“Public Entity” shall mean the state, county, municipality, school district, special improvement district, and any other kind of district, agency, instrumentality or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality or political subdivision thereof.

“Residence” shall mean a private residence in the City, including but not limited to condominium units and apartments, and shall include the yards, grounds or hallways, thereof.

Section 5.01.021(A) Solicitation prohibited.

- a. No person shall engage in commercial solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed “No Commercial Solicitors” or “No Commercial Solicitation.” For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon.
- b. No person shall engage in any form of solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice predominately displayed upon which is printed “No Solicitors” or “No Solicitation”. For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon. This provision shall apply to all solicitation including, but not limited to commercial, religious, charitable, non-profit, or political.

Section 5.01.021(B) Commercial Solicitation Permit Required.

It shall be unlawful for any person to engage in door-to-door commercial solicitation activities within the City without first obtaining a Door-to-Door Solicitation Permit issued by the City of Rawlins. Unless authorized or permitted pursuant to the terms and provisions of this Chapter, the practice of being in and upon private residential property within the City by solicitors for the purpose of commercial solicitation, the same is prohibited and is punishable as set forth in this Chapter.

Section 5.01.021(C) Exemptions.

- a. Any solicitor previously invited by the owner or occupant of the private residential property is exempt from the prohibitions under Section 5.01.021(A)(a) and Section 5.01.021(A)(b). Such invitation shall not relieve the commercial solicitor from complying with all other terms and provisions of this Chapter including the requirement to obtain a Door-to-Door Solicitation Permit.
- b. Those persons engaged in non-commercial solicitation as defined herein, are not required to obtain a Door-to-Door Solicitation Permit.

Section 5.01.021(D) Possession and display of license.

Every person permitted pursuant to this Chapter must at all times possess and display their Door-to-Door Solicitation Permit in a conspicuous place while solicitation, and shall produce the same whenever requested to do so by a police officer or other person.

Section 5.01.021(E) Door-to-Door solicitation restrictions.

- a. No person will engage in solicitation upon any residential premises after having been asked by the owner or occupant thereof to leave such premises or residence.
- b. There will be no solicitation upon any residential premises, other than upon prior invitation by the occupant, prior to 9:00 a.m. or after 8:00 p.m., of any day.
- c. Not more than two individuals will engage in solicitation upon any residential premises at the same time for the same goods or merchandise, services, or for religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision will be deemed to have violated such provision.
- d. Every person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, immediately identify himself and truthfully state the purpose of the solicitation.

Section 5.01.021(F) Application contents; fees.

- a. Each person applying for a Door-to-Door Solicitation Permit shall submit written application on forms provided by the City of Rawlins with payment of the permit fee, to the City of Rawlins. The applicant shall state upon oath or affirmation that the information contained in the application is truthfully provided to the best of their knowledge and belief.
- b. The applicant shall supply the following information and any such additional information that the City of Rawlins may include upon the application form:
 1. Applicant's true and correct name, and any former name or aliases;
 2. Applicant's business address and business telephone number;
 3. If different from the applicant, the name, address and phone number of the responsible person or entity;
 4. The name, address and phone number of the applicant's immediate supervisor, if any;

5. Information regarding the business including, without limitation, its legal status and proof of registration with, or certificate of good standing from the Wyoming Secretary of State;
6. Proof the applicant or the applicant's company has registered with the Wyoming Department of Revenue for the payment of sales tax;
7. Proof that the applicant or the applicant's company has obtained a valid City of Rawlins Home Occupation Permit and/or Contractor's License where applicable.
8. A brief explanation of the nature and duration of the solicitation activity that requires a permit under this ordinance;
9. Whether a permit, license or registration in connection with solicitation has ever been revoked by an jurisdiction and an explanation of the circumstances;
10. A complete list of all persons to be authorized to solicit under the permit;
11. For each person authorized to solicit under a permit, the following information:
 - a. Name, address, phone number and date of birth;
 - b. Proof of identification by submittal of the any of the following that bear a photograph of said person:
 - i. A valid U.S. driver's license or identification card issued by any state;
 - ii. A valid United States uniformed service identification card;
 - iii. A valid U.S. passport; or
 - iv. U.S. Citizenship & Immigration Services Green Card.
12. Any other information determined to be relevant by the administrative official; and,
13. Permit fees as adopted annually in the City of Rawlins Schedule of Fees.

Section 5.01.021(G) Commercial Permit holder responsibilities.

- a. Any person seeking to engage in door-to-door commercial solicitation must obtain a Door-to-Door Solicitation Permit from the City of Rawlins and pay the permit fee as provided in City Fee Schedule before commencing any such solicitation.
- b. All Door-to-Door Solicitation Permits shall be issued in the name of the Applicant. Upon issuances of each permit, the City of Rawlins shall create and maintain a list of all persons authorized to engage in commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:
 1. Provide a copy of the permit to each person authorized to engage in solicitation under the permit;
 2. Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Chapter;
 3. Notify the City of Rawlins in writing of any persons added to or deleted from the list of authorized solicitors; and

4. Submit to the City of Rawlins, for each person to be added to the list, the information required above.
- c. The City of Rawlins shall, within five (5) business days of the City's receipt of a complete application for a permit under this Chapter, issue such permit, together with a list of all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the City of Rawlins determines that the permit application is denied under the criteria stated in 5.01.021(J).

Section 5.01.021(H) Violations and penalties.

It is a misdemeanor for any person to violate any of the provisions of this Chapter, and upon conviction thereof shall, if a penalty is not otherwise specified, be punished by a fine of not more than seven hundred fifty dollars (\$750.00), to which court costs shall be added. In situations found appropriate by the trial court, restitution may also be required.

Section 5.01.021(I) Persons prohibited.

A person shall not be eligible for issuance of a permit nor be authorized under a permit under this Chapter if:

- a. A permit previously issued to such person by the City of Rawlins under Section 5.01.021(B) has been revoked by the City of Rawlins under section 5.01.021(J).

Section 5.01.021(J) Denial or Revocation.

The City of Rawlins shall deny an application for a permit, refuse to renew a permit or revoke a permit issued under this Chapter if the City of Rawlins determines the applicant has:

- a. Made any material misrepresentation or false statement in the application for the permit;
- b. Failed to notify the City of Rawlins if any person authorized to solicit under the permit, including the applicant, becomes a prohibited person as outlined in section 5.01.021(I) of this Chapter, after the issuance of the permit;
- c. Failed to obtain necessary licenses as required by the City, including but not limited to a sales and use tax license, home occupation permit, contractor's license or business license;
- d. Failed to conduct and/or supervise solicitation activities under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Chapter; or
- e. Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

Section 5.01.021(K) Permit term.

Unless otherwise revoked under Section 5.01.021(J), a Door-to-Door Solicitation Permit shall expire when the applicant's Rawlins Business License, Contractor's License, Home Occupation Permit expires. (Ord. 09A-2011(part)) (Ord. 09-2013, Amended 9/3/2013)

Section 5.01.030 Compliance required.

No person, partnership, corporation or other association shall operate an organization involved in the trade or sale of goods, services, or both to consumers without first having complied with the provisions of this chapter which apply thereto and be in compliance with all local, state, and federal laws. Any violation thereof shall be subject to the penalties contained in Section 1.08.010 and, in addition thereto, may have any use license revoked, suspended or denied. Each day shall be considered a separate violation. (Ord. 5-90 (part))(Ord. 09-2013, Amended 9/3/2013)

Section 5.01.040 Licenses required.

A. No person shall operate any business described in this chapter without first obtaining a license if such is required. Every business which operates under a license issued under this chapter shall exhibit the current, valid license in a conspicuous place in an area open to the public.

B. Any person who operates a business described in this chapter at the time of the passage of the ordinance codified in this chapter, or amendment thereto, to which includes one or more additional businesses, and who was not required to have a license prior to the passage of the ordinance codified in this chapter, or amendment thereto, shall have a period of sixty days to obtain a license, or otherwise comply.

C. Any person who operates a business under a license issued by the city prior to the passage of the ordinance codified in this chapter may continue to operate such business under said license until the expiration of such, but not after the tenth day of July, 1991 in any event. (Ord. 5-90 (part))

Section 5.01.050 Business license fee, requirements and conditions.

Business license fees shall be established by resolution of the City Council as per Title 1 of this code.

The following special businesses shall pay the respective fees as provided in Title 1 listed herein: and also comply with the following respective conditions:

1. Auctioneer.

Each auctioneer shall provide to the City a bond for not less than ten thousand dollars to protect the customers of the auctioneer from fraud or neglect. Each auctioneer shall keep a ledger of the property he auctions for not less than five years.

2. Carnival, Circus, Amusement Show or Exhibition.

A. Prior to any performance, each operator shall provide to the City satisfactory evidence of a current, valid liability insurance policy from a reputable insurance carrier which will cover accidents, injury or occurrences to patrons and attendees during the entire operation of the organization within the City in an amount of not less than one million dollars for each occurrence.

B. Prior to any performance, each operator shall provide to the City satisfactory evidence that it has hired enough security personnel to have at least one person possessing a current Wyoming POST Certification on duty during the hours of 6:00 P.M. until closing. The operator may make arrangements through the City of Rawlins Police Department, the Carbon County Sheriff's Department or any other agency or person possessing POST certification. Failure to have such person on duty shall be grounds for immediate revocation of said license and closing of said event. The City Manager, after consultation with law enforcement, may waive the requirement of hiring such security personnel if he or she deems the impact on local services to be minimal.

3. Contractors.

A. General Contractors. Each general contractor shall provide to the City evidence of insurance coverage for liability in an amount not less than three hundred thousand dollars which is in effect, or will be in effect, during the period of the license. In the event that the insurance policy lapses during the period of the license, the license shall suspend until proof of insurance is provided to the City.

B. Electrical Contractors. Each electrical contractor shall provide to the City evidence of insurance coverage for liability in an amount not less than three hundred thousand dollars which is in effect, or will be in effect, during the period of the license. In the event that the insurance policy lapses during the

period of the license, the license shall suspend until proof of insurance is provided to the City.

C. Plumbing Contractors. Each plumbing contractor shall provide to the City evidence of insurance coverage for liability in an amount not less than three hundred thousand dollars which is in effect, or will be in effect, during the period of the license. In the event that the insurance policy lapses during the period of the license, the license shall suspend until proof of insurance is provided to the City.

D. Mobile Home Installer. Each mobile home installer shall provide to the City evidence of insurance coverage for liability in an amount not less than three hundred thousand dollars which is in effect, or will be in effect, during the period of the license. In the event that the insurance policy lapses during the period of the license, the license shall suspend until proof of insurance is provided to the City.

4. Pawnbroker.

A. Each pawnbroker shall maintain a current ledger in the book provided and owned by the City Police Department which lists all of the property pawned or purchased in his establishment, including the information contained therein. Such ledger shall be maintained and available for inspection during regular business hours by any City police officer. Such book shall be returned to the City Police Department when filled to capacity.

B. No pawnbroker shall accept any property for pawn or purchase from any person under the age of majority.

C. Each pawnbroker shall keep each pawned piece of property in pawn for a period of not less than thirty days before offering such for sale, and shall charge a rate not greater than twenty percent per month on each piece or set of property pawned.

D. Any pawnbroker who has come into possession of any stolen property shall deliver the property to the lawful owner without charge when the owner has made a reasonably accurate and certain identification of the individual item. Any pawnbroker may request a police officer be present at the time of the identification.

5. Repeal. (Ord. 09A-2011(part))

6. Secondhand Dealer. Shall maintain a current ledger of the items purchased for resale for a period of not less than five years which shall include the date, name and address of the person from whom purchased for each item.

7. Security Officer.

A. Each security officer shall be bonded for the honest performance of his duties in an amount not less than one hundred thousand dollars by a reputable bonding company licensed to do business in the State of Wyoming. The bond shall name the City and all of the customers served by the security officer and shall cover the entire period of the license.

B. Each security officer shall make written application for the license on the form provided by the clerk and shall fully cooperate in a background investigation conducted by the chief of police. Any false statement on the application, or any conviction of a misdemeanor involving larceny, deception or moral turpitude or any felony involving moral turpitude within the previous ten years shall be grounds for denial of the license. The applicant shall provide fingerprints and photographs to be kept on file.

C. No security officer shall possess on his person or in his vehicle any firearm, or replica thereof while engaged in business.

D. No security officer shall have any lights on his vehicle which are visible from the front or side of the vehicle which show any color other than white, except for the turn signals, emergency flashers and marker light which are normally associated with a consumer's automobile direct from the factory. No markings on the vehicle shall be of a nature as to suggest such is a marked police patrol vehicle, provided, however, that the plain words "security patrol" shall not be so construed.

E. The annual license issued to each security officer shall contain a picture of the officer, and shall remain the property of the City. Such shall be returned to the City upon expiration or termination of the officer's profession as a security officer in the City, whichever is sooner.

8. Security Patrol Operator.

A. Each security patrol operator shall make written application for the license on the form provided by the clerk and shall fully cooperate in a background investigation conducted by the Chief of Police. Any

false statement on the application, or any conviction of a misdemeanor involving larceny, deception or moral turpitude or any felony involving moral turpitude within the previous ten years shall be grounds for denial of the license. The applicant shall provide fingerprints and photographs to be kept on file.

B. Each security patrol operator shall be bonded for the honest performance of his duties in an amount of not less than one hundred thousand dollars from a reputable bonding company licensed to do business in the state of Wyoming. Such bond shall cover the City and every customer of the operator in the City, and shall cover the entire term of the license. Such bond shall provide for notice of cancellation to the City not less than ten days prior to the effective date of cancellation.

C. Each security patrol operator shall insure that each security officer employed or utilized in the business is bonded as described above.

D. Each security patrol operator shall provide to the City Clerk on a monthly basis a current list of all customers of the business.

9. Taxicab Operators.

A. Each taxicab operator shall have each vehicle operated as a taxicab insured with liability insurance in an amount not less than five hundred thousand dollars, and shall provide satisfactory evidence of such insurance to the clerk which provides coverage for the entire term of the license and provides for notice of cancellation to the City not less than ten days prior to the effective date of the cancellation. Cancellation of insurance shall suspend the license until satisfactory evidence of adequate insurance is received by the clerk.

B. Each taxicab operator shall make written application for the license on the form supplied by the clerk and cooperate fully with a background investigation to be conducted by the chief of police, or his designee. Any false statements by the applicant on the application, conviction of a misdemeanor involving larceny, deception or moral turpitude within the previous ten years, or any felony involving moral turpitude within the previous ten years, shall be grounds for denial or revocation of the license, unless a waiver of this provision is granted in writing by the City council.

C. Each taxicab operator shall clearly mark each vehicle operated as a taxicab so that it may be readily identified as such.

10. Taxicab Driver.

A. Each taxicab driver shall make written application for the license on the form supplied by the clerk and cooperate fully with a background investigation to be conducted by the chief of police, or his designee. Any false statements by the applicant on the application, conviction of a misdemeanor involving larceny, deception or moral turpitude within the previous ten years, or any felony involving moral turpitude within the previous ten years shall be grounds for denial or revocation of the license, unless a waiver of this provision is granted in writing by the City council, provided, however, that a licensed taxi operator, or applicant therefor, need only complete one application for both operator and driver licenses if both are requested.

B. Each taxicab driver shall be issued a license with the licensee's picture thereon and such shall be displayed by the taxicab driver in a prominent, unobstructed location on the right hand side of the vehicle dashboard at all times the driver is operating the taxicab. (Ord. 12-91; Ord. 5-91 (part); Ord. 5-90 (part) Amended 02/17/98)(Ord. 08a-2008, Amended, 08/19/2008; Manual, Amended, 07/20/1999; Manual, Amended, 02/21/1998)Ord. 04-2014 Amended 4/1/2014;

Section 5.01.060 Application and issuance.

A. Any person initially requesting a business license must apply for such on the form designated by the city clerk. Such completed initial application shall be returned to the city clerk for review and issuance of the license.

B. A license shall be issued by the city clerk upon the submittal of a completed application and compliance with all other terms and conditions contained herein.

C. No license shall be issued for a period in excess of one year and any proscribed renewal period.

D. All licenses, save and except liquor licenses, shall expire on the last day of the month one year after the purchase date of the license. Applications for renewal shall be received by the city clerk or designee,

prior to the expiration of the license, or an initial license, together with all supporting documentation, which shall be required of the applicant. (Ord. 5-91 (part); Ord. 5-90 (part))

Section 5.01.070 Bonds.

A. In the event that a bond is required by the provisions of this title, a copy of such bond from an approved bonding company authorized to do business in the state of Wyoming, or a certified check, in the appropriate amount, shall be deposited with the city clerk attached to the application. Such bond shall be valid for the entire period of the license and any additional period necessary to correspond with any promise to deliver goods or services.

B. Whenever a bond is required under this chapter, the bond shall be in an amount of not less than five thousand dollars, or the amount of the aggregate cost of the work to be performed or elsewhere specified in the ordinances, whichever is greater. The bond shall be a performance bond which covers the performance of promises given to customers, including, but not limited to the delivery of goods or services. Such bond need not cover warranties, expressed or implied. (Ord. 5-90 (part))

Section 5.01.080 Procedures for collection on bond.

A. In the event the city receives a written complaint from a citizen that a business which has posted a bond with the city for nonperformance or malperformance of the bonded actions, the city shall send notice to the business of the complaint. In the event the complaint is not corrected and notice of such given to the city within five days of the notice given to the business, the city shall give the address of the bonding company to the complainant upon request.

B. No bond which has a claim made against it may be released until resolution of the claim has been received by the city. (Ord. 5-90 (part))

Section 5.01.090 Nontransferability.

No license granted under this title shall be assignable or transferable from the person to whom such was issued. Any attempt to assign or transfer a license shall void such license. (Ord. 5-90 (part))

Section 5.01.100 Appeals.

In the event that a license is refused or denied by the city clerk, the applicant may appeal within five days of receiving notice of the decision by giving written notice of such intent to appeal to the office of the city manager. The city manager shall hold a hearing wherein the applicant shall be allowed to present evidence and argue his case, opposed by the city clerk, who may be assisted by the city attorney. Further appeal may be had to municipal court and district court utilizing the same time periods. Appellant may approach the council at any time in the appeal process to amend the ordinance. (Ord. 5-90 (part))

Section 5.01.110 Exemptions and exceptions.

A. Minors, Unemancipated. Unemancipated minors shall be exempted from the requirements of this chapter if: they own and operate their own business, either individually or in partnership; they have no employees; and they do not engage in a special business as defined in this chapter.

B. Salesmen Who Sell Only to Businesses. Nonresident salesmen who sell only to local businesses shall be exempt from the requirements of this chapter.

C. Couriers for Financial Institutions with Office Elsewhere. Nonresident couriers who service local financial institutions shall be exempt from the requirements of this chapter.

D. Liquor License Holders. Those businesses which hold a current liquor license from the city, and who do not engage in any business other than the sale of alcoholic beverages and associated activities shall not be required to obtain another business license. Those who engage in other business activities shall be required to obtain a separate license for such activities.

RAWLINS MUNICIPAL CODE

Chapter 5.02

REVOCATION OF BUSINESS LICENSE

Chapter 5.04

BINGO AND PULL TAB REGULATIONS

Sections:

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5.04.200	Severability.

Section 5.04.010 Definitions.

A. "Bingo" shall mean a game of chance in which:

1. The winning chances are determined by a random selection of a subset of numbers or designators or objects numbered, lettered or otherwise designated by some medium among a total set of numbers or designators or otherwise designated by some medium; and
2. The card or cards held by the player by which a winner or winners are associated is sold or rented only at the time and place of the gaming activity.
3. "Bingo" shall not mean or include any activity which is prohibited under Title 6 of the Wyoming Statutes, as amended, dealing with crimes and offenses.

B. "Charitable or nonprofit organization" shall mean an organization recognized as a charitable or nonprofit organization under the laws of the State of Wyoming and which possesses a current and valid exemption from federal income tax issued by the United States Internal Revenue Service under the provision of the Internal Revenue Code and which distributes the net proceeds from the activities regulated in this chapter only for charitable or nonprofit purposes.

C. "Gross proceeds" shall mean any and all money collected or received from the conduct of bingo games, raffles, pull tabs or admission thereto.

D. "License holder" or "licensee" shall mean a charitable or nonprofit organization licensed under the terms and conditions of this chapter, or any member, employee or volunteer thereof charged by the organization to comply with this chapter or applicable state statute.

E. "Net Proceeds" shall mean the proceeds from gaming activities after the return of the prizes and the reasonable expenses for the purchase of equipment and supplies and the cost of operation, excluding payment of any wages for services.

F. "Pull Tabs" shall mean single or banded tickets or cards each with its face covered to conceal one or

more numbers or symbols, where one or more card or ticket in each set has been designated in advance as a winner. This definition shall also include the devices known as "pickle cards," "break opens," "Nevada tickets," "pickles" or other similar devices. It specifically does not include electronic or electric machines purporting to be the equivalent of pull tabs a prepackaged group of pull tabs.

G. "set (of pull tabs)" shall mean a prepackaged group of pull tabs in which the value, number and distribution of winning and non-winning pull tabs is known and determined by the manufacturer. A set may also be known as a "deal." (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.020 License required.

No organization shall conduct a bingo game to which the public is invited, or sell pull tabs to the public without first obtaining a license from the City under the requirements of this chapter. Any organization presently conducting on-going, previously advertised games of bingo or selling pull tabs at the time of passage and publication of this ordinance shall have thirty days from the effective date in which to obtain a license. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.030 Licenses.

A license may be issued to a charitable or nonprofit organization to conduct bingo, pull tabs or other gaming activities permitted by Chapter 9.12 and the pertinent Wyoming Statutes on premises owned, leased or rented by the organization with volunteer personnel who are bona fide members of the organization. Employees of the licensee are permitted to contribute time to the gaming activities, but may not be compensated for such time from the proceeds of the gaming activities. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.040 License fee.

The annual nonrefundable fee for a gaming license shall be established by resolution of the City Council as per Title 1 of this code. (Ord. No. 3B-94, Enacted, 03/15/94)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 5.04.050 Financial responsibility.

A. A licensee shall provide to the City for the benefit of the players a bond, line of credit or other form of proof of financial responsibility in the amount of the largest possible daily award of prizes to be offered by the licensee for prizes of two thousand five hundred dollars or more.

B. If, in the judgment of the City Clerk, or the governing body of the City, the sureties of a bond or other form of guarantee of financial responsibility are, or become, insolvent, or are no longer proper or sufficient guarantors, the City Clerk may require a new or additional bond or guarantee. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.060 Combination of interests prohibited.

A. No licensee, or applicant therefor, or an employee or volunteer thereof, may be a manufacturer, distributor or supplier of supplies or equipment used or intended or designed to be used in any game of chance.

B. No licensee, or applicant therefor, may:

1. Have a direct or indirect interest of any kind or amount in any entity which manufactures, distributes or supplies any type of supplies or equipment for games of chance; or,
2. Have any members or employees of the organization serve as an officer, director, shareholder of more

than two percent of the outstanding shares or as a proprietor or employee of an entity which manufactures, distributes or supplies any type of supplies or equipment for games of chance. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.070 Application for license.

A. Any charitable or nonprofit organization may apply for a gaming license, or a renewal thereof, on the form provided by the City Clerk, which information shall be provided under oath, together with the nonrefundable annual fee. The application, when completed, shall contain the following information:

1. The name, business address, mailing address, telephone number and trade name (if any) of the applicant.
2. The location and zoning of the location where the gaming is being proposed or currently conducted.
3. A copy of the lease or rental agreement signed by the parties thereto, if the premises are not owned by the organization, which shall contain a clause indicating that the owner of the property is aware that application for a gaming license will be made by the applicant, and that consent is specifically granted to hold gaming on the premises.
4. In the event that the premises are not constructed at the time of the application or are to be remodeled, a copy of the plans shall be submitted.
5. A list of the current local (as opposed to regional or national) officers and board of directors and shareholders of two percent or more of the shares, if any, of the organization, including the names, addresses, dates of birth, residency and criminal record, if any, of each.
6. A list of the supervisory personnel of the organization, including the same information as required for the officers.
7. A copy of the authorization issued by the Wyoming Secretary of State to do business in the State as a nonprofit organization and a copy of the decision letter issued by the U.S. Internal Revenue Service granting the organization exemption from federal income tax.
8. Proof of any required bonding or financial responsibility as required by this chapter.
9. A statement as to whether alcohol will be served on the premises.
10. An amount to cover the cost of individual publication in the case of new applicants, or the prorata share of combined publication in the case of renewal applications, in addition to the license fee. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.080 Approval, issuance and display of licenses.

A. The governing body of the City may authorize the issuance of a gaming license to any charitable or nonprofit organization which has properly applied that it finds to be a proper recipient. The governing body of the City may refuse to issue, or restrict or condition any license upon such terms or conditions as it may find to protect the health, safety or welfare of the citizens of the City.

B. No gaming license, or renewal thereof, shall be issued until the annual fee has been paid in full to the City. No refund of the fee shall be made after issuance of the license.

C. The City Clerk, after authorized by the governing body, shall issue the license to any successful applicant. No organization shall be deemed to be authorized to conduct any gaming activity until such license has been issued in proper form. No license shall authorize any organization other than the one indicated on the license to conduct any gaming activities. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.090 Conduct of games.

A. Only the licensee shall operate the games of chance authorized by the license, or participate in the promotion, supervision or other phase of the games.

B. All games shall be organized and conducted in a fair and unbiased manner. No activities which would

reasonably be considered unfair to either the players or the licensee are permitted.

C. Any game conducted from 12:01 a.m. to 6:00 a.m. shall be considered to be conducted on the previous day unless no gaming session was conducted on the previous day.

D. All games which are advertised or otherwise promoted shall be played. Games may have qualifying conditions, such as a minimum number of players, but such conditions shall be included in any advertising or other publicity. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.100 Restrictions on players.

A. No intoxicated person or person under the influence of drugs or any incompetent person shall be allowed to participate in any gaming activity licensed under this chapter.

B. No volunteer or employee of a licensee shall be permitted to participate in a licensed game of that licensee while working as a volunteer or employee. This restriction shall apply to those individuals actually working the gaming facilities and is not intended to include the members of the congregation. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.110 Posting of odds.

A. There shall be posted within the area in which gaming activity is conducted a conspicuously placed and readable sign stating the odds of winning in each game to be played at the location and at the session.

1. For bingo, the odds shall be calculated for a single bingo card played with ninety nine other random bingo cards. Odds need not be posted for games with guaranteed winners or for games where the odds of winning are less than five hundred to one (500:1).

2. For pull tabs the odds shall be calculated from a single pull tab from a particular unopened set.

B. All advertising or promotion by the licensee shall include a listing of the prizes or combination of prizes. Advertising includes, but is not limited to, signs, flyers, handbill, radio ads, television ads, and newspaper ads whether published, posted or distributed. All advertising shall be in compliance with the Rawlins Code. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.120 Pull tabs, use of.

A. The number and amount of pull tabs from a set which have won or lost, the amount of payout, or other similar information which would reveal other than the posted odds of winnings or losing may be tabulated for accounting or managerial purposes but shall not be communicated to any player or potential player.

B. No set of pull tabs may be removed from play or withdrawn from sale until not less than one hundred percent of the major prizes have been paid to the players or no sales from the set have been made for ten days when the set was available for sale. A "major prize" is defined as any prize of eight times the purchase price of the pull tab, or greater.

C. Each set of pull tabs shall be purchased by the licensee as a sealed premixed set. Licensees are specifically prohibited from acquiring winning or nonwinning pull tabs separately.

D. No person, organization, distributor or manufacturer, or any representative thereof, either with knowledge, or constructive knowledge, shall possess, display, sell, offer for sale or otherwise furnish to any person any set of pull tabs:

1. In which the winning pull tabs are not completely and randomly distributed and mixed among all other pull tabs in the set; or,

2. In which the location or approximate location of any of the winning pull tabs are, or can be, determined in advance of opening the pull tabs in any manner or by any device, including, but not limited to, a pattern in the manufacture, assembly or packaging of the pull tabs, by markings on the pull tabs or on the container, or by use of a light. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.130 Examination of records and personnel.

- A. The City shall have the right to examine, or cause to be examined, the books and records of any licensee so far as such are related to the games of chance operated under the City license upon reasonable notice to the licensee.
- B. The City shall have the right to inquire into and examine the criminal record of any person acting as a director, officer, volunteer, supervisor or employee of a licensee upon the sole discretion of the City.
- C. The City shall have the right to inspect the premises at any time the gaming is in progress for any violations of this ordinance. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.140 Distribution of gross proceeds.

- A. During the gaming activity, not less than sixty percent of the gross proceeds shall be returned to the players in the form of prizes. Merchandise prizes shall be valued at the cost of the prize to the licensee. The return percentage may be calculated on a session-by-session, weekly or monthly basis, but shall be uniform through the operations once established on not less than an annual term.
- B. All prizes shall be paid in cash at the time the winner is determined.
- C. All proceeds of gaming acquired by the licensee, after reasonable expenses, shall be used for charitable or nonprofit purposes. Each licensee shall provide to the City an annual itemized accounting of any and all donations and charitable or nonprofit expenditures made from the proceeds. Such information shall be provided to the City Clerk together with an application for renewal of the gaming license, or before thirty days after the expiration of the license. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.150 Equipment and supplies.

- A. All equipment, supplies and material used in the conduct of gaming activities shall be purchased, leased, rented or otherwise acquired by the licensee at not greater than fair market value.
- B. Any sale, lease or other acquisition of equipment, supplies or material used in the conduct of gaming activities shall be considered a separate transaction from the sale, lease or rental of the premises used for the conduct of the gaming operations. In no case shall the sale, lease or rental of premises be contingent upon the sale, lease, rental or other acquisition of equipment, supplies or material from a designated or implied person or organization. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.160 Gratuities prohibited.

- A. A volunteer, employee or supervisory personnel assisting in the conduct of gaming activities may accept a tip or gratuity from a player, but shall receive no other form of compensation for conducting or assisting in the conduct of the gaming activities.
- B. No licensee, or volunteer, employee, supervisor, director or officer thereof, shall receive, either directly or indirectly, any gift, trip prize provision or item of value from any manufacturer or distributor of gaming equipment, supplies or material, provided, however, that promotional prizes not exceeding one hundred dollars annually in a calendar year are excepted. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.170 Penalties.

- A. Any person, organization, corporation or other entity violating the provisions of this chapter shall be guilty of a misdemeanor and subject to the punishment provided in Section 1.08.010 of the Rawlins Code in addition to the possible suspension, denial or revocation of the license. In the event that a violation by fictitious entity, those individuals who act to produce the violation shall be deemed to have individually violated the provisions of this Chapter.

B. Each day of play of bingo or sale of pull tabs without a valid license shall be considered a separate offense. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.180 Suspension, denial or revocation of license.

A. In the following instances the City may suspend a gaming license:

1. Notice that the licensee, or a volunteer, employee, supervisor, director or officer has been convicted of a violation of the provisions of this chapter, or similar provisions related to gaming in other jurisdictions.
2. Notice that the licensee has violated any City ordinance relating to health or safety or zoning on the premises designated in the license.
3. Notice that the license was secured by fraud or misrepresentation, including, but not limited to, the providing of false or incorrect information on the license application.
4. Notice that the licensee, or a director or officer thereof, or a volunteer, employee or supervisor thereof which assists in the operation of the licensed gaming, has been convicted of a crime or offense which involves dishonesty, false statement, or any felony.
5. Notice of a violation of the liquor laws or drug laws on the premises licensed for gaming which involves a volunteer, employee or supervisor of the licensee.

B. Upon notice of any of the conditions enumerated above in this section, the City Clerk shall send by certified mail, return receipt requested, a notice to the licensee that the license may be suspended, renewal denied, or revoked.

1. The licensee may request a hearing in writing within a period of five working days. If such request by the licensee is received within the specified period of time, the matter shall be set for a hearing before the Municipal Court sitting as a hearings officer. Failure by the licensee to request a hearing shall be deemed a waiver of the right to a hearing.
2. The hearing shall be conducted pursuant to the Wyoming Administrative Procedure Act.
3. Notice of the date, time and location of the hearing shall be sent to the licensee not less than five working days prior to the hearing. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.190 Duration, renewal and transferability of license.

- A. All gaming licenses shall expire annually on December 31 in the year for which such was issued.
- B. If renewal of an existing license is desired by a licensee, application for such must be made not later than December 1 of the year preceding the year of desired operation. Applications received later than November 15 cannot be guaranteed that a break in operations will not be required because of publication requirements and scheduled meetings of the governing body.
- C. No transfer of ownership of a gaming license shall be permitted. Any attempt at such transfer shall invalidate the license automatically.
- D. A transfer in the location of the premises upon which the gaming is conducted may be permitted upon application for such by the licensee and publication of the notice of intent to transfer by the City pursuant to the terms and conditions of section 5.04.070. No fee for such transfer is required, but the licensee shall pay for the cost of publication in advance. (Ord. No. 3B-94, Enacted, 03/15/94)

Section 5.04.200 Severability.

In the event that any portion or section of this ordinance shall be found to be invalid or unconstitutional by any court of competent jurisdiction, that portion of the ordinance shall be considered a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (Ord. No. 3B-94, Enacted, 03/15/94)

Chapter 5.08

ALCOHOLIC BEVERAGES*

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5.08.020	Compliance required.
	<u>Article II. License Application.</u>
5.08.030	Responsible Beverage Server Training
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	<u>Article III. Annual Licenses.</u>
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Article IX. Violations

- 5.08.500 Falsification of Application.**
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- 5.08.520 Possession by Underage Persons.**
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- 5.08.540 Use of False Proof of Age or Identity.**
- 5.08.550 Dispensing Room Restrictions.**
- 5.08.560 Suspension of License.**
- 5.08.570 Minors Prohibited on Premises Where Alcoholic Beverages are Sold; Exceptions.**

*Prior ordinance history: Prior code §§ 4-1 through 4-24 as amended by Ordinances 12A-77, 2B-78, 10A-79, 2E-80, 3-80, 8B-80, 5-81, 6-81, 4-83, 2B-85, 9-85, 9A-86, 5A-87, 7-88, 3-89 and 4-89. (Emergency Ord. 06A-2017, 6/27/17)

Article I. Definitions and General Provisions

(Ord. No. 6-96, Renumbered, 06/11/96, 5.08.009art)

Section 5.08.010 Definitions.

As used in this chapter:

A. "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 (.5%) of alcohol by volume. As used in this paragraph, "beverage" does not include liquid filled candies containing less than six and one quarter percent (6.25%) of alcohol by volume. (Emergency Ord. 06A-2017, Amended 6/27/17)

B. "Building" means a roofed and walled structure built or set in place for permanent use.

C. "Club" means any of the following organizations:

1. 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;

2. 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.

3. A hall or building association of a local unit specified in subparagraphs one (1) and two (2) of this subparagraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit.

4. A golf club having more than fifty (50) members and owning, maintaining or operating a bona fide golf course together with a clubhouse;

5. 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; (Emergency Ord. 06A-2017, Amended 6/27/17)

6. "Club" does not mean college fraternities or labor unions.

7. A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse. (Emergency Ord. 06A-2017, Amended 6/27/17)

D. "Division" means the Wyoming Liquor Division within the Department of Revenue created under W.S. §12-2-106. (Emergency Ord. 06A-2017, Amended 6/27/17)

E. "Industry Representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions upon their conduct shall include conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.

F. "Intoxicating Liquor," "Alcoholic Liquor," "Alcoholic Beverage" and "Spirituos Liquor" are construed as synonymous in meaning and definition.

G. "Licensee" means a person holding a:

1. Retail liquor license;
2. Limited retail liquor license;
3. Resort liquor license;
4. Malt beverage permit;
5. Restaurant liquor license;
6. Catering Permit, or
7. Bar and grill liquor license. (Emergency Ord. 06A-2017, Amended 6/27/17)

H. "Licensing Authority" means the City of Rawlins, Carbon County, Wyoming who has the responsibility to issue, control and administer a particular license or the Wyoming Liquor Division.

I. "Malt Beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent (.5%) of alcohol by volume. (Emergency Ord. 06A-2017, Amended 6/27/17)

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

K. "Person" means an individual person, partnership, corporation, limited liability company or association or entity, public or private. (Emergency Ord. 06A-2017, Amended 6/27/17)

L. "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 title. (Emergency Ord. 06A-2017, Amended 6/27/17)

M. "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. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full service restaurant. "Full Service Restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for purposes of this section. (Emergency Ord. 06A-2017, Amended 6/27/17)

N. "Room" means an enclosed and partitioned space within a building large enough for a person to enter, but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

O. "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 an alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.

P. "Wholesaler" means any person, except the division, who sells any alcoholic or malt beverage to a retailer for resale. (Emergency Ord. 06A-2017, Amended 6/27/17)

Q. "Brewery" means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year malt beverage. (Emergency Ord. 06A-2017, Amended 6/27/17)

R. "Microbrewery" means a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage. (Emergency Ord. 06A-2017, Amended 6/27/17)

S. "Annual Licenses" means those liquor licenses issued by the city which are valid for a period of one (1) year and are renewable annually, and shall include retail liquor licenses, limited retail liquor licenses, resort retail liquor licenses, restaurant liquor licenses and bar and grill liquor licenses.

T. "Temporary Licenses" means those liquor licenses which are issued by the City of Rawlins for specific times, not to exceed a twenty-four (24) hour period for each time, and shall include malt beverage permits, extended club hours, open container waiver permits and catering permits.

U. "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.

V. "Permit" means a temporary liquor license issued under the provisions of this title.

W. "Permittee" means a person holding one (1) or more of the following temporary licenses or permits:

1. Open container permit;
2. Malt beverage permit;
3. Extended hours permit; or
4. Catering permit. (Ord. 11-92 (part))

X. "Winery" means a commercial enterprise manufacturing wine at a single location in Rawlins. (Emergency Ord. 06A-2017, Amended 6/27/17)

Y. "Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Z. "Department" means the Wyoming Department of Revenue.

A1. "Guest Ranch" means a vacation resort offering accommodations for overnight stays and activities typical of western ranching. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.020 Compliance required.

A. The Governing Body of the City of Rawlins is authorized to license, regulate and prohibit the retail sale of alcoholic liquors and malt beverages under this chapter. The general control and regulatory provisions of this chapter apply to all licenses and permits authorized under this chapter, unless otherwise specifically provided. For the protection of the health, safety and welfare of the residents and citizens of the City of Rawlins, it is declared to be in the best interest of the City of Rawlins, and the residents and citizens thereof, that the sale, distribution, possession and traffic of alcoholic liquor and 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 City of Rawlins except as authorized herein and the exceptions provided in Wyoming State Statutes Section 12, et seq. reserving certain powers to the State of Wyoming. The City Council may, from time to time, make rules and regulations as it deems necessary to carry out the provisions of this chapter; provided that said rules and regulations are consistent with the provisions contained in this and the applicable state statutes. (Ord. 11-92 (part)) (Emergency Ord. 06A-2017, Amended 6/27/17)

B. It is the intent of the City of Rawlins not to regulate, or interfere with the regulation by the State of Wyoming Liquor Division, of limited transportation licenses and the common carriers that obtain such licenses. Nothing in this Chapter prohibits a liquor supplier operating under a governmental permit or tax license from selling his product to the division or delivering products at points not within the State of Wyoming after licenses are secured as required by the division. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Article II. License Application

Section 5.08.030 Responsible Beverage Server Training

A. Pursuant to Wyoming Statutes §12-02-401 and §12-02-402, the Licensee shall make certain that all persons who sell, distribute, or serve alcoholic or malt beverages in the licensed premises successfully complete the Alcohol Server Training Program promulgated by the State of Wyoming, within four months from the date the person begins to provide such services.

- i. RBS training program format shall consist of traditional in-person lecture and discussion, along with the use of filmed, taped or digital reenactments of common on the job situations and role-playing. Live lecture combined with skill-building techniques or reenactment and role-playing teach sellers and managers competence in proper refusal of alcohol service to intoxicated persons and persons under the age of 21. Upon successful completion of training, program certificates will be issued. (Emergency Ord. 06A-2017, Amended 6/27/17)

B. In the case of a Catering Permit, the permit holder shall make certain that at least one person present at the event has successfully completed the Alcohol Server Training Program promulgated by the State of Wyoming prior to the event.

- i. The event organizer and or his designee shall be required to maintain at the site of the event a list of names of the organizer and staff that successfully completed the RBS training program and certificates of completion.

C. A Licensee shall be required to maintain on the premises of an alcoholic beverage sales establishment:

- i. Certificates of completion, verifying attendance and successful completion of the most recent RBS program attended by the licensee and employees. These may be provided for inspection and copying upon the request of any police or other law enforcement officer.

D. In the event the Alcohol Server Training Program is not available for new employees the licensee holder or designee who has previously attended and completed a current alcohol server training class will highlight initial training to the new employee until said training is available.

E. Every licensee, manager, server or security staff worker of an on-site or off-site alcoholic beverage sales establishment shall attend and complete successfully a subsequent RBS training program every three years from the date of the initial successful completion of an RBS training program. (Renumbered 5.08.100 (6A-96); Ord. No. 11-2014, Amended 11/4/2014) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.040 Penalties for Failure to Obtain Responsible Beverage Server Training

A. A violation by the licensee or any failure to comply with any of the requirements; the licensee may be charged an administrative penalty not to exceed seven hundred and fifty dollars (\$750.00). (Renumbered 5.08.110 (6A-96); Ord. No. 11-2014, Amended 11/4/2014)

Article III. Annual Licenses

Section 5.08.100 Application for Annual Licenses.

A. Any person desiring an annual license as authorized by this chapter shall make application to the City by delivering to the City Clerk, on the form prepared and provided to the applicant at no charge by the City Clerk, a completed, verified and signed form. 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. §12-4-102. (Emergency Ord. 06A-2017, Amended 6/27/17)

B. When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. The city clerk shall also post the notice on the city's official website if one exists. 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 his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A ...

Notice is hereby given that on the ... day of ... (year) (name of applicant) filed an application for a ... license (permit), in the office of the Rawlins City Clerk for the following described place (and room) (insert description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of ...M., on the ... day of ...(year), in the (meeting place of the governing body).

Dated ...

(signed) s/City Clerk

(Ord. No. 6-96, Amended, 06/11/96); (Ord. No. 10-2014, Amended 10/7/2014) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.105 Restrictions upon Applicants and Licensees.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any person who does not own the building or hold 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 sole upon the premises, except as provided by 5.08.105(2) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted in Wyoming State Statute §12-4-403(b);
 2. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business within one (1) year after the issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the Rawlins City Council may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the Rawlins City Council and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this subsection without the consent of the Rawlins City Council due to extraordinary circumstances. For purposes of this subsection "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the Rawlins City Council to be a seasonal operation.
 3. A manufacturer of alcoholic beverages or wholesaler of malt beverages;
 4. A person under twenty-one (21) years of age;
 5. A college fraternity or organization created by one (1) or more college fraternities;
 6. A chamber of commerce, except for twenty-four (24) hour malt beverage permits;
 7. A corporation, limited liability company, limited partnership or limited liability partnership which is not qualified to do business in the State of Wyoming;
 8. An individual who is not a resident; or
 9. Any general partnership or group of two (2) or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in this state.
- B. Except as provided in Rawlins Municipal Code Section 5.08.210(D), the Rawlins City Council

shall not issue more than one (1) license or permit to any one (1) person.

C. Except as provided in subsection (D) of this section, a retail liquor license shall not be renewed if the licensee did not, during the previous one (1) year term of the license, purchase at least two thousand dollars (\$2,000.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.

D. Subsection (C) of this section shall not apply to:

1. Any licensee or permittee having a planned but not physically functional building pursuant to paragraph A(2) of this section;
2. Holders of special or temporary permits or licenses issued under this chapter;
3. Holders of a limited transportation liquor license under W.S. §12-2-202. (Ord. No. 6-96, Enacted, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.110 Denial of Annual Licenses and Permits. Appeals.

A. Grounds for Denial: Any annual license or permit authorized under this chapter shall not be issued, renewed or transferred until on or after the date is set in the notice for hearing 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 annual license or permit premises shall be adversely and seriously affected;
- (2) The purpose of this title 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 permits meet the needs of the vicinity under consideration;
- (4) The desires of the residents of the city will not be met 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. (Ord. No. 6-96, Amended, 06/11/96).

B. Appeals: 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. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the licensing authority named as defendant. During the pendency of an appeal, a renewal license denied by a licensing authority shall not be granted to any other applicant. Upon notice of appeal, the city clerk shall transmit to the clerk of district court a certified copy of the application, of each protest if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the city clerk of the licensing authority. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.120 Renewal of Annual Licenses.

The owner or holder of an expired annual license, or one due for expiration, has a preference right to a new license for the same location. After the required notice and public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the Rawlins City Council. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.130 Transfer of Annual Licenses.

A. No license or permit shall be transferred or sold except as provided in this chapter, used for any

place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution.

- B. After public hearing, and with the approval of the Rawlins City Council, an annual license or permit may be transferred to or renewed on different premises on the same basis as the original application. An additional annual license fee shall be established by resolution of the City Council as per Chapter 1 of this code for the remaining term of the annual license. A transferred annual license shall expire on the same date as the original annual license.
- C. A licensee, or the executor or administrator of the estate of a deceased annual licensee, may, if proceedings are not pending to suspend, revoke or otherwise penalize the original annual license holder, or an action pending to collect delinquent sales tax payments pursuant to Wyoming Statutes, assign and transfer the annual license by a sale or transfer made in good faith. The approval of the transfer shall not be given by the licensing authority if the transferring license is certified by the department as sixty (60) or more days delinquent in paying sales taxes pursuant to Wyoming State Statute §12-2-306. A transfer of the annual license or permit shall require the payment of an additional license fee of not more than one hundred dollars (>\$100.00) and upon assignment, following proper application by the proposed licensee and approval of the transfer by the Rawlins City Council, the assignee may exercise the privilege of continuing the business authorized by the annual license. (Ord. No. 6-96, Amended, 06/11/96)(Ord. 08a-2008, Amended, 08/19/2008) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.140 Term of License and Permit. Exception.

A. A license is considered a personal privilege to the holder. The term of the license or permit is for a maximum of one (1) year, expiring each year on March 31 unless sooner revoked. A licensing authority issuing a license or permit for a term less than one (1) year shall pro-rate the annual fee accordingly. Any licensee not attempting to renew a newly issued pro-rated license or permit valid for one (1) year shall not be eligible for any license or permit authorized under this chapter for a period of two (2) years after the expiration date of the pro-rated license or permit. Annual licenses shall be renewed prior to the expiration date in accordance with the schedule established by the Clerk and sent to the licensee.

B. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Article IV. Temporary License Application & Denial

Section 5.08.150 Application for Temporary Licenses.

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

B. Upon receipt of a completed application containing approval of such from the various City Departments which have been designated as potentially affected by the issuance of the requested license, the City 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 do not require Council action pursuant to this chapter, the City 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 Council approval before such is issued, or if the City Clerk has refused to issue a requested temporary license and the applicant has requested in writing that the application be reviewed by the Council, the City Clerk shall take the application and request that such be placed upon the Council agenda for future action. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.160 Denial of Temporary License.

A temporary license shall be denied by the City Clerk and referred to the Rawlins City Council for action if one or more of the following facts or circumstances are found to exist:

1. The application is for a location within the City that is not located in a park or other location that has been designated for the use of malt beverages;
2. The application is for use of an outside location in or near a residential area and is requesting a use later than 10:00 P.M.
3. The circumstances given to the City 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.
4. The City has received complaints about previous licenses for substantially the same circumstances as are present in the current application. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

ARTICLE V. RESTRICTIONS.

Section 5.08.200 Retail Liquor License.

A retail liquor license is the authority under which a licensee is permitted to sell alcoholic beverages for use or consumption, but not for resale. (Ord. No. 6-96, Amended, 06/11/96). Retail liquor licenses issued prior to April 1, 1961, are not subject to nonrenewal due to the application of population formulas or municipal boundary requirements provided by W.S. §12-4-201. If a license is not renewed for any other reason it shall not be reissued until circumstances are in conformance with the requirements of W.S. §12-4-201. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.210 Special Club License A/K/A Limited Retail Liquor License.

A. A special club license, also referred to as a limited retail liquor license, is the authority under which bona fide clubs are permitted to sell alcoholic and malt beverages for consumption.

B. The initial application for a limited retail license by a social club shall include a petition signed by not less than fifty-one percent (51%) of the current membership indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the Division and shall include the residence address of each member signing the petition.

C. A club holding a limited retail liquor 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 guest only. It shall be the duty and obligation of the club to check and regulate sale to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building, space or premises. (Ord. No. 6-96, Amended, 06/11/96)

D. Notwithstanding W.S. §12/4/103(b), a political subdivision of the state may hold no more than two (2) club limited retail liquor licenses for golf courses owned, maintained or operated by that political subdivision in addition to any other license held by that political subdivision. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.220 Resort Retail Liquor License.

A. A resort retail liquor license is the authority under which a resort complex as defined herein is permitted to sell alcoholic and malt beverages.

B. A resort complex is defined as a complex of structures catering to the tourist trade and to qualify for a resort retail liquor license, the city shall require the resort complex to:

1. Have an actual valuation of, or the applicant shall have committed or expended on the complex not less than One Million Dollars (\$1,000,000.00), excluding the value of the land;
2. Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons; and,
3. Include motel, hotel or privately owned condominium, town house or home accommodations with a minimum of one hundred (100) sleeping rooms; or
4. Without being required to meet the standards of paragraph (iii) of this subsection, be a ski resort facility open to the general public in which the applicant shall have committed or expended on the facility not less than Ten Million Dollars (\$10,000,000.00)

C. Resort liquor licenses shall not sell alcoholic or malt beverages for consumption off the licensed premises except pursuant to a valid catering permit. The dispensing of alcoholic or malt beverages licensed to be sold hereunder shall be controlled by the dispensing room as defined in the application. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.230 Restaurant Liquor License.

A. A restaurant liquor license is the authority under which the sale for consumption of alcoholic and malt beverages is permitted for a restaurant as defined in this chapter.

B. An initial applicant for a restaurant liquor license shall provide a statement, to the best of the applicant's knowledge, that the primary source of revenue from the operation of the restaurant will be derived from the sale of food, and not from the sale of alcoholic and malt beverages. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit upon application.

C. An applicant for the renewal of a restaurant liquor license shall provide as a part of the application a statement that not less than sixty percent (60%) of the gross sales in the preceding twelve months operation of the licensed restaurant was derived from the sale of food services. Accompanying the application for renewal shall be an annual report to the licensing authority on the annual gross sales of the restaurant and shall separate the gross sales figures into two (2) categories: (i) food service sales and (ii) alcoholic and malt beverage sales.

D. No restaurant liquor license shall be transferred to a different location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the Rawlins City Council.

E. Restaurant liquor licenses do not permit the sale of alcoholic or malt beverages off the licensed premises. Alcoholic and malt beverages shall be served for on-premises consumption only, and served only in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

F. Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and approved as provided in W.S. §12-5-201(a), upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over the age of twenty-one (21) years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining room which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic and malt beverages in the separate dispensing room under a restaurant liquor license, and any person over twenty-one (21) years of age is permitted to enter the separate dispensing room. For purposes of this section, "room" means, as approved

by the local licensing authority, an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

G. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the time specified in this chapter if food sales and service extends beyond that time.

H. No restaurant licensee shall promote the restaurant as a bar and lounge, nor shall the licensee compete with a retail liquor license in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings. Nothing in this subsection shall require a restaurant liquor licensee to reconstruct or remodel the licensed premises existing on or before June 8, 1989. (Ord. No. 6-96, Amended, 06/11/96)

I. 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. For purposes of this subsection the term “full course meal” shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of W.S. §31-5-235. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.240 Microbrewery or Winery Liquor License.

A. Subject to restrictions imposed herein and under W.S. §12-4-103 excluding W.S. §12-4-103(a)(vi), a local licensing authority may issue:

- i. A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption. The City may allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors.
- ii. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption. The City may allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division.
- iii. The City may approve the dual holding of a microbrewery permit of winery permit and one (1) of the following: (1) A retail liquor license; (2) subject to provisions to follow a restaurant license; (3) a resort license; (4) a microbrewery permit as provided herein; (5) a winery permit as provided herein; (5) a bar and grill liquor license as provided in this chapter.

B. In addition to the authority granted under subsection A, a microbrewery and winery may do one or more of the following:

- 1. Sell its own products for on-premises consumption.
- 2. A microbrewery may sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;
- 3. A winery may sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale;
- 4. A microbrewery or winery may sell the brewed beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraph B of this chapter;
- 5. May upon cessation of full service restaurant operations, serve a limited menu and continue to

serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit;

6. Shall limit the number of microbrewery or number of wineries to no more than those allowed in Wyoming State Statute §12-4-201(d) for each permit;

7. Notwithstanding (B)(3) of this chapter, any licensee holding a winery permit as provided herein, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

8. Notwithstanding (B)(3) of this chapter and W.S. §12-5-201, any licensee of a winery permit as provided in this chapter, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which hold a liquor license in this state.

9. Any licensed winery holding a winery permit pursuant to this chapter shall:

- a. Not ship more than a total of thirty-six (36) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period.
- b. Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactures wine to any combination of households or licensed retailers in this state;
- c. Ship its 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;
- d. Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";
- e. Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirements to obtain an adult signature;
- f. File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their manufactured wine subject to the following:
 - i. The report shall be filed with the liquor division not later than the tenth (10th) day of the month following the month in which the shipment was made.
 - ii. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five (\$25.00).
- g. Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit in the licensee's records upon reasonable request.

10. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required herein;

11. A microbrewery or winery shall not be transferred from its licensed premises. A transfer of ownership of the microbrewery or winery may be transferred upon approval of the Rawlins City Council.

12. In addition to subsection (B) of this chapter, the Rawlins City Council may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on a manufacturer's license at up to three (3) satellite locations within Wyoming separate from its manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the Rawlins City Council pursuant to public hearing and fee requirements.

C. The provisions for Bar and Grill Liquor Licenses shall apply to any person holding a microbrewery or winery permit, except the dual holder:

- (i) may sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to subsection (B) of this chapter;
- (ii) may upon cessation of full service restaurant operations serve a limited menu and continue to

- serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and
- (iii) shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required in this chapter.

(Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.250 Motel\Hotel Minibar License.

Notwithstanding Section 5.08.410(A) and any other provision of this chapter, a licensee who holds a license other than a club license or restaurant license pursuant to this chapter, and who is engaged in business operation with a motel or hotel sleeping room accommodations at the same premises may sell alcoholic liquor or malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are subject to hours or operation contained in this chapter, and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors within this chapter apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available from sale from the minbar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or non-refrigerated, 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. The Rawlins City Council may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.260 Fees for Annual Licenses.

Fees for annual licenses will be established by resolution of the Rawlins City Council as per Title 1 of the Rawlins Municipal Code. (Ord. No. 6-96, Amended, 06/11/96)(Ord. 08a-2008, Amended, 08/19/2008) (Emergency Ord. 06A-2017, Amended 6/27/17)

ARTICLE VI: BOTTLE CLUB. VIOLATIONS AND PENALTY.

Section 5.08.270 Bottle Club Defined

A "bottle club" is an operation or enterprise giving or renting space to persons upon the club premises for the keeping or storage of alcoholic or malt beverages, for consumption upon the club premises by the persons or their guests where the income, profits or fees of the operator of the bottle club are derived from sales of or furnishing mixes, ice, food or glasses for and from dues, shares, contributions, membership cards or assessments.(Ord. 05-2000; Enacted 05/16/00)

Section 5.08.275 Bottle Club License

Any business owner may apply to the Rawlins City Clerk for a Bottle Club License to allow patrons to bring alcohol onto their premises for consumption on said premises. All requests for such licenses shall be reviewed by the Rawlins City Council which may grant, grant with conditions, or deny any such requests. (Ord. 05-2000, Enacted 05/16/00)(05-2000, Added, 05/16/2000)

Section 5.08.280 Bottle Club License Cost

All applications must be accompanied by the requisite fee as established by the Rawlins City Council and all licenses must be renewed yearly. (Ord. 08a-2008, Amended, 08/19/2008; 05-2000, Added, 5/16/2000) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.285 Bottle Club Violations

Any club where two or more alcohol violations, including Minor In Possession, are cited and convicted in any one year, is subject to losing its license for up to three years. (Ord. 05-2000; Enacted 05/16/00) (05-2000, Added, 05/16/2000)

Section 5.08.290 Penalty for Operating Unlicensed Bottle Club

It is unlawful to operate an unlicensed bottle club in Rawlins and any person operating an unlicensed bottle club is guilty of a misdemeanor. Each day of operation is a separate offense. (Ord. 05-2000; Enacted 05/6/00)

Article VII. Temporary Licenses

(Ord. No. 6-96, Renumbered, 06/11/96, 5.08.299art)

Section 5.08.300 Malt Beverage Permit.

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 (24) hours per permit. Subject to fees established by the Rawlins City Council.

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 or consumed off the premises authorized by the permit.

C. No person or organization shall receive more than twelve (12) malt beverage permits in one year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises.

D. The hours of operation contained in this chapter shall apply to a malt beverage permit. (Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.310 Catering Permit.

A. A catering permit is the authority by which a retail liquor licensee or resort retail licensee is authorized 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 licensee's licensed premises for a period not to exceed a twenty-four (24) hours. Subject to fees established by the Rawlins City Council.

B. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit.

C. No retail liquor licensee shall receive more than thirty-six (36) catering permits for sales at the same premises in any one year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises.

D. Notwithstanding any other provision of this subsection closed-container items sold at auction for the benefit of an Internal Revenue Service Nonprofit Organization may be taken off-premises. (Ord. No. 6-96, Amended, 06/11/96)

E. The hours of operation contained in this chapter shall apply to all catering permits. (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.320 Temporary Dispensing Room Permits.

The Rawlins City Council may issue a twenty-four (24) hour permit to any licensee holding a retail liquor license, a limited retail liquor license, a restaurant liquor license, a resort liquor license, microbrewery liquor license or winery liquor license authorizing the sale of alcoholic or malt beverages in one (1)

additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one (1) licensee shall be issued more than six (6) permits in any one (1) year period. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.170; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.330 Extended Club Hours Permit.

Limited retail liquor (special club) licensees may apply to the Rawlins City Council for an extension of the regular operating hours for the morning hours of Saturday and Sunday, such extension allowing operation until not later than four (4:00) o'clock a.m. on each day for which the extension is granted. Such application for an extension shall be made to the City Clerk in writing and signed by an officer of the club authorized to make such application. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.180; Ord. No. 6-96, Amended, 06/11/96)

Section 5.08.340 Open Container Waiver Permit.

A. Any responsible person or organization, in conjunction with a public or private gathering, may apply to the City Clerk on the form provided for such for a temporary waiver of the requirements of Section 5.08.510, Public Consumption or Possession, also referred to as an "open container waiver permit," for such areas of the city as will be affected by the event and for such time as is required for the event. Such permit may affect only those persons invited to the event, or it may affect all persons in the city, as determined by the City Council.

B. Upon receiving a completed application form, the City Clerk shall issue to the qualified applicant an open container waiver permit, except in the instances specified in Section 5.08.160. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.190; Ord. No. 6-96, Amended, 06/11/96)

Section 5.08.350 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 City Clerk in writing on the form provided for such for a permit for the temporary closure of an area to vehicular traffic within the city. Upon receipt of a completed application, the City Clerk shall issue the permit, except in the instances listed in this section or in 5.08.160. (Emergency Ord. 06A-2017, Amended 6/27/17)

B. The City 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 10:00 p.m. with accompanying increased noise from the gathering.
3. The closure will affect a collector street within the City, or the only convenient access for emergency vehicles to an area.
4. The closure will be in effect for more than six (6) hours. (Ord. No. 11-92, Enacted, 11/3/92; Ord. No. 6-96, Amended, 06/11/96)(Ord. 08-2013, Amended 8/6/2013)

Section 5.08.360 Temporary Permit Fees.

All temporary permit fees will be set by resolution of the City Council as per Title 1 of the Rawlins Municipal Code. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.200; Ord. No. 6-96, Amended, 06/11/96)(Ord. 08a-2008, Amended, 08/19/2008) (Emergency Ord. 06A-2017, Amended 6/27/17)

Article VIII. Restrictions.

(Ord. No. 6-96, Renumbered, 06/11/96, 5.08.399art)

Section 5.08.400 Hours of Operation.

A. All licensees and permittees holding a license or temporary license or permit under this chapter shall be controlled by the schedule for hours of operations set forth in subsection B with the exception of the following temporary licenses and permits where such indicate other hours:

1. Open container permit issued pursuant to Section 5.08.340;
2. Street closure permit issued pursuant to Section 5.08.350;
3. Extended club hours permit issued pursuant to Section 5.08.360.

B. The hours of operations for all licensees and permittees shall be from six o'clock (6:00) a.m. on each day of the week until two o'clock (2:00) a.m. the following morning, and shall have the dispensing room cleared of all persons other than bona fide employees by two thirty o'clock (2:30) a.m. (Emergency Ord. 06A-2017, Amended 6/27/17)

C. The hours of operation designated in subsection (A) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the city designating those dates during city or county fairs, rodeos, pageants, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at six o'clock (6:00) a.m. A request of the licensees for such dates to be designated shall be brought to the council not later than the last council meeting of the preceding year. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.210; Ord. No. 8A-93, Amended, 08/03/93; Ord. No. 6-96, Amended, 06/11/96; Ord. No. 9-96, Amended, 09/17/96; Ord. No. 9-96, Amended, 09/17/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.410 Location of Dispensing Rooms.

A. The principal place in which alcoholic liquor and malt beverages are sold under a license or permit issued pursuant to this chapter shall be located in one (1) room upon the premises for which the license or permit is issued and as approved by the Rawlins City Council. Upon payment of an additional fee as established by resolution of the Rawlins City Council as per Title 1 of this code, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license.

B. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediate adjacent fenced or enclosed area as approved by the Rawlins City Council at the time of the original application, or renewal thereof. This area shall not be in another building and shall be located on the licensed premises.

C. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption without the payment of an additional fee. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two (2) facilities may be separated by a glass or other suitable partition.

D. If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one (1) additional dispensing room under the same fee referred to in section (A) of this section. For the purposes of this subsection, a convention facility shall have and maintain all of the following: (1) motel or hotel sleeping room accommodations; (2) restaurant facilities; and (3) conference facilities.

E. Only alcoholic liquor and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor or malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals shall be sold and served in the dispensing room of a facility licensed or permitted pursuant to this chapter. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.220; Ord. No. 6-96, Amended, 06/11/96)(Ord. 08a-2008, Amended, 08/19/2008)

F. The Rawlins City Council may issue a twenty-four (24) hour permit to any licensee holding a retail liquor license, a limited retail liquor license, a restaurant liquor license, a resort liquor license, microbrewery liquor license or winery liquor license authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one (1) licensee shall be issued more than six (6) permits in any one (1) year period.

G. If the licensee is engaged in the operation of or is a concessionaire for a public auditorium, civic center or events center, the licensee may dispense alcoholic liquors or malt beverages in any room or other appropriate location within the confines of the licensed premises approved by the Rawlins City Council subject to fees.

H. Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license or restaurant license pursuant to this chapter, and who is engaged in business operation with a motel or hotel sleeping room accommodations at the same premises may sell alcoholic liquor or malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are subject to hours of operation contained in this chapter, and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors within this chapter apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container refrigerated or non-refrigerated, 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. The Rawlins City Council may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.

I. A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. Subsections (A) through (F) of this section and (H) do not apply to holders of a resort liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort liquor license is issued, except that any location on the resort premises where alcoholic beverages are dispensed as approved by the Rawlins City Council shall comply with applicable sanitation and fire hazard requirements and other applicable laws. For each additional fixed dispensing location, the licensee shall pay an additional annual fee as set by resolution of the Rawlins City Council.

J. Any golf club as defined in this chapter which holds a retail liquor license or club limited retail liquor license may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf course is located and which shall be identified in the license. Subsections (A) through (F) and (H) of this section do not apply to golf clubs as defined in this chapter, which are holders of a retail liquor license or club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf course premises, except that any location on a golf club premises where alcoholic beverages are dispensed as approved by the Rawlins City Council. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food beverage services associated therewith to another individual or entity without transferring the license thereto.

K. With the approval of the Rawlins City Council and upon conditions imposed by them, any restaurant liquor license operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. Subsection (A) through (F) and (H) of this section do not apply to holders of such licenses, but such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

L. Any retail or restaurant liquor licensee operations on a guest ranch as defined within this chapter, may dispense alcoholic beverages from any location within the boundaries of the guest ranch premises. The guest ranch premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. Subsections (A) through (F) and (H) of this

section do not apply to holders of such licenses. Licensees shall comply with all sanitation and fire hazard requirements and other applicable laws. Each additional fixed dispensing room shall fulfill fee and application requirements of the Rawlins City Council.

M. Nothing under this chapter shall prohibit more than one (1) liquor license holder to operate within the same building provided that each licensee maintains distinct areas within the building.

N. The Rawlins City Council may authorize a licensee holding a retail liquor license issued under this chapter, to hold an event on the licensed premises at which persons under the age of twenty-one (21) years of age are permitted upon the premises if:

1. The licensee shall make application to the Rawlins City Council prior to the event. Such application shall detail the plans for the event including dates, times, locations, security measures, ages of admission to the event and such other pertinent information that the council finds will assist it in determining that minors attending such an event will not be harmed by their attendance. All such events will recognize the applicable curfews set by Rawlins Municipal Ordinance and will have an adequate number of responsible adult chaperons as are necessary to ensure the safety of the minors.

2. No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person in the dispensing room during the event;

3. During the event, the dispensing room shall be closed during the event and no alcoholic liquor or malt beverage shall be served to or possessed by any person in that room. "Closed" means that all alcoholic liquor and malt beverages are removed from the dispensing room in which the event is held and are stored where they are not accessible during the event or are otherwise secured under lock and key so that they cannot be dispensed or accessible.

4. The licensee shall post conspicuous signs at each entrance to the room where the event is held stating "NO ALCOHOL ALLOWED". The signs shall be a minimum of eighteen inches by twenty-four inches (18" X 24") with lettering no less than four (4) inches high.

5. A package liquor store on the licensed premises may continue to sell unopened containers of alcoholic liquor and malt beverages during the event for off-premises consumption.

6. The licensee otherwise complies with any additional conditions which may be imposed by rule and regulation of the Rawlins City Council, including revocation of the authorization to hold the youth event.

(Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.420 Drive-in Facilities.

The Rawlins City Council shall determine whether traffic conditions or physical circumstances hindering law enforcement should require forbidding or restricting sales and delivery in any drive-in area. If by resolution of the Rawlins City Council the right of a licensee to use certain drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee. Upon approval of the Rawlins City Council, in the original application, or the renewal thereof, a drive-in area adjacent or contiguous to 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 liquor or malt beverages under the following conditions:

1. The holder of the retail liquor license shall own the area or hold a written lease for the period of time for which the license was issued.

2. No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distance from the licensed room.

3. The area shall be well lighted and subject to inspection by the city at any and all times.

4. No wall or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment.

5. No order shall be received from, nor delivery made to, a person under the age of twenty-one (21) years or to an intoxicated person in the area.

6. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales.

7. Alcoholic liquor and 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 beverage in the drive-in area shall not be permitted. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.230; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.430 Inspection of Licensed Premises.

The city may inspect any licensed premises, including dispensing rooms and any locations where alcoholic liquors or malt beverages are served, sold, dispensed or brewed at any time the city in its sole discretion deems appropriate to insure compliance with the requirements of this chapter and the health and safety requirements imposed upon the premises. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.240; Ord. No. 6-96, Amended, 06/11/96)

Section 5.08.440 Display of License.

Every licensee or permittee shall display the license or permit issued in a conspicuous place viewable by the public near the location where the alcoholic liquors or malt beverage are dispensed. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.250; Ord. No. 6-96, Amended, 06/11/96)

Article IX. Violations.

(Ord. No. 6-96, Renumbered, 06/11/96, 5.08.499art)

Section 5.08.500 Falsification of Application.

It is unlawful for any person or organization to knowingly submit any false information or false fact 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 each application being submitted shall be sworn to be true to the best of the knowledge by the person submitting such application. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.260; Ord. No. 6-96, Amended, 06/11/96)

Section 5.08.510 Public consumption or possession.

A. It is unlawful for any person to consume or have in possession any alcoholic liquor or malt beverage in a container that has been opened or unsealed from the original factory closure or sealing while in or upon any public place within the city, or while in any vehicle upon the public streets, highways, roads, alleys or places open to the public for vehicular traffic, except as follows:

1. In such places where the sale, dispensing or consumption of alcoholic liquors or malt beverages has been licensed or permitted pursuant to this chapter;
2. In Bolton Park and that portion of Washington Park that lies to the east of Fifteenth Street as it goes through the park at such times as an open container waiver permit has been obtained from the city for the place and time indicated therein, but in no instance between the hours of ten p.m. and twelve noon;
3. Within the fenced boundaries of the Carbon County Fairgrounds, located within the city, by persons having obtained the written consent of the Carbon County Fair Board and obtained an open container waiver permit from the city for such place and time;
4. At such other places and times as may be licensed or permitted by the Rawlins City Council pursuant to this chapter.

B. For purposes of this chapter, the term "public place" is defined as any place within the jurisdictional limits of the city which is owned by the City or any other government entity, or has been dedicated to the City, another government entity or the public, or private property upon which the public has been invited for vehicular traffic. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.270; Ord. No. 6-96, Amended, 06/11/96)

Section 5.08.520 Possession by Underage Persons.

It is unlawful for any person under the age of twenty-one (21) years to buy, sell, drink, consume, possess or solicit the sale or purchase of alcoholic liquor or malt beverage in the City. As used in this section, possession shall also include alcohol which has been consumed and has a measurable blood, breath, or urine concentration present within the body at the time of determination. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.280; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.530 Sale to Underage Persons.

It is unlawful for any person to sell, furnish, give or deliver any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, provided, however, that such prohibition shall not apply to a parent or guardian providing such to his or her child in the confines of their home. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.290; Ord. No. 8-93, Amended, 08/03/93; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.540 Use of False Proof of Age or Identity.

It is unlawful for any person under the age of twenty-one (21) years who attempts in any manner 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 to attempt to obtain any alcoholic liquor or malt beverage using any false identification.

Any person who violates this section, or aids, abets or incites a violation hereof is guilty of a misdemeanor. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.300; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.550 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, sell or brew alcoholic liquor or malt beverages.

- a. Minors under the age of twenty-one (21) may in the licensed room or rooms where alcohol beverages are served, but not dispensed, when accompanied by their parent, legal guardian, or a spouse of their parent or legal guardian who is at least twenty-one (21) years of age, not later than 10:00 o'clock p.m.
- b. Accompanied by their parent, legal guardian or spouse of a parent or legal guardian, who is at least twenty-one (21) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or
- c. With the approval of the Rawlins City Council, in a dining or waiting area with an adult and not later than 10:00 o'clock p.m. If the dining or waiting area is part of the licensed room.

B. No licensee, permittee, or agent employee or servant of 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 or operated by them.

C. There shall be an exception to this section for a licensee's employee under the age of twenty-one (21) years to enter a dispensing room or brewing area in the course of their employment when such room or area is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages. (Ord. 11-92 (part)) (Ord. No. 11-92, Renumbered, 11/03/92, 5.08.310; Ord. No. 6-96, Amended, 06/11/96) (Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.560 Suspension of License.

A. Any violation of this chapter by a manufacturer, rectifier, wholesaler, licensee, employee or agent thereof is sufficient cause for the suspension and in the case of gross violation the revocation of the licensee of the licensee.

B. In addition, the Rawlins City Council may, upon receipt of notice from the State of Wyoming suspend the license of any licensee if the licensee has failed to pay sales tax as required by state statute and the Division has ceased sales to the licensee of alcoholic liquor to the licensee. In the event that a license is suspended by the Rawlins City Council, the affected licensee may appeal the suspension to the District Court in the manner specified in W.S. §12-4-104(f) and in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect during the period of appeal. (Ord. No. 6-96, Enacted, 06/11/96)

C. In a proceeding for revocation of a liquor license and when a licensee is found guilty of violating W.S. §1-101 through §12-8-301, the district court or the division may, if it appears inadvisable to revoke the license, suspend the license for a period of not to exceed the balance of the term for which the license was issued and the suspension shall not, of itself, disqualify the license holder for renewal at the end of the license term.

D. An action to revoke a liquor license or permit may be brought in the name of the State of Wyoming by the attorney general, any county attorney or the City of Rawlins for the reason that the licensee or permittee has violated this chapter.

E. Actions to revoke licenses are civil actions and shall be tried before the court without a jury.

a. The revocation proceedings shall be in accordance with the Wyoming Rules of Civil Procedure, and the trial and all other matters to come before the court shall have a priority upon the court calendar. If, upon trial, it appears that the license or permit of the licensee should be revoked, the court shall enter its order accordingly. The court may revoke the license or permit upon proof that the intent and purpose of this title has been violated. The fact that no criminal proceeding has been instituted or that no law with sanctions has been violated is not a defense to the action. Upon the application of the state and upon a showing to the satisfaction of the court that there are probable grounds for believing the license holder's license should be revoked, the court may issue an order suspending a license during the pendency of an action for its revocation and no bond shall be required as a condition to the issuance of the suspension order. Appeal from the final district court decision may be taken according to the Wyoming Rules of Appellate Procedure, but the order of revocation shall remain in effect pending a decision by the appellate court.

F. The provisions of this section are cumulative and shall not be construed as preventing the division from revoking a liquor license in any case authorized by law.

G. The division may revoke any license or permit issued under this title for violation of any of the rules and regulation promulgated by the department pursuant to this title or for violation of any of the provisions of this title. Prior to suspension or final revocation of a license or permit under this chapter the division shall issue at least two (2) written notices of the intent to revoke or suspend the license or permit to the licensee. The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any suspension or revocation. The notice shall identify the violation warranting revocation or suspension of the license or permit, the date when it will be suspended or revoked and the ability to appeal and to continue to operate as provided in this subsection. Unless the division orders otherwise, a licensee may continue to operate under the license or permit pending an appeal of a license suspension or revocation to the state board of equalization made under this subsection. Any appeal shall be filed with the state board of equalization not more than thirty (30) days following the suspension or revocation of the license or permit. Appeals before the state board shall be conducted as a contested case under the Wyoming Administrative Procedure Act and the state board shall either affirm or deny the action taken by the division. The state board may affirm an order of immediate suspension of a license or permit if the division demonstrates that the licensee should not be permitted to operate pending the outcome of an appeal made under this subsection. The decision of the state board shall be subject to judicial review under W.S. §16-3-114 except that the review shall not operate to stay a revocation or suspension order of the division during the pendency of the district court proceeding or during a later appeal

to the supreme court. Should the license or permit of a licensee expire during the pendency of an appeal before the state board or in any of the courts of this state, no new or renewal license shall be granted by the licensing authority to the licensee or any other person pending the outcome of the appeal.

H. Upon the final revocation of a liquor license or permit, all alcoholic liquors in the possession of the license holder and which are in merchantable conditions shall be delivered to the division which shall reimburse the license holder for the value thereof at its then regular wholesale prices. All malt beverages and non-merchantable alcoholic liquors shall be disposed of at the direction of the division.

(Emergency Ord. 06A-2017, Amended 6/27/17)

Section 5.08.570 Minors Prohibited on Premises where Alcoholic Beverages are Sold; Exceptions.

- 1) Any licensee, or his agent or employee, of a place licensed to sell, serve or dispense alcoholic beverage liquor or malt beverages under a retail or club liquor license who permits a person under the age of twenty-one (21) years to enter or remain on the licensed premises is guilty of a misdemeanor. Any person under the age of twenty-one (21) years who enters or remains on the licensed public premises is guilty of a misdemeanor.
- 2) Licensed premises shall include the entire structure in which the licensee is licensed to sell alcohol. This section shall not be construed to prohibit minors from eating meals in a restaurant when the primary business of the restaurant is the serving of meals, nor to prohibit minors from eating meals in a licensed private club on that portion of the premises which is primarily intended for the serving of meals, provided that such minor is a guest of a club member.
- 3) Any portion of the licensee's establishment which is primarily intended for the serving of meals and which shall admit persons under twenty-one (21) years of age as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for liquor consumption and sales. Should persons under twenty-one (21) years of age be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for liquor consumption and sale.
- 4) Persons under twenty-one (21) years of age may be employed by a retail liquor licensee as entertainers, kitchen staff, bus boys, waiters, waitresses and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale and consumption of beer and alcoholic beverages and perform all their employment duties on the portion of the premises primarily intended for dining. The physical structure of the premises shall be such that no employee under twenty-one (21) years of age need enter the portion of the premises primarily intended for liquor sales and consumption in the performance of employment duties, and such entry by a minor employee is prohibited.
- 5) The employee of a company delivering goods or other services to a licensee may be on the premises for the purpose of doing bona fide work or delivering goods or other services, provided that no one under the age of eighteen (18) years of age shall be in the dispensing room. The employee must be present only for the purpose of performing his work during normal business hours and he or she must be able to provide verification of the business purpose through his boss or supervisor.
- 6) Minors under the age of twenty-one (21) may be in the licensed room or rooms where alcoholic beverages are served, but not dispensed, when accompanied by their parent, legal guardian, or a spouse of their parent or legal guardian not later than 10:00 o'clock p.m.

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- 7) Accompanied by their parent, legal guardian or spouse of a parent or legal guardian, who is at least twenty-one (21) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or
- 8) With the approval of the Rawlins City Council, in a dining or waiting area with an adult and not later than 10:00 o'clock p.m. If the dining or waiting area is part of the licensed room.
- 9) Nothing contained within Section 5.08.580 shall be construed to restrict minors under the age of twenty-one (21) from attending any community event such as, but not limited to: street dances, charity events, banquets, weddings, fair, rodeos, a demolition derby, or similar community events.
- 10) The Rawlins City Council may authorize a licensee holding a retail liquor license under this chapter to hold an event where persons under twenty-one (21) years of age are permitted upon the premises if:
 1. The licensee shall make application to the Rawlins City Council prior to the event. Such application shall detail the plans for the event including dates, times, locations, security measures, ages of admission to the event and such other pertinent information that the council finds will assist it in determining that minors attending such an event will not be harmed by their attendance. All such events will recognize the applicable curfews set by Rawlins Municipal Ordinance and will have an adequate number of responsible adult chaperons as are necessary to ensure the safety of the minors.
 2. No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person in the dispensing room during the event;
 3. During the event, the dispensing room shall be closed and no alcoholic liquor or malt beverage shall be served to or possessed by any person in that room. "Closed" means that all alcoholic liquor and malt beverages are removed from the dispensing room in which the event is held and are stored where they are not accessible during the event or are otherwise secured under lock and key so that they cannot be dispensed or accessible.
 4. The licensee shall post conspicuous signs at each entrance to the room where the event is held stating "**NO ALCOHOL ALLOWED**". The signs shall be a minimum of eighteen inches by twenty-four inches (18" X 24") with lettering not less than four (4) inches high.
 5. A package liquor store on the licensed premises may continue to sell unopened containers of alcoholic liquor and malt beverages during the event for off-premises consumption. (07-2004, Added, 07/06/2004)
 6. The licensee otherwise complies with any additional conditions which may be imposed by rule and regulation of the Rawlins City Council, including revocation of the authorization to hold the youth event.
(Emergency Ord. 06A-2017, Amended 6/27/17)

Chapter 5.10

Sexually Oriented Businesses

Sections:

- 5.10.010 Purpose**
- 5.10.020 Definitions**
- 5.10.030 Zoning and Spacing**
- 5.10.040 Exhibition of sexually explicit films, videos or live entertainment in viewing room**
- 5.10.060 Public nudity**
- 5.10.070 Regulations pertaining to employees and patrons of a sexually oriented business**
- 5.10.080 Prohibition against minors in a sexually oriented business**
- 5.10.090 Hours of operation**
- 5.10.110 Exterior Portions of the Sexually Oriented Businesses**
- 5.10.120 Penalties**
- 5.10.130 Severability**
- 5.10.140 Conflicting ordinances repealed**
- 5.10.150 Territorial jurisdiction of chapter**

Section 5.10.010 Purpose

It is the purpose of this Chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

(03-2007, Added, 03/20/2007)

Section 5.10.020 Definitions

As used in this part, the following terms shall have the meanings indicated:

ADULT ARCADE — Any place to which the public is permitted or invited wherein image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE — A commercial establishment which devotes a portion of its stock-in-trade or interior floor space to; or devotes a portion of its advertising expenditures to the promotion of the sale, rental or viewing, for any form of consideration any one or more of the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore,

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adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as the provisions of this definition are otherwise met.

ADULT CABARET — A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nude; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL — A hotel, motel, or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- B. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

EMPLOYEE — A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not exclude a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT INCLUDES ANY OF THE FOLLOWING

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

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- C. The additions of any sexually oriented business to any other existing sexually oriented business; or
- D. The relocation of any sexually oriented business.

NUDE MODEL STUDIO — Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the state of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

NUDITY or A STATE OF NUDITY — The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the uncovered or covered male genitals in a discernible turgid state.

PERSON — An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

PREMISES - The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section 5 of the City ordinance. Except a video store or business that sells books and magazines receives less than 25% of its gross income from sexually oriented business then premises means the separately secured area housing the sexually oriented business and only accessible to adults.

SEMI-NUDE or IN A SEMI-NUDE CONDITION — A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center.

SEXUALLY ORIENTED MASSAGE PARLOR — Any place where, for any form of consideration or gratuity causes manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes "specified anatomical areas."

SPECIFIED ANATOMICAL AREAS

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- A. The human male genitals in a discernible turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITIES

A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.

B. for which:

(1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;

(3) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;

C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

SPECIFIED SEXUAL ACTIVITIES — Any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

B. Sex acts, normal or perverted, actual or simulated.

TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

A. the sale, lease, or sublease of the business;

B. the transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

C. the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(03-2007, Added, 03/20/2007)

Section 5.10.030 Zoning and Spacing

A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than industrial and C-2 highway business south of Interstate 80, as defined and described in Chapter 19 of the City Code.

B. A person commits an offense if the person operated or caused to be operated a sexually oriented business within fifteen hundred feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility including but not limited to nursery schools, preschool, kindergartens, elementary schools, playgrounds, day care centers, designated park areas, City recreation centers, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest property line of the lot or parcel of the premises, of a use listed herein.

C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within five hundred feet of another sexually oriented business. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the property line of the lot or parcel in which each business is located.

D. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

E. Any sexually oriented business lawfully operating on January 1, 2007, shall not be required to comply with subsections A through C of this section, but may not increase the volume, scope, floor space or product sold.

(03-2007, Added, 03/20/2007)

Section 5.10.040 Exhibition of sexually explicit films, videos or live entertainment in viewing room

A. A misdemeanor is committed by a person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room or booth of less than one hundred fifty square feet of floor space, a film, videocassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, if the person fails to comply with the following regulations:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's or employee's station.

(2) At least one employee shall be on duty at all times that any patron is present inside the premises.

(3) All viewing rooms and booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(4) No viewing room may be occupied by more than one person at any time.

(5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level.

(6) The illumination described above shall be maintained at all times that any patron is present in the premises.

(7) No openings of any kind shall be allowed to exist between viewing rooms or booths.

(8) No employee shall knowingly, or with reasonable cause to know, permit or allow a patron to commit on the premises an act of "public indecency" as set forth in Wyoming Statute 6-4-201. (03-2007, Added, 03/20/2007)

Section 5.10.060 Public nudity

Public nudity, specified sexual activities and sexually oriented massage parlors are prohibited within the City of Rawlins, including in any sexually oriented business.

(03-2007, Added, 03/20/2007)

Section 5.10.070 Regulations pertaining to employees and patrons of a sexually oriented business

A. It shall be a misdemeanor for a person who knowingly or intentionally appears, entertains or performs in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least five feet from any patron or customer.

B. It shall be a misdemeanor for a patron or customer to pay or give directly any gratuity to any employee, before, during or after an employee has performed or entertained. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer. It shall be a misdemeanor to operate a business knowing that the described violation occurs.

C. It shall be a misdemeanor for an employee, while semi-nude, to have physical contact with a customer or patron while on the premises. It shall be a misdemeanor for a customer to have physical contact with any employee while said employee is semi-nude in a sexually oriented business.

D. Subsection A of this section shall not apply to an employee of a sexually oriented business, who, while acting in scope of their employment as a waiter, waitress, host, hostess or bartender comes within five feet of a patron.

(03-2007, Added, 03/20/2007)

Section 5.10.080 Prohibition against minors in a sexually oriented business

A minor commits a misdemeanor if they enter a sexually oriented business; and

A person commits a misdemeanor if the person knowingly or with reasonable cause to know, permits or allows:

A. A person under the age of eighteen years to be admitted or remain on the premises of a sexually oriented business

B. A person under the age of eighteen years to work at the business as an employee.

(03-2007, Added, 03/20/2007)

Section 5.10.090 Hours of operation

A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, except for an adult motel, and allows such business to remain open for business at any time between the hours of 2 A.M. and 6 A.M. of any particular day.

(03-2007, Added, 03/20/2007)

Section 5.10.110 Exterior Portions of the Sexually Oriented Businesses

A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(1) The establishment is a part of a commercial multi-unit center; and

(2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

D. Nothing in this ordinance shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

E. A violation of any provision of this Section shall constitute a misdemeanor.

Signage

A. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein. Video stores or businesses that sell books or magazines that receives less than 25% of its gross income from sexually oriented business shall have only one (1) primary sign attached to the separately secure area accessible to adults only, not to exceed three (3) square feet not to exceed one (1) foot in height or three (3) feet in length with only the words "Adults Only."

B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

(1) not contain any flashing lights;

(2) be a flat plane, rectangular in shape;

(3) not exceed seventy-five (75) square feet in area; and

(4) not exceed ten (10) feet in height or ten (10) feet in length.

C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

E. Secondary signs shall have only one (1) display surface. Such display surface shall:

- (1) be a flat plane, rectangular in shape;
- (2) not exceed twenty (20) square feet in area;
- (3) not exceed five (5) feet in height and four (4) feet in width; and
- (4) be affixed or attached to any wall or door of the interior of the enterprise.

F. The provisions of item (1) of subsection (B) and subsection (C) and (D) shall also apply to secondary signs.

G. Violation of any provision of this Section shall constitute a misdemeanor.
(03-2007, Added, 03/20/2007)

Section 5.10.120 Penalties

A person who operates or causes to be operated a sexually oriented business in violation of any section of this chapter of the City Code is subject to a suit for injunction as well as prosecution for criminal violations with a maximum penalty of six (6) months in jail and/or a Seven Hundred Fifty Dollar (\$750.00) fine. Each day a sexually oriented business so operates is a separate offense or violation.
(03-2007, Added, 03/20/2007)

Section 5.10.130 Severability

If any section, subsection, or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.
(03-2007, Added, 03/20/2007)

Section 5.10.140 Conflicting ordinances repealed

All ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.
(03-2007, Added, 03/20/2007)

Section 5.10.150 Territorial jurisdiction of chapter

The territorial jurisdiction of the regulations found in this chapter shall include all of the incorporated lands located within the City, and, pursuant to Wyoming Statute 15-3-202, such other territory peripheral to the City which is located within one-half mile of the corporate limits.
(03-2007, Added, 03/20/2007)