

ORDINANCE NO. 3, 2017

AN ORDINANCE AMENDING SECTION 5.08.040 OF THE POWELL CITY CODE BY REPLACING THE REFERENCE TO DISPENSING ROOM WITH LICENSED BUILDING AND REPEALING SUBPARAGRAPH B. CONCERNING MODIFICATION OF HOURS OF OPERATION FOUR DAYS EACH CALENDAR YEAR

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.040 of the Powell City Code is hereby amended to provide as follows:

Section 5.08.040 Hours of Operation.

The hours of operation for all licensees and permittees shall be as follows:

- A. Seven days per week, a licensee may open the licensed building no earlier than 6:00 a.m. and shall close the licensed building and cease the sale of alcohol and malt beverages no later than 2:00 a.m. the following day, and the licensee shall clear the licensed building of all persons other than employees no later than 2:30 a.m. These hours of operation shall also apply to all permittees.

Section 2. Paragraph B of Section 5.08.040 of the Powell City Code is hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 4, 2017

AN ORDINANCE AMENDING SECTION 5.08.090 OF THE POWELL CITY CODE BY REPLACING SPECIAL CLUB LICENSES WITH LIMITED CLUB LICENSES, ENACTING A SPECIAL MALT BEVERAGE PERMIT AND REPEALING SUBPARAGRAPH J OF SECTION 5.08.090 PERTAINING TO TRANSFER OF OWNERSHIP OR LOCATION AND FEES AND ENACTING A NEW SUBPARAGRAPH J REGARDING SPECIAL MALT BEVERAGE PERMITS

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.090 of the Powell City Code is hereby amended to provide as follows:

Section 5.08.090. Same - Fees

Fees for the issuance of licenses shall be charged as follows:

- A. Retail licenses. The annual fee for a retail license shall be \$1,500.00.
- B. Restaurant licenses. The annual fee for a restaurant liquor license shall be \$1,500.00.
- C. Limited Club licenses. The annual fee for a limited club license shall be \$300.00
- D. Bar and grill licenses. Any applicant who is issued a bar and grill liquor license shall pay annually in advance for a license hereunder the sum of \$5,000.00 upon initial issuance and \$1,500.00 upon each renewal.
- E. Microbrewery and winery permit. The annual fee for a microbrewery or winery permit shall be \$500.00.
- F. Satellite manufacturer's permit. The fee for a satellite manufacturer's permit shall be \$100.00.
- G. Malt beverage permits. The fee for a malt beverage permit shall be \$50.00 for each permit. If proposed to be utilized in or upon a facility owned, operated or maintained by the City, a cleanup deposit of \$100.00 shall be posted with the city clerk's office prior to issuance of the permit. A malt beverage permit in or upon city-owned, -operated or -maintained facilities shall be prohibited, other than Washington Park, Homesteader Park and Southside Park only and facilities include the Commons and Plaza Diane. Requests for malt beverage permits must have prior approval of the city council. Additionally, any malt beverage permits for those public rights-of-way within the city must have a waiver of open container which has been approved by resolution of the city council pursuant to section 9.08.070(B). The deposit shall be returned if the facility or area is left in a clean and orderly condition. The city reserves the right to keep all or a portion of the deposit for actual cleanup costs incurred because of the permittee's activities. The permittee shall strictly adhere to any requirements imposed by the city council, in addition to the laws of the state.
- H. Catering permits. The fee for a catering permit shall be \$50.00 for each permit. If proposed to be utilized in or upon a facility owned, operated or maintained by the city, a cleanup deposit of \$100.00 shall be posted with the city clerk's office prior to issuance of the permit. A malt beverage permit in or upon city-owned, -operated or -maintained facilities shall be

prohibited, other than Washington Park, Homesteader Park and Southside Park only and facilities include the Commons and Plaza Diane. Requests for catering permits must have prior approval of the city council. Additionally, any catering permits for those public rights-of-way within the city must have a waiver of open container which has been approved by resolution of the city council pursuant to section 9.08.070(B). The deposit shall be returned if the facility or area is left in a clean and orderly condition and without damage. The city reserves the right to keep all or any portion of the deposit for actual cleanup costs incurred or damage because of the permittee's activities. Only those persons who hold a retail liquor license shall be granted a catering permit. The permit applicant shall strictly adhere to any requirements imposed by the city council and the laws of the state.

- I. Resort liquor licenses. The annual license fee for a resort liquor license shall be \$1,500.00 for the principal dispensing room and \$1,000.00 for one or more additional dispensing rooms.
- J. Special malt beverage permit. The annual license fee for a special malt beverage permit shall be \$1,000.00 annually and shall be issued after a hearing on application for a one (1) year period unless sooner revoked.
 - 1. To qualify for a special malt beverage permit, the governing body shall require that:
 - a. The public auditorium, civic center or events center shall be an enclosed building owned by the city containing meeting rooms, kitchen facilities and an auditorium which seats at least 50 persons and is used for public gatherings.
 - b. A stadium utilized for a public event: (racetracks, outdoor arenas, football/baseball stadiums, rodeo grounds).
 - c. The person or organization holding the special malt beverage permit holds a written agreement with the building owner giving said person the right to sell malt beverages within the building for which the permit will be effective.
 - 2. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor or wine other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the permit holder to see that no sales are made to any person under the age of twenty-one (21) years of age.

Section 2. The prior Subsection J of Section 5.08.090 pertaining to transfer of ownership or location and fee is hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzels, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 5, 2017

AN ORDINANCE AMENDING SECTION 5.08.110 OF THE POWELL CITY CODE BY REPLACING REFERENCES TO LICENSED ROOM WITH LICENSED BUILDING, REPLACING BEER GARDEN PROVISIONS WITH PATIO PROVISIONS FOR LICENSEES AND PROVIDING THAT THE GOVERNING BODY MAY REVOKE PATIO PRIVILGES DUE TO NON-COMPLIANCE

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.110 of the Powell City Code is hereby amended to provide as follows:

Section 5.08.110 Secured Patio.

Alcoholic beverages secured in the licensed building by a server may be served in a fenced or enclosed area immediately adjacent to the building in which the licensed building as provided by Wyoming State Statute 12-5-201(a). This area is referred to herein as a patio, subject to the following restrictions.

- A. Alcoholic beverages shall not be served in a patio by a licensee after the time approved by the governing body, which time shall not be later than 11:30 p.m., and licensee shall not permit any customer to carry alcoholic beverages to a patio after the approved time, which time shall not be later than 11:30 p.m. In determining the appropriate time limitations for operation of a patio, the licensor shall take into account the location of the licensee and proximity to any residential properties, or other facilities that might be disturbed by noise from the patio. Hours operation of a patio shall be set at the discretion of the licensor.
- B. Licensee shall require all customers to leave the patio and it shall be closed the locked at the time approved by licensor; however, no patio shall be open beyond 12:00 midnight.
- C. Noise from the patio shall not interfere with residential or other property uses in the area.
- D. The door from the licensed building to the patio shall be kept closed during the hours that the patio is open so as to contain noise within the establishment.
- E. The establishment of a patio shall be proposed and submitted to the city council by the individual licensee proposing the same, and the city council may require such measures as it deems necessary in each instance to ensure compliance with the provisions of this section. The city council as licensor, may revoke the patio privileges due to non-compliance.
- F. The establishment of a patio pursuant to provisions of this section shall not create a vested right in the licensee; the operation and maintenance of a patio shall be considered to be a privilege and not a right, and the licensor reserves the authority to order the closing of any patio forthwith upon the conviction of a licensee in municipal court of a violation of this section.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this _____ day of June, 2017.

Passed on third reading this _____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 6, 2017

AN ORDINANCE AMENDING SECTION 5.08.160 OF THE POWELL CITY CODE PERTAINING TO DISPENSING ROOM BY AMENDING THE DISPENSING ROOM REQUIREMENT SO IT IS APPLICABLE TO A RESTAURANT LICENSE DISPENSING ROOM ONLY

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.160 of the Powell City Code is hereby enacted to provide as follows:

Section 5.08.160. Dispensing Room.

The mixing-dispensing room for a Restaurant License shall be separate from the food service area.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 7, 2017

AN ORDINANCE REPEALING SECTION 5.08.170 OF THE POWELL CITY CODE PERTAINING TO RESTAURANT LICENSE, APPLICATION, RENEWAL AND TRANSFER

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.170 of the Powell City Code is hereby repealed.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this _____ day of June, 2017.

Passed on third reading this _____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 8, 2017

AN ORDINANCE REPEALING SECTION 5.08.180 OF THE POWELL CITY CODE PERTAINING TO ACCOUNTING REQUIRED BY RESTAURANT LICENSEES

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.180 of the Powell City Code is hereby repealed.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 9, 2017

AN ORDINANCE REPEALING SECTION 5.08.190 OF THE POWELL CITY CODE PERTAINING TO PROHIBITION OF SEPARATE TICKETING OR RECEIPTING OF PURCHASES MADE BY ANY PERSON OF FOOD AND ALCOHOLIC BEVERAGES

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.190 of the Powell City Code is hereby repealed.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 10, 2017

AN ORDINANCE REPEALING SECTION 5.08.210 OF THE POWELL CITY CODE PERTAINING TO PROHIBITION OF CATERING OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH CATERING OF FOOD BY A RESTAURANT LICENSEE

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.210 of the Powell City Code is hereby repealed.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 11, 2017

AN ORDINANCE AMENDING SECTION 5.08.250 OF THE POWELL CITY CODE BY PROVIDING FOR AGE RESTRICTIONS IN LICENSED BUILDINGS, EXCEPTIONS TO THE AGE RESTRICTIONS AND REQUIRING LICENSEE TO DISPLAY SIGNS PROHIBITING NO ONE UNDER 21 YEARS OF AGE ALLOWED

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.250 of the Powell City Code is hereby amended to provide as follows:

Section 5.08.250. Age restrictions on licensed building; exception.

- A. Except as provided in this section, no licensee or agent, employee or server shall permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages nor shall any person under the age of twenty-one (21) years enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment where the primary source of revenue or the operation is from the sale of alcoholic or malt beverages and each licensee is required to display a sign in a conspicuous place at the entrance of each licensed room where alcoholic or malt beverages are dispensed, stating in plain, large letters, "NO ONE UNDER 21 Years of Age Allowed", unless:
1. The establishment is operating a restaurant with a commercial kitchen;
 - a. No person under the age of 21 years shall sit at the counter (bar) where alcoholic or malt beverages are being dispensed.
 2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until thirty (30) minutes after the close of the commercial kitchen, no later than the hour of 11:00 p.m.;
 - a. No person under the age of 21 shall dispense alcoholic or malt beverages; persons between the ages of 18 and 21 may serve alcoholic or malt beverages while the commercial kitchen is open.
 3. Limited Retail Licenses (Clubs) are exempt from the age restrictions above;
 - a. Limited Retail License holders may dispense alcoholic or malt beverages from locations outside of their licensed building on their licensed premises as approved by the licensor on an approved form.
 4. Establishments that operate primarily for off-premise sales that maintain a separate area for the sale of alcoholic or malt beverages.
- B. Neither failure by a licensee to post a sign as required in subsection A of this section nor failure by a person under 21 years of age to observe a sign shall be a defense to a violation of this section.

C. When the licensed building is not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of 21 may be permitted in the course of their employment to work in the building.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 12, 2017

AN ORDINANCE ENACTING SECTION 5.08.255 OF THE POWELL CITY CODE REQUIRING TIPS CERTIFIED STAFF FOR LIQUOR LICENSE HOLDERS

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.255 of the Powell City Code is hereby enacted to provide as follows:

Section 5.08.255. TIPS Training.

All liquor license holders shall employ TIPS (Training for Intervention Procedures) certified staff to dispense and serve alcoholic and malt beverages. Failure to provide TIPS certified staff will result in a violation of the Demerit point system as set forth Powell City Code Section 5.08.260 (B).

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 13, 2017

AN ORDINANCE ENACTING SECTION 5.08.257 OF THE POWELL CITY CODE PROHIBITING SERVICE OF LIQUOR BY A LICENSED HOLDER TO A PERSON THAT IS DRUNK OR INCAPACITATED WITHIN A LICENSED ESTABLISHMENT

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.257 of the Powell City Code is hereby enacted to provide as follows:

Section 5.08.257. Drunkenness - Incapacitated within a Licensed Establishment.

- A. It is unlawful for a server of any liquor license holder to serve persons to the point of drunkenness as defined in Powell City Code Section 9.12.020.
- B. The over service of alcohol by an employee of a liquor license holder will result in a direct violation of the Demerit point system as set forth in Powell City Code Section 5.08.260(B)

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 14, 2017

AN ORDINANCE ENACTING SECTION 5.08.259 OF THE POWELL CITY CODE PERTAINING TO FAILURE TO PAY SALES TAX AS A VIOLATION OF THE DEMERIT POINT SYSTEM

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.259 of the Powell City Code is hereby enacted to provide as follows:

Section 5.08.259. Failure to Pay Sales Tax.

Failure to pay sales tax by a liquor license holder will be a direct violation of the Demerit point system at the time of notification by the Wyoming liquor division to the city clerk or designated employee as per Wyoming State Statute 12-7-103.

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this _____ day of June, 2017.

Passed on third reading this _____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 15, 2017

AN ORDINANCE AMENDING SECTION 5.08.260(B) OF THE POWELL CITY CODE PERTAINING TO ALCOHOLIC LIQUOR AND MALT BEVERAGE DEMERIT POINTS

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Subparagraph (B) of Section 5.08.260 of the Powell City Code is hereby amended to provide as follows:

(B) The number of demerit points specified below will be acquired by a licensee as a result of a conviction of it, its employees or agents, for violations of the corresponding sections of this Code and/or state statute.

Alcoholic Liquor and Malt Beverage Demerit Points		
City Code Section of State Statute	Type of Violation	Point Value
City Code Section 5.08.255	TIPS Training Certification	15
City Code Section 5.08.040	Hours of Operation	15
City Code Section 5.08.259	Failure to Pay Sales Tax	15
City Code Section 5.08.120	Noise Restrictions	15
City Code Section 5.08.257	Drunkenness	20
City Code Section 9.08.010	Disorderly house	20
City Code Section 5.08.250	Licensed Building age/Restaurant Licensed Dispensing Room age	25
W.S. 1977, 12-6-101	Underage sales	30

Section 2. This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____

ORDINANCE NO. 16, 2017

**AN ORDINANCE AMENDING SECTION 5.08.010 OF
THE POWELL CITY CODE BY ESTABLISHING A
DEFINITION FOR COMMERCIAL KITCHEN**

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 5.08.010 of the Powell City Code is hereby amended to provide as follows:

Section 5.08.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means alcoholic liquors and malt beverages as defined by W.S. 1977, 12-1-101.

Commercial kitchen is a kitchen that due to the nature of the cooking or food preparation is required to have commercial food heat-processing equipment as required by the codes adopted in Section 15.04.010 of the Powell City Code.

Open container means any glass, cup, bottle, can or other receptacle containing an alcoholic beverage which is not sealed or capped.

Open space means any street, alley, public parking lot, or private lot set aside for business use, sidewalk or other way or place available for use by the general public.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this ____ day of May, 2017.

Passed on second reading this ____ day of June, 2017.

Passed on third reading this ____ day of June, 2017.

CITY OF POWELL, WYOMING

John F. Wetzel, Mayor

ATTEST:

Tiffany Brando, City Clerk

PUBLISH: Powell Tribune: _____