

Title 6 Liquor Licenses and Permits

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Chapter 6.10 DEFINITIONS

Sections:

6.10.010 Definitions.

6.10.010 Definitions.

As used in this Title.

- A. **Alcohol Server Staff** means all persons employed at any business operating under a liquor license engaged in the selling or serving of alcoholic liquor and/or malt beverages, or the managers thereof.
- B. **Hotel** means a building kept, used, maintained, advertised, and/or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests. Such sleeping accommodations shall be in the same building and such sleeping accommodations shall be so equipped and serviced that the Town Council shall be satisfied that the chief source of revenue to be derived from the operation of the hotel shall be from sleeping accommodations and not from the sale of alcoholic or malt beverages. No cottage, tourist camp, or rooming house shall be considered a hotel.
- C. **Licensee** means a person holding any permit or license in accordance with this Title or Wyo. Stat. Ann. Title 12.
- D. **Restaurant** means space in a building maintained, advertised, and/or held out to the public as a place where individually-priced meals are prepared and served primarily for on-premises 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.
 - 1. **Full-service restaurant** means a restaurant at which waiters and waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths.
 - 2. Food menu shall contain a minimum of five (5) qualifying selections. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.
 - 3. Kitchen shall be an area with cooking appliances required to prepare plated meals.
 - 4. Dispensing Room means an enclosed and partitioned space within a restaurant large enough for a person to enter, but not a cabinet. Wall partitions may contain cut-out windows and doorways, but partitions shall extend from floor to ceiling.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 998 § 1, 2011; Ord. 853 § 3, 2007; Ord. 389 § 1, 1989; Ord. 90 § 1, 1965.)

Chapter 6.20
APPLICATION FOR LICENSES AND PERMITS

Sections:

6.20.003 State Laws Applicable.

6.20.006 Application Form and Fees.

6.20.010 Affidavit and of Authorization and Understanding.

6.20.012 Plan of Operations.

6.20.015 Affidavit of Understanding. (Repealed. Ord. 1185 § 1, 2017)

6.20.020 Notice publication--Protests. (Repealed. Ord. 1245 § 1, 2020)

6.30.030 Term - Exception. (Repealed. Ord. 1245 § 1, 2020)

6.20.003 State Laws Applicable.

All licenses issued pursuant to this Title, and all use, possession, sales, and purchases of alcoholic beverages shall be subject to all requirements, regulations, and limitations prescribed by Wyo. Stat. Ann. title 12 and are adopted by reference, except as is otherwise expressly set forth in this Title. If this Title is silent, then state statute is applicable. If there is a conflict between the state statute and this Title, then the stricter will apply.

6.20.006 Application Form and Fees.

- A. A person desiring any liquor license under this Title shall apply to the Town Clerk on forms prepared by the Attorney General of the State of Wyoming, as and in accordance with the statute of the State of Wyoming.
- B. The Town, upon application, state certification, and public hearing, may issue a liquor license or permit pursuant to this Title and Wyo. Stat. Ann. title 12.
- C. The fee paid annually for each license is as follows, which fees may be amended by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable Wyoming Statutes. No application will be processed, nor any licenses issued, until payment in full has been made.
 - 1. Retail Liquor License: \$1,500.00
 - 2. Limited Retail (Club) Liquor License: \$500.00
 - 3. Resort Liquor License: \$3,000.00
 - 4. Restaurant Liquor License: \$1,500.00
 - 5. Bar and Grill Liquor License: \$1,500.00
 - 6. Microbrewery Permit: \$500.00
 - 7. Winery Permit: \$500.00
 - 8. Satellite Winery Permit: \$100.00
- D. The fee to be paid for each twenty-four (24) hour permit is as follows, which fees may be amended by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable Wyoming Statutes. No permit will be issued until payment in full has been made.
 - 1. Catering Permit: \$20.00

2. Malt Beverage Permit: \$50.00
3. Manufacturer's Off-Premises Permit: \$50.00

6.20.010 Affidavit of Authorization and Understanding.

- A. All persons filing applications for new licenses and permits, renewals for the same, or for transfer of ownership or location, unless otherwise noted in this Title, shall submit a signed Affidavit of Authorization and Understanding form as provided by the Town Clerk.
- B. The applicant understands that it shall be the duty of the applicant to seek any additional required reviews, authorizations, permits, and approvals from any Town or County department or elected bodies.
- C. Each application submitted is affirmed as being true and correct to the best of the applicant's knowledge. The applicant understands that information provided in the application packet may be investigated for accuracy.
- D. Procedures for reviewing applications will be established by the Town Clerk, Chief of Police and Risk Manager.

6.20.012 Plan of Operations.

- A. All new and transfer applications must include a written Plan of Operations, which at a minimum sets forth:
 1. The nature of the business and how the premises will be operated.
 2. The type(s) of alcoholic beverages available to customers.
 3. The process customers will follow to order alcohol and how employees will pour and deliver alcoholic and malt beverages to customers.
 4. The plan for outdoor service of food and/or alcoholic and malt beverages, if applicable.
- B. Licensees must provide the Town Clerk a revised Plan of Operations anytime a Licensee changes the Plan of Operation.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 969 § 1, 2010; Ord. 853 § 4, 2007.)

6.20.015 Affidavit of Understanding. Repealed.

(Ord.1185 § 1, 2017; Ord. 969 § 1, 2010.)

6.20.020 Notice publication--Protests. Repealed.

6.20.030 Term - Exception. Repealed.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 1076 § 1, 2014; Ord. 853 § 4, 2007; Ord. 90 § 6, 1965.)

Chapter 6.30
ANNUAL LICENSES AND PERMITS

Sections:

6.30.010 Retail Liquor Licenses.

6.30.020 Restaurant Liquor Licenses.

6.30.030 Bar & Grill Liquor Licenses. (Repealed. Ord. 1245 § 1, 2020)

6.30.040 Microbrewery Permits, Authorization, and Application. (Repealed. Ord. 1245 § 1, 2020)

6.30.050 Satellite Winery Permits, Application. (Repealed. Ord. 1245 § 1, 2020)

6.30.060 Satellite Manufacturer’s Permits, Authorization, and Application. (Repealed. Ord. 1245 § 1, 2020)

6.30.010 Retail Liquor Licenses.

Establishments holding a Retail Liquor License which operate primarily for sales for off-premise consumption (i.e. a grocery store) shall maintain a separate area for alcoholic or malt beverages that shall restrict entry to persons over the age of twenty-one (21) years of age.

6.30.020 Restaurant Liquor Licenses.

A Restaurant Liquor Licensee shall not promote the restaurant as a bar or lounge, nor shall the Licensee compete with a Retail Liquor Licensee in activities other than dining functions.

A Restaurant Liquor License does not allow:

1. Providing liquor service at dances, receptions, or other social gatherings.
2. Advertising as a bar or saloon in publications or signage.
3. Having a separate name for any room or area that denotes the availability of alcoholic or malt beverages.
4. Advertising special prices or promotions for sale of alcoholic beverages separate from meals, i.e. a “happy hour,” unless the special price or promotion includes a qualifying restaurant meal.
5. Selling alcoholic or malt beverages to customers seated at a bar or counter unless they have been given a printed food menu.
6. Collecting a “cover charge” that includes the cost of any entertainment, live or television, unless such cover charge is part of and not separated from a package price which includes payment for a qualifying restaurant meal.

(Ord. 1245 § 1, 2020; Ord. 569 § 1, 1996; Ord. 605 § 1, 1997; Ord. 504 § 7, 1995; Ord. 503 § 3, 1995; Ord. 388 § 1, 1989; Ord. 90A § 2, 1973; Ord. 90 § 3, 1965.)

6.30.030 Bar & Grill Liquor Licenses. Repealed.

6.30.040 Microbrewery Permits, Authorization and Application. Repealed.

6.30.050 Satellite Winery Permits, Application. Repealed.

6.30.060 Satellite Manufacturer’s Permits, Authorization and Application. Repealed.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 1069 § 1, 2014; Ord. 853 § 5, 2007; Ord. 828 § 1, 2006; Ord. 723 § 1, 2003; Ord. 456 § 1, 1993.)

Chapter 6.40
RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS

Sections:

6.40.010 License: Transfer, Renewal. (Repealed. Ord. 1245 § 1, 2020)

6.40.020 License: Contents, Signing, Attestation, and Display. (Repealed. Ord. 1245 § 1, 2020)

6.40.030 Hours of Sale: Unlawful Acts Designated.

6.40.040 Place of Sale: Location, Regulation, and Restrictions.

6.40.045 Off-Premises Open Container Sales.

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

6.40.055 Alcohol Server Staff Training Required.

6.40.060 Minor, Habitual, and Common Drunkards and Incompetent: Restrictions.

6.40.010 License: Transfer, Renewal. Repealed.

6.40.020 License: Contents, Signing, Attestation, and Display. Repealed.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord.960 § 1, 2010; Ord. 853 § 6, 2007; Ord. 90 §6 §12, 1965.)

6.40.030 Hours of Sale: Unlawful Acts Designated.

- A. All persons licensed under this Title shall close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two (2) a.m. each day and keep the same closed until six (6) a.m. the same day.
- B. The Town Council may designate the dates during any city or county fairs, rodeos, pageants, jubilees or similar public gatherings when all Licensees may operate without restriction as to closing hours. Such unrestricted operation shall not exceed a total of four (4) full days in any one (1) calendar year.
- C. It is unlawful for any owner, manager or employee of any business licensed under this Title, except clubs holding a Limited Retail License, to allow anyone other than an employee of the licensed business or organization to be or remain in the licensed room, or building, from and after thirty minutes (30) after the time designated by statute or ordinance for closing of the dispensing room and ceasing the sale of both alcoholic and malt liquors; provided, that in cases of food service operations for which an additional dispensing room license has been obtained pursuant to this Title, the food service facilities may remain open to the public, but it shall be unlawful to allow the consumption of alcoholic beverages therein from and after thirty (30) minutes after the time established by statute or ordinance for the closing of the dispensing room and the ceasing of sale of alcoholic and malt liquors.
- D. It is unlawful for any Licensee or servant, agent, or employee thereof to permit any person under the age of twenty-one (21) years to enter or remain in a licensed building, or an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless subject to an exemption under W.S. § 12-6-101 *et. seq.*, as amended.

6.40.040 Place of Sale: Location, Regulation, and Restrictions.

The place in which alcoholic and malt beverages are sold under a Retail Liquor License shall be located in the Licensed Building for which the license is approved and issued. Alcoholic beverages may only be served in the Licensed Building and in an immediately adjacent fenced or enclosed area as approved by the Licensing Authority. The adjacent area shall not be located in another building. The Licensing Authority which issued the license shall as often as may be deemed necessary inspect the Licensed Building and adjoining areas where alcoholic beverages are served to determine compliance with sanitation, fire hazard, local permitting, and other applicable laws.

6.40.045 Off-Premises Open Container Sales.

- A. Retail Liquor and Microbrewery Licensees selling alcoholic beverages that are not in the original package or are in reused original packages for off-premise consumption (sloshies, growlers and the like), shall seal the container in a fashion so that it is obvious when the seal is broken, and so that it is not possible to consume any of the beverage as long as the seal is in place.

The Licensee shall use any of the following approved methods to seal the container, or in a manner previously approved in writing by the Chief of Police, or designee:

- 1. A shrinkable band, or shrinkable film, covering the lid and neck of the container; or
- 2. A “milk” jug or glass jug with a Tamper Evident Seal; or
- 3. An aluminum can sealed by a seaming machine; or
- 4. A solid length of a Tamper Evident Seal that is placed over the lid, covering any opening(s) in the lid, and down at least two sides of the container.
 - a. Tamper Evident Seal is defined as a distinct tape or sealing device designed to provide visible evidence if the opening of a container has been interfered with.

- B. Every Licensee selling alcoholic beverages as identified in subsection A above shall post a sign visible to patrons stating “State Law Prohibits Open Alcoholic Containers in Motor Vehicles W.S. § 31-5-235.”

6.40.050 Places for Consumption; Places Open Containers are Prohibited.

- A. No alcoholic or malt beverage shall be consumed or carried by any person in open containers of any type on any street, sidewalk or curb or any other public property whatsoever within the Town of Jackson, except in Town of Jackson parks maintained by Jackson/Teton County Parks & Recreation, athletic fields, and the rodeo grounds.
- B. No alcoholic or malt beverages shall be consumed or carried by any person in open containers of any type within:
 - 1. The grandstands, or adjacent to, or on any baseball field during any game sanctioned by Little League Baseball Incorporated; or
 - 2. The Town Square which is bounded by East Broadway Street, North Cache Street, East Deloney Street, and North Center Street.

6.40.055 Alcohol Server Staff Training Required.

- A. Alcohol Server Staff as defined in § 6.10.010, shall successfully complete an alcohol server education course compliant with Wyo. Stat. Ann. title 12-2-402 within forty-five (45) days of their date of hire, or the effective date of this rule, whichever is later.
- B. The alcohol server education course must be one of the courses approved by the Wyoming Liquor Division or Jackson Police Department. The Alcohol Server Training Certification shall be valid for three (3) years and recertification must occur prior to expiration. Each Alcohol Server Staff's certificate must be on file with their employer.
- C. Every Licensee shall maintain a training record for their Alcohol Server Staff. The record shall include their date of hire and proof of current Alcohol Server Training Certification as required by this Section. Training records for current Alcohol Server Staff will be made available for inspection by law enforcement officers or officials of the Town of Jackson at any time that the licensed establishment is open, or by appointment.
- D. The Licensee and/or manager of the establishment may be cited for a violation of this Section and the citation may be in addition to other penalties set forth in Wyo. Stat. Ann. title 12 or the Jackson Municipal Code.

6.40.060 Overserving of Alcoholic Beverages, Minors: Restrictions.

- A. It is a violation of the liquor license issued under this Title for a licensee and/or any agent or employee thereof, to sell, furnish, give, or deliver, or cause to be sold, furnished, given, or delivered alcoholic or malt beverages to any excessively intoxicated person. This violation is in addition to and not in lieu of any other criminal penalties under the Jackson Municipal Code and Wyoming State Statutes that may accrue for unlawful alcohol service. For purposes of this section, "excessively intoxicated" means intoxicated to the extent that a person's mental and/or physical faculties are severely impaired; the impairment(s) would be obvious to a reasonable person, and the impairment is shown by any or all of the following: severe uncoordinated physical action, or severe diminished mental capacity, or severe physical or mental dysfunction.
- B. It is unlawful for any person under the age of twenty-one (21) years to be in, or attempt to be in, or remain in any place where intoxicating or malt liquors are sold or dispensed, or for any person to falsify any identification or use any false identification in order to be or remain in such place of business or to obtain intoxicating liquor or malt beverages unless an exemption stated under Wyo. Stat. Ann. title 12-6-101 is applicable.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 1072 § 1, 2014; Ord. 1063 § 1, 2014; Ord. 987 § 1, 2011; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 544 § 1, 1996; Ord 516 § 1, 1995; Ord. 375 § 1, 1988; Ord. 227 § 1-2, 1977; Ord. 172 § 1, 1974; Ord. 90A § 1, § 3, 1973; Ord. 90 § 8, § 9, § 13, 1965.)

Chapter 6.50
SPECIAL TWENTY-FOUR (24) HOUR PERMITS

Sections:

6.50.010 Catering Permits.

6.50.020 Malt Beverage Permits.

6.50.010 Catering Permits.

It is the duty and obligation of the Resort or Retail Liquor Licensee under which the Catering Permittee is acting to ensure compliance with all State and Town alcohol laws and regulations. Any violations thereof shall be attributed to the Resort or Retail Liquor Licensee.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 853 § 7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002.)

6.50.020 Malt Beverage Permits.

Applicants for Malt Beverage Permits will have successfully completed an alcohol server education course approved by the Wyoming Liquor Division or the Jackson Police Department. Proof of current Alcohol Server Training Certification will be required as part of the malt beverage permit application.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 969 § 2, 2010; Ord. 853 § 7, 2007; Ord. 697 § 1, 2002; Ord. 90 § 4, 1965.)

Chapter 6.60
NONRENEWAL, SUSPENSION, AND REVOCATION
OF LICENSES AND PERMITS

Sections:

6.60.010 Grounds for Denying Renewal of License or Permit.

6.60.020 Grounds for Suspension and/or Revocation.

6.60.010 Grounds for Denying Renewal of License or Permit.

- A. A license or permit shall not be renewed or transferred if such renewal or transfer violates Wyo. Stat. Ann. title 12 or the Jackson Municipal Code.
- B. The following, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:
 - 1. Failure of the Licensee to comply with any provision of state liquor law or this Title;
 - 2. Failure of the Licensee to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or any code compliance officer;
 - 3. A pattern of failing to report incidents of illegal acts upon the Licensee's premises which results in injury to persons or property and which the Licensee knew, or should have known about. A "pattern" for purposes of this section is defined as three (3) or more incidents in any twelve (12) month period;
 - 4. Failure of the Licensee to comply with Section 6.40.055 Alcohol Server Staff Training Required;
 - 5. Failure of initial, consecutive, and/or cumulative compliance checks conducted pursuant to Wyo. Stat. Ann. title 12-6-103.
 - 6. Failure to comply with the Plan of Operations set forth in the license application, or as amended.

6.60.020 Grounds for Suspension and/or Revocation.

- A. The following actions will result in the Town Council suspending a liquor license. These actions may also result in the Town Council initiating revocation proceedings. Revocation proceedings will be in accordance with Wyo. Stat. Ann. title 12-7-201.
 - 1. Failure by a Licensee, or an agent or employee thereof, of three (3) compliance checks conducted pursuant to Wyo. Stat. Ann. title 12-6-103 within a twelve (12) month period. The suspension will be carried out within the current liquor license year and be for ten (10) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.
 - 2. Failure by a Licensee, or an agent or employee thereof, of five (5) compliance checks conducted pursuant to Wyo. Stat. Ann. title 12-6-103 within a twenty-four (24) month period. The suspension will be carried out within the current liquor license year and be for thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.

- B. The following actions are grounds for the Town Council to consider suspending a liquor license and/or for the Town Council to initiate revocation proceedings. Revocation proceedings will be in accordance with Wyo. Stat. Ann. title 12-7-201.
1. Making materially false statements on or the submission of materially false documents within the State of Wyoming liquor license application and/or the Town of Jackson liquor license application packet. The suspension will be carried out within the current liquor license year and be for thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.
 2. A pattern of failing to report incidents of excessive drinking and/or disorderly conduct on the licensed premises. The suspension will be carried out within the current liquor license year and be for five (5) consecutive calendar days, and/or the Town Council may initiate revocation proceedings. A “pattern” for purposes of this section is defined as three (3) or more accounts of failing to report incidents in any twelve (12) month period.
 3. Three (3) or more substantiated violations of any other provision of Wyo. Stat. Ann. title 12 or the Jackson Municipal Code not identified in this section in any twelve (12) month period. The suspension will be carried out within the current liquor license year and be up to thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.
- C. In the event a suspension occurs:
1. The Town Clerk shall send a suspension notice to the Licensee by electronic-mail (delivery receipt) and certified postal mail to the address on file, with copy to the Wyoming Liquor Division and Chief of Police.
 2. The Licensee shall either remove all of the alcoholic liquor and malt beverages from the licensed premises or secure the alcoholic liquor or malt beverages in a manner approved in writing by the Chief of Police or designee. The method of securing this inventory shall be approved at least 72-hours before the suspension begins, when a suspension is set to begin on a certain date in the future.
 3. The Town Clerk shall post one (1) suspension notice at the licensed premises on or about the first day of the suspension period. The sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful during the suspension.

(Ord. 1245 § 1, 2020; Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

Chapter 6.70 VIOLATIONS

Sections:

6.70.010 Violations. (Repealed. Ord. 1245 § 1, 2020)

6.70.010 Violations. Repealed.

(Ord. 1245 § 1, 2020; Ord. 853 § 9, 2007.)

Chapter 6.90
PENALTY FOR VIOLATIONS

Sections:

6.90.010 General Penalty for Violations. (Repealed. Ord. 1245 § 1, 2020)

6.90.020 Compliance Check Failures.

6.90.010 General Penalty for Violations. Repealed.

6.90.020 Compliance Check Failures.

- A. On the first compliance check failure, the inhouse manager and the employee who failed the compliance check is required to attend an in-person Training for Intervention Procedures (TIPS) training session conducted by the Jackson Police Department within thirty (30) days of the failed check.

A representative of the Jackson Police Department will contact the management at the establishment that failed the compliance check to advise them of this requirement as soon as practical after the violation occurred.

- B. On the second consecutive compliance check failure, or a second compliance check failure within a twelve (12) month period, a member of the Licensee, or an officer or director thereof who is listed on the liquor license application and the employee who failed the compliance check is required to attend an in-person Training for Intervention Procedures (TIPS) training session conducted by the Jackson Police Department within forty-five (45) days of the failed check.

A representative of the Jackson Police Department will contact the management at the establishment that failed the compliance check to advise them of this requirement as soon as practical after the violation occurred.

(Ord. 1245 § 1, 2020; Ord. 853 § 10, 2007; Ord. 90 § 14, 1965.)