

Jackson Town Council Workshop

March 18, 2019

3:00 PM

Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. CALL TO ORDER AND ROLL CALL

II. WORKSHOP ITEMS

- A. Council Priorities Discussion (Larry Pardee, 60 minutes)
- B. 2018 Building Code Amendments (Kelly Sluder, 20 minutes)
- C. Liquor Code Update (Sandy Birdyshaw, 30 minutes)

III. PROPOSED ITEMS FOR FUTURE WORKSHOPS

- A. 4/15 Council Priorities Discussion (60 minutes)
- B. 4/15 Century Link Franchise Agreement (30 minutes)
- C. 4/15 Liquor Code Update (30 minutes)
- D. 5/20 Council Priorities Discussion (60 minutes)

IV. ADJOURN

- A. Adjourn meeting to executive session to consider matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(iii), and to discuss personnel matters in accordance with Wyoming Statute 16-4-405(a)(ii).

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



TOWN OF JACKSON

WORKSHOP DOCUMENTATION

SUBMITTING DEPARTMENT:

PRESENTER: Larry Pardee, Roxanne

WORKSHOP DATE: March 18, 2019

Robinson, Tyler Sinclair

SUBJECT: Council Priorities

PURPOSE OF WORKSHOP ITEM

The Council makes decisions regarding increasing the number of full time equivalent employees in the organization, approves the fiscal year budget, and continues discussion on their priorities.

DESIRED OUTCOME

The desired outcome is for the Council to be fully informed regarding the staff and fiscal impacts associated with increasing capacity in the organization for strategic development and engagement and that the Council weigh those decisions in light of the recommended and proposed budget that will be provided to the Council no later than May 15 per Wyoming Statute. If time allows, another desired outcome is to allow Council additional time to continue to discuss the goals and potential strategies for the Council's identified priorities.

BACKGROUND/ALTERNATIVES

At the Council meeting on March 4, the Council directed staff to bring back detailed information of the logistical, staff, and fiscal impacts of increasing capacity in the organization for strategic development and community engagement as well as the impacts of further researching funding of local government. First staff has provided information in this report for increasing capacity in the organization.

Secondly, Staff has also revised the priority document to allow the Council to focus more on the goal of each priority and to create space for the Council to fully consider strategies related to each goal before getting into the tactics or options for moving forward. The goal for each priority should be the desired outcome of that priority – what do we want to achieve. Strategies deal more with the 'how' of an issue. Tactics or options deal more with the 'who' will do 'what' by 'when.' Each tactic would then have action steps underneath it.

Staff has not provided additional discussion on funding as it is staff's understanding that the Council would like to discuss comprehensive funding alternatives as part of the overall budget process.

Strategic Planning Capacity Discussion

Priority #1 Strategic Implementation and Engagement Capacity

Goal: To be more strategic, proactive, outcome driven, coordinated, and implementation focused on the community's highest priorities.

Potential Strategies

1. Strategy 1. Hire/contract staff capacity to support Council's strategic thinking.
2. Strategy 2. Revamp Council's approach to strategic thinking and priority focus.
3. Strategy 3. Establish more structured Council meeting time to focus on strategic thinking.

Potential Tactics to Support Strategies

1. Strategy 1. Hire/contract staff capacity to support Council's strategic thinking.

- a. Tactic 1: Create Strategic Development Director, Public Engagement Officer, and a backfill Personnel Manager to provide capacity to support Council's strategic thinking.**
- i. Action Step 1. Develop/redefine job descriptions and determine organizational placement.
 - ii. Action Step 2. Develop budget and identify workspace needs.
 - iii. Action Step 3. Obtain budget approval for positions, departmental budget, office creation.
 - iv. Action Step 4. Recruit and select positions and reassign existing duties.
 - v. Action Step 5. Conduct work sessions with Council and staff for clarity and goal setting, for coordinating strategic thinking and acting organization wide, for continual check in sessions on direction and clarity.
 - vi. Action Step 6. Develop and receive approval for annual, 2 and 3 year workplan.
 - vii. Action Step 7. Execute workplan.

Discussion: The budget requests for the Strategic Development Director, Public Engagement Officer and a Personnel Manager have been drafted and are attached to this staff report. The Personnel Manager has been created in order to allow the Assistant Town Manager the time to devote to internal operational duties currently performed by the Town Manager. This will then allow the Town Manager to be more fully engaged with the Council in the strategic thinking and planning for the organization in order to ensure success. The fully fleshed out job descriptions have not yet been developed and are in progress. The Strategic Development Director would be a Department Director with direct supervision of the Planning and Building Director as well as programs including long range and transportation planning, public engagement, development in all departments, organization wide strategic planning, and capital and facility planning. The fiscal impact of these three positions with salary and wages would be \$380,800 and a professional services/training and travel budget for strategic development would be \$75,000 for a total of \$455,000. Additional one time costs would include furniture, desk, computers, etc. estimated at \$15,000. The FY20 budget also contains funding to remodel the ground floor of the Si Ferrin building at 145 Pearl into smaller conservative sized office spaces and remodeling is currently running at approximately \$75-\$100/square foot. The space is approximately 1800 square feet so we are looking at between \$135,000 - \$180,000 for that remodel. This does not mean that these new positions would be located across the street, the Town Manager would work with Department Directors to determine the most logical teams to place in this location to maximize the customer service functions at the Town Hall.

Staff is recommending the Town Council consider authorizing these additional positions as part of the FY20 budget so that the entirety of the revenue and expenditures for Town functions can be viewed comprehensively.

- b. Tactic 2: Dedicate and refocus time from Town Manager and Planning Director to support Council's strategic thinking, fill a Public Engagement Officer position and backfill positions in Planning and Administration.**
- i. Action Step 1. Develop/redefine job descriptions and determine organizational placement.
 - ii. Action Step 2. Develop budget and identify workspace needs.
 - iii. Action Step 3. Obtain budget approval for positions, departmental budget, office creation.
 - iv. Action Step 4. Recruit and select positions and reassign/redefine existing duties.
 - v. Action Step 5. Conduct work sessions with Council and staff for clarity and goal setting, for coordinating strategic thinking and acting organization wide, for continual check in sessions on direction and clarity.
 - vi. Action Step 6. Develop and receive approval for annual, 2 and 3 year workplan.
 - vii. Action Step 7. Execute workplan.

Discussion: The budget requests for the Public Engagement Officer and a backfill position of Personnel Manager have been drafted and are attached to this staff report. The Personnel Manager has been created in order to allow the Assistant Town Manager the time to devote to internal operational duties currently performed by the Town Manager. This will then allow the Town Manager to be more fully engaged with the Council in the strategic thinking and planning for the organization in order to ensure success. The fully fleshed out job descriptions for Public Engagement Officer and Personnel Manager have not yet been developed and are in progress. The job description of the Planning and Building Director would need to be redefined to allow the time to focus on strategic development and a budget request for a backfill Associate Planner would need to be added. The fiscal impact of these three positions with salary and wages would be \$292,800 and a professional services/training and travel budget for strategic development would be \$75,000 for a total of \$367,800. The FY20 budget also contains funding to remodel the ground floor of the Si Ferrin building at 145 Pearl into smaller conservative sized office spaces and remodeling is currently running at approximately \$75-\$100/square foot. The space is approximately 1800 square feet so we are looking at between \$135,000 - \$180,000 for that remodel. This does not mean that these new positions would be located across the street, the Town Manager would work with Department Directors to determine the most logical teams to place in this location to maximize the customer service functions at the Town Hall.

Staff is recommending the Town Council consider authorizing these additional positions as part of the FY20 budget so that the entirety of the revenue and expenditures for Town functions can be viewed comprehensively.

Council could also consider a reorganization that includes combining Public Information with Public Engagement.

c. Tactic: Engage consultant to work with Council to further flesh out Council's strategic thinking and work with different consultants for each area of focus moving forward.

- i. These action steps have not yet been fleshed out.
- 2. Strategy 2. Revamp Council's approach to strategic thinking and priority focus.
 - i. These tactics and action steps have not yet been fleshed out.
- 3. Strategy 3. Establish more structured Council meeting time to focus on strategic thinking.
 - i. These tactics and action steps have not yet been fleshed out.

The Council has many options available to them to move Priority #1 forward including:

- 1. Consider the information provided regarding the staff and fiscal impacts associated with increasing capacity in the organization for strategic development and engagement and delay any decisions on moving forward until the FY20 budget is presented.
- 2. Direct staff to include the positions, budget, and office remodel needs with the April FY19 budget amendment in order to move forward immediately.
- 3. Direct staff to place the issue on the next workshop agenda to discuss more fully and bring back more information prior to making a decision.
- 4. Take no action.
- 5. Other.

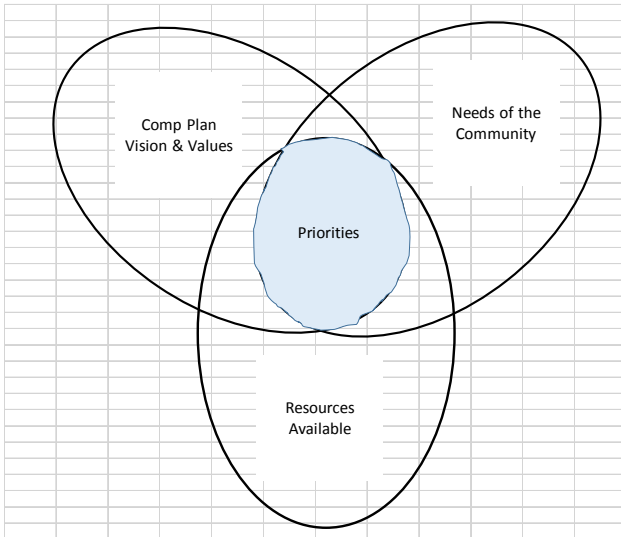
Continued Discussion of Council Priorities, Goals and Strategies

The second area for discussion if time allows is for Council to spend more time discussing Council's priorities specifically confirming the goal of each priority and working to identify potential strategies. Questions for the Council to consider in looking at strategy options include:

- A. What does success look like?
- B. If we couldn't do it this way, how else might we do it?

- C. How does this help meet our desired community vision, and how can we align it more closely?
- D. What is working and what isn't working?
- E. What questions should we be asking?

Regardless of how Council chooses to move forward, for the Council to be more successful in strategic thinking, more time will need to be spent by Council in fleshing out ideas together, analyzing supporting data and historical information on issues, discussing patterns and relationships and how actions in one area may affect goals in another area, reaching consensus on the desired outcome or goals after fully vetting an issue and then ultimately getting to the point of directing action steps based on those discussions. It will be important for the Council to understand and execute the difference between strategic thinking and strategic planning. The priority based budget will also assist the Council with metrics and measurement for key performance indicators to inform the Council on the progress towards reaching their goals.



Staff is looking into the possibility of engaging John Heymann further in assisting the Council with further fleshing out strategies for moving forward and how key performance indicators play a role in measuring success.

The Council has many options available to them to continue working on Council priorities including:

1. Direct staff to revise draft goals and potential strategies and bring that to the next available workshop.
2. Direct staff to work with John Heymann (or another consultant) to set up several strategic planning meetings in the coming months to continue to refine the Council's goals and strategies to consider in meeting those goals.
3. Take no action.
4. Other.

COMPREHENSIVE PLAN ALIGNMENT

In order to successfully follow through with the Comprehensive Plan, the Council needs to set priorities, be strategic and be disciplined. Increasing staff capacity in order to be more strategic and aligned with the comprehensive plan goals supports the comprehensive plan inherently. Strategic initiatives and discussions may be centered around wildlife and natural resources, energy conservation, growth management as it relates to community engagement around parking and master planning areas, complete neighborhoods, a balanced economy that strategically evaluates special events and their impact on the community, and transportation and how that impacts our goals including community over resort. Engaging the community in how each of these initiatives might shape the future of the valley is important in achieving the comprehensive plan goals.

STAKEHOLDER ANALYSIS

The stakeholders involved in this issue include the Town Council in wanting to pursue their highest priorities, Town of Jackson staff in their purpose of carrying out the will of the Council to the best of their abilities, and the

residents and guests of our community that will benefit from actions taken that moves our community forward in a positive way for the future.

FISCAL IMPACT

The direct fiscal impacts are discussed in detail above and range between \$342,800 - \$430,800 for staffing and budget as well as between \$135,800 - \$180,000 for office remodeling. Please note that the office remodeling will be brought forward for Council consideration to address current office space needs in the organization regardless of which strategy is selected. Indirect fiscal impacts of strategically engaging the community could include avoided costs for referendum certification and special elections, lawsuits, etc.

STAFF IMPACT

The staff impact of increasing capacity in the organization to allow for strategic thinking and planning and public engagement is positive. Staff is here to serve the needs of the community at the Council's direction and gaining a better understanding of the Council's priorities and how they would like to move those forward makes the job of staff easier and less uncertain. Pursuing strategic engagement and development without increasing staff capacity would be significantly detrimental to the workload, staff morale, and could result in increased burnout and turnover.

LEGAL ISSUES

Not applicable at this time.

ATTACHMENTS

Budget requests for positions and Council's revised priority listing with tactics removed at this point.

RECOMMENDATION

Consider the information provided regarding the staff and fiscal impacts associated with increasing capacity in the organization for strategic development and engagement and delay any decisions on moving forward until the FY20 budget is presented and direct staff to revise draft goals and potential strategies and bring that to the next available workshop.

SUGGESTED MOTION

Should the Council be ready to take action, one possible motion would be:

I move to direct staff to include the staffing requests and associated budget impacts for staffing and office development for strategic development and engagement in the FY20 budget for Council consideration and direct staff to revise draft goals and potential strategies and bring that to the next available workshop.



**FISCAL YEAR 2020 BUDGET
REQUEST FOR **ADDITIONAL PERSONNEL****

Submitting Department: Strategic Development **Director's Approval:** RDVR

Title of Position Requested: Strategic Development Director

Job Summary of Position Requested: Provide strategic development and strategic organization
wide planning, direct public engagement efforts, oversee all long range development functions for Town
Departments and coordinate long range development and engagement efforts.

Additional Justification for Request: Position provides capacity to handle additional complex
community impact issues that engage the community such as master planning of rodeo/Karns,
managed parking/on street residential parking, ecosystem stewardship, funding of local government,
stormwater enterprise development, ecosystem health evaluation, pathway/sidewalk/mobility master
planning, long range facility development, etc.

Estimated Costs for Request of Additional Personnel:

Estimated Annual Salary:	\$	125,000
Estimated Annual Benefit Costs (Estimate at 40% of Annual Salary):	+ \$	50,000
Estimated Additional Supply Costs: departmental budget, training, travel, meetings, professional services	+ \$	25,000
Estimated Additional Capital Costs: computer, desk, office space,	+ \$	10,000
Total Estimated Costs for Request of Additional Personnel:	= \$	210,000



**FISCAL YEAR 2020 BUDGET
REQUEST FOR **ADDITIONAL PERSONNEL****

Submitting Department: Strategic Development **Director's Approval:** RDVR

Title of Position Requested: Public Engagement Officer

Job Summary of Position Requested: Position develops and executes public engagement

efforts related to strategic development for complex community wide issues and efforts of the Town of
Jackson. Creates, plans and executes public engagement plan.

Additional Justification for Request: Establishes web information for specific engagement efforts

develops databases, conducts surveys, conducts focus group meetings, coordinates committees
established for the purpose of public engagement, takes notes, develops feedback reports, prepares
information for Council and public dissemination, trains elected and appointed officials for public
addresses, speeches, presentations, prepares powerpoint presentations and presents information to
community, resident and business groups, organizes and executes stakeholder meetings, gathers info
manages information, prepares press releases, radio, print and media for public engagement efforts
for specific initiatives.

Estimated Costs for Request of Additional Personnel:

Estimated Annual Salary: Pay Band 12 Mkt Guide	\$	<u>77,000</u>
Estimated Annual Benefit Costs (Estimate at 40% of Annual Salary):	+ \$	<u>30,800</u>
Estimated Additional Supply Costs: training, travel, meetings,	+ \$	<u>8,000</u>
Estimated Additional Capital Costs: computer, desk, office space,	+ \$	<u>10,000</u>
Total Estimated Costs for Request of Additional Personnel:	= \$	<u><u>125,800</u></u>



**FISCAL YEAR 2020 BUDGET
REQUEST FOR **ADDITIONAL PERSONNEL****

Submitting Department: Town Clerk/Personnel **Director's Approval:** RDVR

Title of Position Requested: Personnel Manager

Job Summary of Position Requested: Coordinates and manages documentation and processes
related to recruitment and selection, personnel records management, organization wide training,
employee housing, etc. Supervises PIO, Admin Assistant and Information Coordinator.

Additional Justification for Request: Interviews applicants other than Department Director applicants.
Prepares and executes all recruitment and selection documentation, maintains job descriptions,
maintains personnel database, coordinates and manages town wide required training, prepares all
documents and coordinates employee housing matters, recruits and recommends employees for
employment, reviews applications, conducts interviews. Maintains personnel files.

Estimated Costs for Request of Additional Personnel:

Estimated Annual Salary:	Market Guide on Pay Band 11	\$	<u>70,000</u>
Estimated Annual Benefit Costs (Estimate at 40% of Annual Salary):		+ \$	<u>28,000</u>
Estimated Additional Supply Costs:	office supplies, training trav & mtgs, personnel memberships	+ \$	<u>10,000</u>
Estimated Additional Capital Costs:	computer, desk, laptop, office space	+ \$	<u>10,000</u>
Total Estimated Costs for Request of Additional Personnel:		= \$	<u><u>118,000</u></u>

Jackson Town Council

2019 Highest Priorities

Goals, Strategies, Tactics, and Action Steps

(updated 3/14/19)

The first three priorities listed had at least a majority of Council indicating they were the highest priorities at the Retreat.

Highest Priorities (Those receiving at least 3 highest priority votes)

Priority #1: Strategic Implementation and Engagement Capacity

Goal: To be more strategic, proactive, outcome driven, coordinated, and implementation focused on the Community's Highest Priorities

Potential Strategies

- Strategy 1: Hire/contract staff capacity to support Council's strategic thinking.
- Strategy 2: Revamp Council's approach to strategic thinking and priority focus.
- Strategy 3: Establish more structured Council meeting time to focus on strategic thinking.

Strategy 1 Tactics and Action Steps – Increase Capacity

1. Strategy 1. Hire/contract staff capacity to support Council's strategic thinking.
 - a. **Tactic 1: Create Strategic Development Director, Public Engagement Officer, and a backfill Personnel Manager to provide capacity to support Council's strategic thinking.**
 - i. Action Step 1. Develop/redefine job descriptions and determine organizational placement. (March 2019)
 - ii. Action Step 2. Develop budget and identify workspace needs. (March 2019)
 - iii. Action Step 3. Obtain budget approval for positions, departmental budget, office creation. (June 2019)
 - iv. Action Step 4. Recruit and select positions and reassign existing duties. (July – August 2019)
 - v. Action Step 5. Conduct work sessions with Council and staff for clarity and goal setting, for coordinating strategic thinking and acting organization wide, for continual check in sessions on direction and clarity. (September – December 2019 and ongoing)
 - vi. Action Step 6. Develop and receive approval for annual, 2 and 3 year workplan. (January 2020)
 - vii. Action Step 7. Execute workplan. (January 2020)
 - b. **Tactic 2: Dedicate and refocus time from Town Manager and Planning Director to support Council's strategic thinking, fill a Public Engagement Officer position and backfill positions in Planning and Administration.**
 - i. Action Step 1. Develop/redefine job descriptions and determine organizational placement. (March 2019)
 - ii. Action Step 2. Develop budget and identify workspace needs. (March 2019)
 - iii. Action Step 3. Obtain budget approval for positions, departmental budget, office creation. (June 2019)

- iv. Action Step 4. Recruit and select positions and reassign/redefine existing duties. (July – August 2019)
- v. Action Step 5. Conduct work sessions with Council and staff for clarity and goal setting, for coordinating strategic thinking and acting organization wide, for continual check in sessions on direction and clarity. (September – December 2019 and ongoing)
- vi. Action Step 6. Develop and receive approval for annual, 2 and 3 year workplan. (January 2020)
- vii. Action Step 7. Execute workplan. (January 2020)
- c. **Tactic 3: Engage consultant to work with Council to further flesh out Council's strategic thinking and work with different consultants for each area of focus moving forward.**
 - i. These action steps have not yet been fleshed out.
- 2. Strategy 2. Revamp Council's approach to strategic thinking and priority focus.
 - i. These tactics and action steps have not yet been fleshed out.
- 3. Strategy 3. Establish more structured Council meeting time to focus on strategic thinking.
 - i. These tactics and action steps have not yet been fleshed out.

Priority #2: Housing

Goal: To preserve a diverse community population through the provision of housing opportunities.

Potential Strategies

Strategy 1: Not yet developed

Strategy 2: Not yet developed

Strategy 3: Not yet developed

Priority #3: Predictable Funding of Local Government

Goal: To diversify, increase, and develop sustainable funding for the Town of Jackson.

Potential Strategies

Strategy 1: Staff Led Initiative on Exploring Funding of Local Government

Strategy 2: Consultant Led Initiative on Exploring Funding of Local Government

The below Tactics and Action Steps Need Further Review and Update

Strategy 1 Tactics and Action Steps – Staff Led Review and Analysis

- Town Manager develops a work plan that analyzes pros/cons/opportunities including local sources (sales tax, lodging, town fees, property tax, etc.), state sources (pursue local taxing options/exactions, etc.), grant opportunities (transit, etc.). (April – July 2019)
- Take Preliminary discussions to a Blue Ribbon Committee for Engagement (August – Oct 2019)
- Findings Reported to Town of Jackson (November 2019)
- Action Plan with Realistic Steps and Timeline Implemented (December 2019)

Strategy 2 Tactics and Action Steps - Consultant Led Funding of Local Government

- Create Budget Estimate for FY19 and FY20 Budget and Present to Council for Approval (May 2019)
- RFP Developed and Issued (July 2019)
- Staff compiles Data for Consultant (July – August 2019)

- Consultant develops a work plan that analyzes pros/cons/opportunities including local sources (sales tax, lodging, town fees, property tax, etc.), state sources (pursue local taxing options/exactions, etc.), grant opportunities (transit, etc.). includes action plan (July- Oct)
- Take Preliminary discussions to a Blue Ribbon Committee for Engagement (Nov – January 2020)
- Findings Reported to Town of Jackson (January 2020)
- Action Plan with Realistic Steps and Timeline Implemented (February 2020)

Medium Priorities (Those receiving the next highest priority votes but no majority)

Priority #4: Improving/Protecting Flat Creek Riparian System

Goal: To preserve and protect the Flat Creek ecosystem.

Potential Strategies

Strategy 1: Not yet developed
 Strategy 2: Not yet developed
 Strategy 3: Not yet developed

Priority #5: Ecosystem Action Plan and Alignment

Goal: To assess the health of the Town ecosystem and view all decisions through the lens of the Comp Plan Vision

Potential Strategies

Strategy 1: Not yet developed
 Strategy 2: Not yet developed
 Strategy 3: Not yet developed

Priority #6: Mobility Enhancements/Safe Routes to Schools

Goal: To increase Town-wide mobility through increased provision of alternative modes with a priority of sidewalks, bicycle facilities, and other mobility enhancements.

Potential Strategies

Strategy 1: Not yet developed
 Strategy 2: Not yet developed
 Strategy 3: Not yet developed

Priority #7: Updating Parking Policies

Goal: To better align our parking policies with our Comp Plan goals focusing on environment, housing, and transportation.

Potential Strategies

Strategy 1: Not yet developed

Strategy 2: Not yet developed
Strategy 3: Not yet developed

Lowest Priorities (Those receiving the least priority votes, not a majority)

Priority #8: Karns Meadow

Goal: To develop a comprehensive and coordinated vision and implementation strategy for Karns Meadow.

Potential Strategies

Strategy 1: Not yet developed
Strategy 2: Not yet developed
Strategy 3: Not yet developed

Priority #9: Actively Harnessing Community Wisdom and Experience

Goal: To utilize local intellectual capital to assist with Town issues.

Potential Strategies

Strategy 1: Not yet developed
Strategy 2: Not yet developed
Strategy 3: Not yet developed



TOWN COUNCIL

WORKSHOP AGENDA DOCUMENTATION

PREPARATION DATE: March 14, 2019
MEETING DATE: March 18, 2019

SUBMITTING DEPARTMENT: Building & Planning
DEPARTMENT DIRECTOR: Tyler Sinclair
PRESENTER: Kelly Sluder, Building Official
Kathy Clay, Fire Marshal

SUBJECT: Adoption of the 2018 Building & Fire Codes

PURPOSE OF WORKSHOP ITEM

The purpose of this item is to discuss adoption of the 2018 International Building, Existing Building, Fire, Wildland Urban Interface, Residential, Mechanical, Plumbing, Fuel Gas and Energy Codes. In addition, staff would like to discuss a proposed amendment to the Building Department fee schedule to add plan review fees.

DESIRED OUTCOME

The goal of this discussion is to provide an overview and receive Council's direction on the following items related to the 2018 Building and Fire Code updates:

1. Consider adoption of the 2018 Building and Fire Codes;
2. Consider local amendments to these codes; and
3. Consider amendments to the Building Code fee schedule to allow for plan review fees to be implemented.

BACKGROUND/ALTERNATIVES

The purpose of the building codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Town of Jackson Building Department and Jackson Hole Fire/EMS are responsible for enforcement of building and fire codes in the Town of Jackson. The Wyoming State Fire Marshal through the provision in State Statute has assigned the Town of Jackson "Home Rule" for oversight of the Building and Fire Codes adopted at the State level with exception of enforcement in State owned or leased buildings.

The Town is presently operating under the 2015 codes that were adopted in 2016 and went into effect on January 1, 2017.

The Town presently operates under the following codes in compliance with the State of Wyoming requirements:

2015 International Building Code (including Appendix C, Group U-Ag buildings, Appendix E, Supp Accessibility Requirements, Appendix I, Patio Covers)
2015 International Residential Code, life/safety provisions only
2015 International Existing Building Code
2015 International Mechanical Code
2015 International Fuel Gas Code
2015 International Property Maintenance Code (as referenced for life-safety only)
2015 International Fire Code

Though not required by the State of Wyoming, the Town chose to also adopt the following:

2015 International Residential Code, remainder of Code
2015 International Plumbing Code
2012 International Energy Conservation Code
2015 International Wild Land Urban Interface Code

The State of Wyoming adopted the new 2018 International Codes in May 2018, requiring the same minimum codes as in 2015. Pursuant to Wyoming Statutes, the Town shall adopt the new code minimums within 6 months of the State of Wyoming adopting.

The Town may choose to be more restrictive than the required 2018 International Codes but not less restrictive.

Staff will provide an overview at the workshop of the areas through local amendments where the Town is being more restrictive than the State for those codes required to be adopted by the State, and what Codes are adopted by the Town that are not required by the State and where the Town through local amendments is more restrictive and less restrictive than the International code.

Staff recommends that the Town remain under the 2012 International Energy Conservation Code at this time. Staff is vetting the 2018 Energy Code to determine whether it will place undue hardship on the design and construction of new structures, should Town consider its adoption. The International Energy Code is not required by the State and as such the Town may choose to adopt or amend this Code as deemed locally applicable. The 2015 and the 2018 Energy Codes have not changed noticeably from the 2012 Energy Code except for the commissioning requirements that are required by the newer codes. Staff finds that our community does not have the Commissioning Agencies available to them required by these Code updates and as such this may place an undue hardship on property owners to have to bring in someone from out of state (Salt Lake is the closest with multiple agencies) to look at the items that the Building Department has already inspected.

Currently, the Town charges a \$200.00 Plan Review fee upon application for a Building Permit and the balance of the Building Permit fee is collected at the time of issuance of the permit. Under this approach the Town does not receive a fee for the considerable time undertaken by all Town Departments to review the application until the permit is issued. A concern with this approach is that if the Building Permit is not issued there is no fee collected for the review of the permit. Staff is recommending Council consider collecting a Plan Review fee proportional to the estimated Building Permit fee at the time of submission to cover the cost of plan review, with the Permit fee being collected at the time of permit issuance. Staff will review this proposal with current and proposed fee examples with Council at the meeting to obtain feedback.

COMPREHENSIVE PLAN ALIGNMENT

Chapter 4: Town as the Heart of the Region identifies the consideration for Public Safety, one goal of which is to provide a safe built environment for the residents and visitors to the Town of Jackson, Wyoming. A primary contributing factor to public safety in the built environment is to assure compliance with the building and fire codes the Town has chosen to adopt and implement. Additional consideration is given in the Comprehensive Plan, Principle 2.4—Increase energy efficiency in buildings and the related policies to energy conservation and sustainability related to our built environment. Furthermore, Principle 4.5—Preserve historic structures and sites and the associated policies, gives guidance on the community's vision for historic structures.

STAKEHOLDER ANALYSIS

Adoption of the building and fire codes including designation of the code editions and approving amendments to those codes is the responsibility of Town Council. Individuals and businesses within the Town of Jackson and others outside the community involved with the design and construction of the built environment will be affected by the update to the 2018 building and fire codes along with the general life, safety and welfare of the public.

FISCAL IMPACT

Fiscal impact to the Town associated with updating to the new code editions is minimal. The building and planning department typically spends \$3500 on code books and code commentaries along with more extensive training for staff to learn the new codes.

STAFF IMPACT

The Building Department and JH Fire/EMS have invested considerable time in assessing the new building and fire codes under consideration and in preparation for proposal of code adoption.

LEGAL ISSUES

This item was not provided to the Legal Department at this time.

Should Council direct staff to move forward with consideration of adoption of the 2018 codes and associated amendments, Town Legal staff will be asked to assist in drafting and review of the required ordinances.

ATTACHMENTS

None

RECOMMENDATION

The Building Official recommends Town Council adopt, by ordinance, the 2018 Editions of the International Building, Fire, Wildland Urban Interface, Mechanical, Residential, Plumbing, and Fuel Gas Codes with amendments recommended by the Building Official and Fire Official.

In addition, the Building Official recommends a grace period until July 1, 2019 during which building plans designed for compliance with the 2015 or 2018 International Codes would be accepted.

SUGGESTED MOTIONS

Item A:

I move to direct Staff to prepare Ordinances that provide for the adoption as currently amended or as directed by Council of the 2018 International Building, Fire, Wildland Urban Interface, Mechanical, Residential, Plumbing, and Fuel Gas Codes and to provide for a grace period until July 1, 2019 wherein either the 2015 or 2018 International Codes as amended may be accepted for construction permit review and issuance.

Item B:

I move to direct Staff to draft amendments to the Building Department fee schedule to include a Plan Review fee proportional to the estimated total Building Permit fee to cover the cost of plan review for consideration by Council at a future meeting.



TOWN OF JACKSON

WORKSHOP DOCUMENTATION

SUBMITTING DEPARTMENT: Administration

PRESENTERS: Sandy Birdyshaw

WORKSHOP DATE: March 18, 2019

SUBJECT: Proposed Revision to Municipal Code Title 6 – Liquor Licenses & Permits

PURPOSE OF WORKSHOP ITEM

The Town Council authorizes any changes made to the Jackson Municipal Code (JMC). The purpose of this item is to introduce proposed updates to the municipal liquor code and highlight those that may be new or complex and needing Council direction.

DESIRED OUTCOME

The desired outcome would be for the Council to direct staff to continue updating Title 6 and to bring back a proposed ordinance for further discussion at the April 15 workshop.

BACKGROUND/ALTERNATIVES

Staff believes that the content of the liquor code could be significantly reduced because much of our local code duplicates state statute. Removing duplicative language will not adversely affect licensees, as a copy of state and local liquor laws are provided in the liquor license application, so licensees are aware of state law plus additional local regulations. Amendments to state or local laws are also provided to licensees as they occur.

Pros and Cons of removing duplicative language. Pro – will significantly reduce Title 6 and staff time in ensuring that it is up-to-date with statutes as they are amended, will also separate and define what is state law and what is local law. Con – will remove local authority to enforce state law; however, the Town may request that the State enforce state law under their authority and at their discretion.

While reviewing the municipal code, staff also attempted to simplify and clarify language. The following summarizes changes that are proposed by chapter and indicates discussion/decision points for the Council.

Revisions applicable to every chapter:

Eliminate language that duplicates Wyoming Statute.

Other revisions made to each chapter which follows:

Bullet points indicate:

- A HOUSEKEEPING ITEM WITH LITTLE OR NO EFFECT
- FOR COUNCIL DISCUSSION, AS ITEM IS MORE COMPLEX

6.10 Definitions

- Preserves “Hotel” definition as it is not defined in statutes.
- “Licensee” defined. By adding this definition, language throughout Title 6 is reduced from “licensee or permittee” to just “licensee”.
- Preserves “Restaurant” definition and Town’s position on the definition of a full service restaurant.

6.20 Application for Licenses

- 6.20.025 State laws apply unless otherwise specified in JMC
- 6.20.050 Fees for all licenses are listed in one place. Wyoming Statutes provides a range of fee amounts that local licensing authorities may charge for an annual license. The Council may change local fees by ordinance.

<u>Where Located</u>	<u>Type of License</u>	<u>Fee Range</u>	<u>Jackson's Fee</u>
§ 12-4-201(h)	Retail	\$100 – 1,500	\$1,500 since 1935
§ 12-4-301(a)	Limited Retail (Club)	\$100 – 1,500	\$500 since 1995
§ 12-4-405	Resort	\$500 – 3,000	\$1,500 since 1995
§12-4-411	Restaurant	\$500 – 3,000	\$1,500 since 1995
§12-4-413(f)	Bar & Grill	\$1,500 – 10,500	\$1,500 since 2006
§12-4-412(b)(viii)	Microbrewery	\$300 – 500	\$500 since 1993
§12-4-412(d)	Satellite Winery	\$100	\$100 since 2003
§12-4-412(b)(viii)	Winery	\$300 – 500	proposed to be \$500 (new)

Temporary, twenty-four (24) hour permit fees:

§12-4-502(e)	Catering	\$10 – 100	ToJ fee set at \$100 in 2002, changed to \$20 in 2006
	Malt Beverage	\$10 – 100	ToJ fee set at \$10 in 1965, changed to \$100 in 2002

- 6.20.010 Clarifies purpose of Affidavit and adds a statement which affirms information in application packet is true and correct
- 6.20.012 Requires a written Plan of Operation with all new or transfer applications – this Plan aids staff review of service areas, zoned allowed uses, and need of any additional permits
- The Town does not currently require alcohol beverage server training. Council could consider mandatory training and direct staff to bring back proposed language. Should Council impose mandatory training, they could also consider revisiting the penalties for failing a first and second compliance check to include imposing fines.

6.30 Annual Licenses and Permits

- Currently, the Town requires grocery stores to maintain an age-restricted area for liquor. 6.30.010 A. “Establishments holding a retail liquor license that 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.”

Reason for discussion: A public request has been made to lift this requirement.

In July 2017, the State repealed the dispensing room requirement for all license types except a restaurant. Because this requirement was lifted for retail licensees, Liquor Division agents provided suggested ordinance language that would require grocery stores with a retail liquor license to have a separate age-restricted area to display alcoholic and malt beverages.

In August 2017, the Council adopted an update to municipal code including the State's suggested language as stated above. Customers may take their selection from the age-restricted area to any cash register where their ID would be checked and their purchase made.

- o Council could remove this from municipal code which would allow grocery and convenience stores with a retail liquor license (Creekside, KJ's, Smith's, Jackson Whole Grocer, and Lucky's) to stock alcoholic and malt beverages anywhere within their licensed building.

If the restriction is removed, the following Wyoming Statute addresses minors in such an establishment, so that the entire store would not have to be age-restricted. §12-6-101(c) "Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall: (vi) Enter or remain in an establishment that is primarily for off premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty one (21) years of age or older." Key: a grocery store is not an establishment primarily for liquor sales, it is primarily for food sales. The Chief of Police voiced concern that potential consequences of lifting this restriction could be increased shoplifting and providing easier access to alcohol for minors.

- o Council could keep the language and the requirement to stock alcoholic and malt beverages in an age-restricted area for grocery and convenience stores at status quo.
- o Or, Council could revise the language.

➤ 6.30.010 B. Events for Persons Under 21 at a Retail Liquor Licensed Establishment.

Reason for discussion: Does Council wish to change application fee?

Normally, minors are restricted from establishments holding a retail liquor license without a parent. This section provides an opportunity for retail liquor licensees such as The Rose, Glorietta, Bin 22, (only to name a few) to hold an event including minors without being accompanied by an adult. These events are supported by W.S. §12-5-201 (k) and included in JMC since 2007. Retail liquor licensees may host these events as long as there is no liquor available or consumed on the premises during the event – by adults or minors. The Licensee may apply to the Town for such a permit. Wyoming Statute does not provide a fee range for this permit, so Council may set any application fee amount. It is currently \$25.00.

- 6.30.010 C. Sales by Drugstores - deleted. Wyoming Statutes Title 12 does not specifically address liquor licenses held by a drugstore. Any application by a true drugstore would be held to the requirements for the type of liquor license they are applying for.
- 6.30.020 A. Preserves Town's position on W.S. 12-4-410 (d) Prohibiting Certain Activities by a restaurant liquor license holder.

6.40 Restrictions Upon License and Permit Holders

- 6.40.030 Retains current code: Hours of 6am – 2am, long liquor days, and clearing the licensed building or dispensing room 30 minutes after 2am. The shaded paragraph #D., restricts minors from a licensed premises primarily for the sale of alcohol for off-premises consumption and was moved from its current location in section 6.40.060 B. as it is appropriate for this section dealing with Unlawful Acts.
- 6.40.055 Off-Premises Open Container Sales.

Reason for discussion: Does Council wish to adopt this new section?

In December 2018, Teton County adopted rules for liquor licenses, including selling alcoholic beverages in an open container. This new section would similarly match the county rules allowing retail licensees to choose the type of seal they use for open containers and require signage to remind the public of open container laws.

Proposed language:

6.40.055 A. “Retail liquor licensees selling alcoholic beverages that are not in the original package or are in reused original packages (sloshies, growlers and the like) for off-premise consumption shall seal the container in a fashion so that it is obvious as to whether the seal has been broken and so that it is not possible to consume any of the beverage as long as the seal is in place. The type of seal shall be at the discretion of the licensee.”

6.40.055 B. “Every liquor licensee selling alcoholic beverages in an open container shall post a sign visible to patrons stating “Alcoholic beverages shall remain secured and not accessed by Driver or Passengers while vehicle is in motion – W.S. §31-5-235.”

- 6.40.060 Overserving Alcoholic Beverages. This revision shortens the section title from Minor, Habitual and Common Drunkards and Incompetents: Restrictions to Overserving of Alcoholic Beverages; Restrictions. The original paragraph A was separated to clearly state that it is unlawful to furnish alcoholic beverages to an excessively intoxicated person, and then defines excessively intoxicated.

6.50 Special Twenty-Four (24) Hour Permits

- Duplicative language removed

6.60 Nonrenewal, Suspension and Revocation of Licenses and Permits

- “Nonrenewal” was added to the section title as this section deals with nonrenewal
- 6.60.010 B. provides basis for considering nonrenewal. The list was condensed and clarified to 7 reasons for nonrenewal and moved the penalty (shaded in gray) for failing compliance checks to section 6.90 Penalty for Violations (with no substantial change to the penalty language).
- 6.60.020 Grounds for Suspension or Revocation. Language related to delinquent sales tax was removed, as W.S. §12-7-103 gives the Town authority to suspend for this reason through a specified process.

➤ 6.60.020 A. Grounds for Suspension and/or Revocation.

Reason for discussion: Does Council wish to ① keep the current code requiring mandatory suspension with only clarifying revisions, or ② consider language allowing discretionary suspension with a maximum time period versus a minimum time period?

① Current code as mandatory with minimum time period. 6.60.020 A. “The following actions, whether one (1) or more, shall be a basis for the Town Council to suspend a liquor license and/or for the Town Council to initiate revocation proceedings:

1. Failure by any licensee, or an agent or employee thereof, of three (3) consecutive or cumulative compliance checks in a twelve (12) month period. The suspension must occur within the liquor license year and be for a minimum of one hundred twenty (120) days.
2. Failure by any licensee, or an agent or employee thereof, of five (5) compliance checks in a twenty-four (24) month period. The suspension must occur within the liquor license year and be for a minimum of one hundred fifty (150) days.
3. A pattern of excessive drinking and/or disorderly conduct on the licensed premises. A “pattern” for purposes of this section is defined as three (3) or more police reports in any twelve (12) month period.
4. False information or false facts submitted as true and correct in an application packet for any license.

5. Three (3) or more substantiated violations with any provision(s) of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code in any twelve (12) month period.
6. Any substantiated incident of noncompliance with any provision of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code, until the licensee comes back into compliance with the provision.”

#1 and #2 clarifies intent of a suspension for failed compliance checks with the same minimum number of days

#3 keeps current code with revised language

#4 keeps current code with revised language

#5 is additional language requested by Chief of Police that calls for suspension when a recurring violation, or a variety of violations are substantiated.

#6 is additional language requested by Clerk for a temporary non-compliance issue, such as a suspended food permit for restaurant or bar & grill licensees

Upon further review of W.S. § 12-7-102, a suspension cannot cross over liquor license years.

- o Council could keep reasons for a mandatory suspension.
- o Council could keep reasons for a discretionary suspension by changing “shall” to “may” in paragraph A.
- o Council could consider a maximum, or “up to”, time period for suspension versus a minimum time period.
- o Council could consider different language for #1 and #2 to provide the flexibility to consider each case independently, taking into consideration the establishment’s business model, primary function, evidence, etc.

6.70 Violations

- Repealed

6.90 Penalty for Violations

- Provides the training penalties of failing a 1st or 2nd compliance check (moved from 6.60.010)
- Provides a requirement that training certificates are provided to the Town as a method of tracking the training for failed compliance checks

COMPREHENSIVE PLAN ALIGNMENT

Aligns with Comprehensive Plan Policy 8.1.a. for the delivery and quality of desired levels of service to the community and the decisions related to liquor licensing have a direct correlation to the health, safety, and welfare of the community as discussed in Section 8.

Liquor licensed establishments may have a positive or negative impact to its neighborhood, and the Town Council must balance the needs of a licensee with the needs of those who live or work in the vicinity. In Section 4 of the Comprehensive Plan relating to Town as the Heart of the Region and Complete Neighborhoods it discusses mixed uses, economic centers, and retail areas and the Council’s decisions on new licenses, transfers and renewals have an impact in these areas.

The Town Council could also have a high level strategic discussion about the goals of regulating alcohol sales within Town limits and how they would measure success in reaching those goals prior to considering specific changes in the Municipal Code.

STAKEHOLDER ANALYSIS

Stakeholders include the Town Council as the final decision makers and local licensing authority; each liquor license holder; the Police Department and Town staff as related to compliance with liquor laws; and the residents and guests of the community expecting adequate and safe provision of alcohol to those legally entitled to partake.

FISCAL IMPACT

There are significant indirect positive and negative fiscal impacts associated liquor licenses in the community related to social issues, compliance, enforcement, and adjudication of alcohol related laws and crimes, sales tax generated by the sale of alcohol, tourism generation, etc.

STAFF IMPACT

It takes a significant amount of time to stay up-to-date with state and local liquor laws, to thoroughly review and process applications, and to accurately respond to public questions. It also takes a significant amount of time to enforce liquor license laws by the Police Department, Town Clerk, and Legal Department.

LEGAL ISSUES

Ongoing.

ATTACHMENTS

Redline Draft of Jackson Municipal Code Title 6
Clean Draft, - if redline version is accepted

RECOMMENDATION

For the Town Council to hear an overview of the proposed changes to the Municipal Code related to liquor licensing and continue this item to another workshop for discussion and direction.

SUGGESTED MOTION

I move to continue Liquor Code Updates to a future Council workshop (or, the regular workshop on April 15th).

Title 6 Liquor Licenses and Permits

Chapters:

- 6.10 DEFINITIONS**
- 6.20 APPLICATION FOR LICENSES AND PERMITS**
- 6.30 ANNUAL LICENSES AND PERMITS**
- 6.40 RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS**
- 6.50 SPECIAL TWENTY-FOUR (24) HOUR PERMITS**
- 6.60 SUSPENSION AND REVOCATION OF LICENSES AND PERMITS**
- 6.70 VIOLATIONS (Repealed Ord. ,2019).**
- 6.90 PENALTY FOR VIOLATIONS**

Chapter 6.10
DEFINITIONS

Sections:

6.10.010 Definitions.

6.10.010 Definitions.

In the interpretation of As used in this Title this chapter, unless the context indicates a different meaning:

- A. ~~"Alcoholic beverage permit"~~ means the authority under which the sale of alcoholic beverages is authorized as to hospitals, religious organizations, physicians, and dentists.
- B. ~~"Alcoholic liquor"~~ means any spirituous and/or fermented fluid intended for beverage purposes which contains at least one half of one percent (.5%) of alcohol by volume, including alcohol, brandy, whiskey, rum, gin, and wine, liquids and compounds.
- C. ~~"Club"~~ means a fraternal organization, not including college fraternities, labor unions, or associations organized for commercial purposes or profit, which is a member of, and holds a charter from, a national organization, and which owns or leases a building or space in a building for the use and accommodation of its members and guests.
- D. ~~"Drugstore"~~ means a suitable space in a building kept, used, maintained, advertised, and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.
- E. A. **"Hotel"** means a suitable building kept, used, maintained, advertised, and 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.
- F. ~~"Intoxicating liquor," "alcoholic liquor," "alcoholic beverage," and "spirituous liquor"~~ shall be construed as synonymous in meaning and definition.
- G. ~~"Licensed Building"~~ means the physical licensed building for which the license is issued and as approved by the licensing authority; which may include an immediately adjacent fenced or enclosed area as approved by the licensing authority. This term does not apply to restaurant liquor licenses.
- H. ~~"Licensing Authority"~~ means the governing body of an incorporated city, town, or county in Wyoming with the responsibility to issue, control, and administer a particular license.
- I. ~~"Limited retail liquor license"~~ means the authority under which clubs as defined in this section shall be permitted to sell alcoholic and/or malt beverages.
- J. ~~"Malt beverage"~~ means any fluid of any name or description manufactured from malt, wholly or in part, or from any substitute therefore, containing more than one percent of alcohol by volume.
- K. ~~"Malt beverage permit"~~ means the authority under which the sale of malt beverages is authorized for specifically limited periods or as hereinafter otherwise provided.

L. ~~"Original package" means any bottle, flask, jug, cask, barrel, hogshead, or other receptacle or container used, which is corked or capped, and sealed or labeled by the manufacturer of alcoholic beverages, containing any alcoholic beverage.~~

M. ~~"Person" includes an individual person, partnership, corporation, limited liability company or any other or association or entity, public or private.~~

B. "Licensee" means a person holding any permit or license in accordance with this Title or Title 12 of the Wyoming State Statutes, as amended.

N.C. "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-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.

O. ~~"Retailer" means a person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.~~

P. ~~"Retail liquor license" means the authority under which a retailer shall be permitted to sell alcoholic and/or malt beverages for use or consumption but not for resale.~~

Q. ~~"Sell" or "sale" includes offering for sale, trafficking in, bartering, delivering for value, exchange for goods, or in any way other than purely gratuitously. Any delivery of any alcoholic and/or malt beverage made otherwise than by gift shall constitute a sale.~~

(Ord. , 2019; 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:

6.20.025 State Laws Applicable.

6.20.050 Application Form and Fees.

6.20.010 Affidavit and of Authorization and Understanding.

6.20.012 Plan of Operations, All Licenses and Permits.

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

6.20.020 Notice publication--Protests. (Repealed Ord. __, 2019)

6.30.030 Term - Exception. (Repealed Ord. __, 2019)

6.20.025 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, et seq., and are adopted by reference and amendments thereto 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.

6.20.050 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 statutes 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 Title 12 of the Wyoming State Statutes, as amended.
- C. The fee paid annually for each license is as follows, said fees may be amended from time to time by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming, and no application will be processed, nor any license issued, until payment in full has been made:
 - 1. Retail Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 2. Limited Retail (Club) Liquor License: The fee is five hundred dollars (\$500.00).
 - 3. Resort Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 4. Restaurant Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 5. Bar and Grill License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 6. Microbrewery Permit: The fee is five hundred dollars (\$500.00).
 - 7. Winery Permit: The fee is five hundred dollars (\$500.00).
 - 8. Satellite Winery Permit: The fee is one hundred dollars (\$100.00).
- D. The fee to be paid for each twenty-four (24) hour permit is as follows, which fees may be amended from time to time by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming, and no permit will be issued until payment in full has been made:
 - 1. Catering Permit: The fee is twenty dollars (\$20.00).
 - 2. Malt Beverage Permit: The fee is one hundred dollars (\$100.00).

(Ord. __, 2019)

6.20.010 Affidavit of Authorization and Understanding.

A. All persons filing applications for new licenses and permits, renewals or for transfer of ownership, unless otherwise noted in this title, shall submit a signed Affidavit of Authorization form as provided by the Town Clerk, which includes the applicant's full legal name, signature, social security number, driver's license number, and date of birth to assist with application processing by the Town Clerk and Chief of Police. By signing the Affidavit of Authorization and Understanding, all persons filing applications ~~shall~~ agree to a background check, ~~including criminal information~~, conducted by the Chief of Police or ~~their~~ his designee. ~~and that~~

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.

~~A.D.~~ Procedures for reviewing applications will be established by the Town Clerk, Chief of Police and Risk Manager.

(Ord. , 2019; Ord. 1185 § 1, 2017; Ord. 969 § 1, 2010; Ord. 853 § 4, 2007)

6.20.012 Plan of Operations, All Licenses and Permits.

A. All new and transfer applications must include a Plan of Operations that at minimum sets forth in detail:

1. The areas proposed for service of alcoholic and malt beverages;
2. The plans for outdoor service of food and alcoholic and malt beverages; and
3. The Restaurant Liquor Licensee's dispensing room(s) operations.

B. Licensees must provide the Town Clerk a revised Plan of Operations anytime a Licensee changes the Plan of Operations (whether the original or a revised Plan) on file with the Town.

(Ord. , 2019)

6.20.015 Affidavit of Understanding. Repealed.

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

6.20.020 Notice publication--Protests. Repealed.

~~When an application has been filed in the office of the Town Clerk, it shall be the duty of such Town Clerk to promptly publish, post on the official website of the town and display conspicuously on the premises in which the applicant desires to use as the place of sale a notice pursuant to Section § 12-4-104 of the Wyoming State Statutes which may be amended from time to time that such applicant has made application for a license and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be at a special or a regular meeting of the Town Council, and all such licenses shall be issued in accordance with the requirements of the statutes of the state of Wyoming, and all such licenses, when issued, shall be made and executed in accordance with the laws of the state and Town of Jackson. Each applicant shall pay an amount sufficient to cover the costs of publishing the notice, as determined by the Town Clerk.~~

6.20.030 Term - Exception. Repealed.

~~A license or permit shall be a personal privilege, good for one (1) year unless sooner revoked or if issued by the licensing authority for less than one (1) year to coincide with the annual date of renewal, or if issued as a twenty four (24) hour permit.~~

~~A. — Exception. When a valid license or permit is determined to be part of the estate of a deceased licensee, the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic and/or malt beverages under a license, may exercise the privilege of the deceased under such license or licenses or permit until the expiration of the same; and provided further, that upon approval of the Town Council, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of the date of the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale to be made in good faith, may, if proceedings are not pending to suspend, revoke, or otherwise penalize under this title or the provisions of the laws of the state of Wyoming, the license holder, assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration of the same, upon the express condition, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license as required by this title and the laws of the state of Wyoming, and all subject to the approval of the Town Council.~~

~~(Ord. __, 2019; 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 ~~or Limited Retail (Club)~~ Liquor Licenses.

6.30.020 Resort or Restaurant Liquor Licenses.

6.30.030 Bar & Grill Liquor Licenses. (Repealed Ord. __, 2019)

6.30.040 Microbrewery Permits, Authorization and Application. (Repealed Ord. __, 2019)

6.30.050 Satellite Winery Permits, Application. (Repealed Ord. __, 2019)

6.30.060 Satellite Manufacturer's Permits, Authorization and Application. (Repealed Ord. __, 2019)

6.30.010 Retail ~~or Limited Retail (Club)~~ Liquor Licenses.

~~Any person desiring a limited or retail liquor license under this title shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state of Wyoming, as and in accordance with the statutes of the state of Wyoming, in such case made and provided, and not otherwise. The amount or fee to be paid for such retail liquor license shall be, and is fixed at, the sum of one thousand five hundred (\$1,500.00) per year, and the amount or fee to paid for limited retail (club) liquor licenses shall be five hundred (\$500.00) per year, all such fees shall be payable in full in advance, and no such retail or limited retail (club) liquor license shall issue to the applicant until payment in full has been made.~~

A. Establishments holding a retail liquor license that 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.

A.B. Events for persons under 21

The holder of a retail liquor license may be issued a permit authorizing the holding of an event at which persons under the age of twenty-one (21) are permitted on the premises if:

1. Application is made with the Town Clerk and a fee of twenty-five (\$25.00) dollars is paid.
2. No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person attending the event.
3. No alcoholic liquor or malt beverages are accessible to persons attending the event.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 569 § 1, 1996. Ord. 504 § 7, 1995; Ord. 503 § 3, 1995; Ord. 90 § 3, 1965.)

~~B. Drive-in liquor stores.~~

~~A drive-in area adjacent or contiguous to the licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payments for alcoholic and/or malt beverages under the following conditions and safeguards:~~

- ~~1. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;~~
- ~~2. The area shall be well lighted and subject to inspection by the Town Council at any and all times;~~

- ~~3. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery, and payment;~~
- ~~4. No orders shall be received from or delivery made to a person under the age of twenty-one (21) or an obviously intoxicated person in the area;~~
- ~~5. No part of a sidewalk, highway, street, or alley shall be used for orders, sales, or deliveries;~~
- ~~6. Alcoholic and/or malt beverages shall be sold and delivered in the area only in the original, unopened package, and consumption of alcoholic and/or malt beverages in the drive-in area shall not be permitted.~~

~~It shall be the duty of the members of the Town Council and the agents and officers of the Town of Jackson to determine whether traffic conditions or the difficulty of checking sales and delivery or violations of safeguards should require a decision for bidding or restricting sales and delivery in any drive-in area, and if by resolution the right to use such drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee. (Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 90 § 10, 1965.)~~

~~C. Sales by drugstores.~~

~~All sales of alcoholic and/or malt liquor by drugstores holding a retail liquor license under the provisions of this title shall be sold only in the container received by the druggist in the original package and no such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore, and any such sale shall be made only by a licensed pharmacist or by a clerk over the age of nineteen (19) years. (Ord. 853 § 5, 2007; Ord. 90A § 2, 1973; Ord. 90 § 11, 1965.)~~

~~D. Sales by fraternal clubs.~~

~~Bona fide fraternal clubs with national organizations shall be licensed under a limited retail liquor license for which they shall pay a license fee of five hundred dollars (\$500.00) annually in advance, which license fee shall be paid to the Town treasury. A club holding such a license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises leased or owned by said club for the use of its members and guests. It shall be the duty and obligation of said club to so check and regulate sale to members and guests that any and all alcoholic or malt beverages sold by it shall be consumed on such licensed premises.~~

6.30.020 ~~Resort or~~ Restaurant Liquor Licenses.

- ~~A. Any person desiring a resort or restaurant liquor license under this title, as such licenses may be available from time to time pursuant to the applicable statutes of the state, shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state, as and in accordance with the said statutes of the state in such case made and provided and not otherwise. The fee for a resort or restaurant license shall be fifteen hundred dollars (\$1,500.00), which amount may be amended from time to time by resolution of the Town Council, provided that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state. All such fees shall be payable in full in advance and no such license shall be issued to the applicant until payment in full has been made. The~~

~~term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on March 31st of each year.~~

~~B. All applications for restaurant licenses shall be accompanied by a plan of operations setting forth in detail the areas proposed for service of alcoholic and malt beverages, plans for service of alcoholic and malt beverages and dispensing rooms.~~

~~CA. No A~~ restaurant liquor ~~L~~Licensee shall not promote the restaurant as a bar or lounge, nor shall the ~~L~~Licensee compete with a retail liquor ~~L~~Licensee in activities other than dining functions.

1. A Restaurant Liquor License does not allow:

- a. Providing liquor service at dances, receptions, or other social gatherings.
- b. Advertising as a bar or saloon in publications or signage.
- c. Having a separate name for any room or area that denotes the availability of alcoholic or malt beverages.
- d. Advertising special prices or promotions for sale of alcoholic beverages separate from meals, "happy hour", unless the special price or promotion includes a qualifying restaurant meal.
- e. Selling alcoholic or malt beverages to customers seated at a bar or counter unless they have been given a printed food menu.
- f. 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 restaurant meal.

~~2. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease.~~

~~D. The provisions of this section shall not apply to validly existing restaurant liquor licenses issued prior to May 1, 1989, unless application for relocation of the dispensing room shall have been made, in which event all of the requirements of this sections shall apply.~~

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 605 § 1, 1997; Ord. 388 § 1, 1989.)

6.30.030 Bar & Grill Liquor Licenses. Repealed.

~~A. The Town, upon application and after public hearing, may authorize the issuance of a Bar and Grill License to a restaurant pursuant to Section § 12-4-413(a) of Wyoming Statutes.~~

~~B. Any person desiring a Bar and Grill Liquor License shall file with the Town Clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a Bar and Grill License shall be fifteen hundred dollars (\$1,500.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming.~~

~~C. A Bar and Grill Liquor License shall not be sold, transferred or assigned by the holder.~~

~~D. Bar and Grill licensees shall not sell alcoholic or malt beverages for off-premises consumption.~~

~~E. Any Bar and Grill Liquor License issued shall be subject to the terms and conditions of Section § 12-4-413 of Wyoming Statutes, including § 12-4-408 and 12-4-410(c) as applicable to restaurant liquor licenses, and all other applicable state and local statutes and ordinances governing local licenses.~~

~~(Ord. , 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 828 § 1, 2006.)~~

6.30.040 Microbrewery Permits, Authorization and Application. Repealed.

~~Any person desiring a permit for the operation of a micro-brewery defined as a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifty (50,000) thousand barrels per year and not less than fifty (50) barrels per year in accordance with the requirements of Section § 12-4-412 of Wyoming Statutes, shall apply to the Town Clerk for the same on forms prepared by the Attorney General of the state as and in accordance with the applicable statutes of the state of Wyoming in such case made and provided and not otherwise. The amount of the fee to be paid for such micro-brewery permit shall be five hundred dollars (\$500.00) and the said amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state of Wyoming. All such fees shall be payable in full, in advance, and no such license shall issue to the applicant until payment in full has been made. The term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on March 31st of each year.~~

~~The permittee shall comply in all particulars with the applicable statutes of the State of Wyoming and the issuance of a permit by the Town shall entitle the permittee to:~~

- ~~(i.) Sell other malt beverages for on-premises consumption only when obtained through licensed wholesale malt beverage distributors;~~
- ~~(ii.) Sell its product on-site only, 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.~~

~~—The number of microbrewery permits available shall be limited in accordance with the provisions of Wyoming Statutes § 12-4-201(d). A dual microbrewery permit may be issued to an applicant in addition to and even though such applicant may be the holder of a retail liquor license, a restaurant license or a resort license, as provided by applicable statutes, without payment or assessment of an additional fee over and above that charged for the original retail, restaurant, or resort license.~~

~~(Ord. , 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 456 § 1, 1993.)~~

6.30.050 Satellite Winery Permits, Application. Repealed.

~~A. The Town, upon application and after public hearing, may authorize the issuance of a satellite winery permit to a holder of a winery permit pursuant to Section § 12-4-412(d) of Wyoming Statutes as such section may be amended from time to time. A satellite winery permit allows~~

~~a permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site.~~

~~B. Any person desiring a satellite winery permit shall file with the Town Clerk and application with the required supporting documentation and payment of the applicable fee. The fee for a satellite winery permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the state of Wyoming.~~

~~C. Any satellite winery permit issued shall be subject to the terms and conditions of Section § 12-4-412 of Wyoming Statutes and all other applicable state and local statutes and ordinances governing local licenses.~~

~~(Ord. , 2019; Ord. 853 § 5, 2007; Ord. 723 § 1, 2003.)~~

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

~~A. Pursuant to Section § 12-2-203(g) of Wyoming State Statutes as such section may be amended from time to time, the Town, upon application and after public hearing, may authorize the issuance of one (1) satellite manufacturer's permit to the holder of a Wyoming Liquor Division manufacturer's license and who is a federally licensed distiller or rectifier.~~

~~B. Any person desiring a satellite manufacturer's permit shall file with the Town Clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a satellite manufacturer's permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the Town Council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming.~~

~~C. Any satellite manufacturer's permit issued shall be subject to the terms and conditions of Section § 12-2-203 of Wyoming State Statutes and all other applicable state and local statutes and ordinances governing local liquor licenses.~~

~~(Ord. , 2019; Ord. 1185 § 1, 2017; Ord. 1069 § 1, 2014)~~

Chapter 6.40
RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS

Sections:

6.40.010 License: Transfer, Renewal. ~~(Repealed Ord. __, 2019)~~

6.40.020 License: Contents, Signing, Attestation and Display. ~~(Repealed Ord. __, 2019)~~

6.40.030 Hours of Sale: Unlawful Acts Designated.

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

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

6.40.055 Off-Premises Open Container.

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

6.40.010 License: Transfer, Renewal. ~~Repealed.~~

~~Upon the expiration of any license, the owner thereof shall have a preference right to a new license or renewal of license if such license may be granted under this title or the laws of the State of Wyoming. Except as above provided in Section 6.20.030 of this title, no liquor shall be dispensed in any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment, or execution. Retail, limited retail, and microbrewery licenses may be transferred or renewed on different premises on the same basis as the original application only after public hearing and with the approval of the Town Council. Restaurant, bar and grill, and resort licenses may not be transferred to a new location.~~

~~There shall be no refund of all or any part of any license fee. The fee for the transfer of a liquor license or permit shall be one hundred dollars (\$100.00).~~
~~(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 960 § 1, 2010; Ord. 853 § 6, 2007; Ord. 90 § 6, 1965.)~~

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

~~Each license issued by the Town shall be signed by the Mayor and attested by the Clerk. The following shall be shown in each license:~~

~~A. The name of the licensee;~~

~~B. A description of the place in which alcohol and/or malt beverages may be sold;~~

~~C. The date of issuance;~~

~~D. The amount of the fee and that the same has been paid;~~

~~E. Each licensee shall display the license in a conspicuous place in the licensed room.~~

~~(Ord. __, 2019; Ord. 853 § 6, 2007; Ord. 90 § 12, 1965.)~~

6.40.030 Hours of Sale: Unlawful Acts Designated.

~~A.~~ A. All persons licensed under this ~~title~~ except clubs holding a limited retail license 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.

~~A.B.~~ A.B. The Town Council may ~~meet in January of each year to~~ 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 establishment licensed under this Title, except clubs holding a limited retail license, to allow anyone other than an employee of the licensed establishment to be, or remain in the licensed room, or building, from and after thirty (30) minutes after the time designated by ordinance for closing of the dispensing room and ceasing the sale of both alcoholic and malt liquors. 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 ordinance for the closing of the dispensing room and the ceasing of sale of alcoholic and malt liquors.

~~B.D.~~ It is unlawful for any holder of a license or permit issued under the provisions of this Title or the statutes of the State of Wyoming, or his or its servants, agents or employees 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 Wyo. Stat. Ann. § 12-6-101, as amended.

(Ord. _____, 2019; Ord. 853 § 6, 2007; Ord. 544 § 1, 1996; Ord. 227 § 1--2, 1977; Ord. 90A § 1, 1973; Ord. 90 § 8, 1965.)

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 secured by a server may be served only 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.

(Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 90 § 9, 1965; Ord 516 § 1, 1995.)

6.40.050 Places for Consumption or Possession in Open Containers 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 dedicated ~~Town of Jackson~~ parks maintained by Jackson/Teton County Parks & Recreation, athletic fields, and the rodeo grounds.

~~A.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.

(Ord. _____, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 172 § 1, 1974.)

6.40.055 Off-Premises Open Container.

A. Retail liquor licensees selling alcoholic beverages that are not in the original package or are in reused original packages (sloshies, growlers and the like) for off-premise consumption shall seal the container in a fashion so that it is obvious as to whether the seal has been broken and so that it is not possible to consume any of the beverage as long as the seal is in place. The type of seal shall be at the discretion of the licensee.

B. Every liquor licensee selling alcoholic beverages in an open container shall post a sign visible to patrons stating “Alcoholic beverages shall remain secured and not accessed by Driver or Passengers while vehicle is in motion – W.S. §31-5-235.”

(Ord. __, 2019.)

6.40.060 ~~Overserving of Alcoholic Beverages; Minor, Habitual and Common Drunkards and Incompetents:~~ Restrictions.

A. It is 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.

B. ~~It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the State of Wyoming, or the servant or employee of such holder to sell, furnish, give or deliver or cause to be sold, furnished, given or delivered alcoholic or malt beverages to any habitual or common drunkard or to any disorderly or obviously intoxicated person; or for any person, firm or corporation or its agents, to sell alcoholic or malt beverages to any habitual or common drunkard or any incompetent person. In the case of habitual or common drunkards the licensee must be notified in writing, by the Chief of Police or his/her designee of such habitual or common drunkenness. For purposes of this section, “excessively obviously intoxicated” means intoxicated inebriated to the extent that a person’s mental and/or physical faculties are severely substantially impaired, and the impairment(s) would be obvious to a reasonable person, and the impairment is shown by any or all of the following: severe significantly uncoordinated physical action, or severe significant diminished mental capacity, or severe physical or mental dysfunction that would have been obvious to a reasonable person.~~

C. ~~It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the State of Wyoming, or his or its servants, agents or employees to permit any person under the age of twenty-one (21) years to enter or remain in an establishment that is primarily for off premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse, or legal guardian who is twenty-one (21) years of age or older.~~

1. ~~Exception: Minors may be allowed, if accompanied by a parent, spouse, or legal guardian who is twenty-one (21) years of age or older:~~

- a) ~~In a dining or waiting area not later than 10:00 p.m.;~~
- b) ~~In drugstores, in which intoxicating or malt liquors are sold or dispensed; or~~
- c) a) ~~In an establishment, or in a separate area designated within that establishment, that is primarily for off-premise sales of alcohol or malt beverages.~~

~~C.~~ ~~It is unlawful for any person to sell, furnish, give or cause to be sold, furnished or given any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient, or member of his own immediate family, unless otherwise excepted under W.S. 12-6-101(d) or (e), as amended.~~

C.D. Under Section 9.64.020 of the Jackson Municipal Code it is unlawful for any person under the age of twenty-one (21) years to have any alcoholic or malt beverage in his possession or to be under the influence of any intoxicating liquor or malt beverage, within the Town of Jackson, unless an exemption stated under Wyoming State Statute § 12-6-101 is applicable, which includes possession by a person under the age of twenty-one (21) years making the delivery of such alcoholic beverage pursuant to his employment.

D.E. 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 W.S. § 12-6-101 is applicable.

(Ord. , 2019; 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. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

Chapter 6.50
SPECIAL TWENTY-FOUR (24) HOUR PERMITS

Sections:

6.50.010 Catering Permits.

6.50.020 Malt Beverage Permits. (Repealed Ord. __, 2019)

6.50.010 Catering Permits.

~~A. A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the Town to any person or organization holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable, or desirable to be held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.~~

~~B. The permits authorized by this section shall be issued for one (1) twenty four (24) hour period, subject to the schedule of operating hours provided in Section 6.40.030 of this Code. No person or organization shall receive more than a total of thirty-six (36) catering permits for sales at the same premises in any one (1) year.~~

~~C. The catering permit shall be issued on application to the Town without public notice or hearing. An application for a catering permit shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located outside of the Town shall secure the written approval of the licensing authority of Teton County or other applicable jurisdiction, prior to filing an application for a permit.~~

~~D. The fee for the catering permit shall be twenty dollars (\$20.00) per each twenty four (24) hour period.~~

~~E.A. It is shall be the duty and obligation of the resort or retail liquor Licensee under which the catering permittee is acting holder to ensure compliance with all State and Town alcohol laws and regulations and any violations thereof shall be attributed to the resort or retail liquor Licensee. that no sales are made to any person under the age of twenty one (21) years.~~

~~(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 1118, §1, 2016; Ord. 853 §7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)~~

6.50.020 Malt Beverage Permits. Repealed.

~~A. A malt beverage permit may be issued to any responsible person or organization, qualified by W.S. 12-4-103 (a)(vii), for the sale of malt beverages only at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverages be sold or consumed off the premises authorized by the permit.~~

- ~~B. It shall be the duty and obligation of the permit holder to ensure that no sales are made to any person under the age of twenty one (21) years.~~
- ~~C. The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided in Section 6.40.030 of this Code. No person or organization shall receive more than a total of twelve (12) malt beverage permits for sales at the same premises in any one (1) 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 permit shall be issued by the Town Council without notice of application on forms prepared by the Town of Jackson. The fee for a malt beverage permit, shall be one hundred dollars (\$100.00) per twenty four (24) hour period.~~

(Ord. , 2019; 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 Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code~~if the governing body finds from evidence presented at the hearing required under Wyoming Statutes § 12-4-104, as amended, any of the conditions found under Wyoming Statutes § 12-4-104(b) or violations of subsection C of this section.~~
- B. ~~The holder of an expired annual license, or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyoming Statutes § 12-4-104(c), as amended. No other preference rights are authorized or recognized by the Town. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.~~
- C.B. The following ~~actions~~, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:
1. Failure of the licensee ~~holder~~ to comply with any provision(s) of state liquor law or this Title~~chapter~~;
 2. ~~Three (3) or more convictions by the license holder and its employees in any calendar year for sale of alcohol to underage persons;~~
 3. ~~2.~~ Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;
 4. ~~3.~~ A pattern ~~(i.e. three (3) or more in one (1) calendar year)~~ of failing to report incidents of illegal acts upon the licensee's ~~assault and battery, disorderly conduct, sexual assault, discharge of firearms, or any other illegal act upon the premises~~ which results in injury to persons or property, and which the licensee ~~holder~~ 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;
 5. ~~Conviction of any nonprocedural violation of state or local liquor laws.~~
 4. Failure to provide education materials to its employees on Wyoming liquor laws and the duties associated with the prevention of service of alcohol to minors. The business shall have the ability to provide this educational information in any format they wish.
 6. ~~5.~~ Failure of ~~Initial, consecutive, and/or cumulative compliance checks~~ failures. Should a business fail an initial, consecutive, or cumulative compliance check as outlined below and conducted by law enforcement pursuant to W.S. 12-6-103, as amended. for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;

- a. ~~On the first compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hours TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training approved by the Jackson Police Department or the Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.~~
 - b. ~~On the second consecutive compliance check failure or a second compliance check failure within a twelve (12) month period, the business shall be required to have all of its employees who serve alcohol attend a four (4) hours TIPS/RBST (approved by Jackson Police Department or Wyoming Liquor Division) training within forty-five (45) days of failing the compliance check.~~
6. The making of materially false statements on, or the submission of materially false documents in, the State of Wyoming and/or Town of Jackson liquor license application packet;
7. Failure to comply with the Plan of Operations set forth in the license application. ~~shall be grounds for non-renewal of the license by the Town Council.~~
- (Ord. , 2019; Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

6.60.020 Grounds for Suspension and/or Revocation.

- A. ~~Wyoming Statute § 12-7-103 authorizes the Town to suspend a liquor license or permit if the licensee has not paid sales taxes. The determination that a licensee has not paid sales taxes will be determined by the State Liquor Division, with the Wyoming Department of Revenue.~~
- B. ~~After receiving a certified order from the Liquor Division that a licensee or permittee owes sales taxes to the state, the Town Clerk will notify the licensee or permittee by certified mail if the Town intends to hold a hearing on whether the license or permit should be suspended.~~
- C. ~~The suspension hearing will be conducted under rules adopted by the Town. The Liquor Division's order of delinquency and all evidence presented at the Liquor Division's hearing will be admitted and considered prima facie evidence of licensee's or permittee's tax delinquency.~~
- D. ~~In the event a license or permit is suspended in accordance with this section, the holder of the license or permit may appeal the suspension in accordance with the provisions of Wyoming Statute § 12-7-103, as amended.~~
- E. ~~The suspension of the license or permit shall remain in effect until either the governing body lifts the suspension, a court of competent jurisdiction lifts the suspension, or the Town Clerk receives certified notice from the state that the sales tax liability has been satisfied.~~
- F. ~~When a liquor license holder has acted in violation of this chapter, the Town may take action pursuant to Wyoming Statute § 12-7-201, as amended, seeking suspension or revocation of the license or permit. Any revocation procedures of a license or permit will be in accordance with Wyoming Statute § 12-7-101 through § 12-7-201. Such action shall be in addition to~~

~~any other penalties which may accrue to the license holder for violation of Chapter 6.70 of this title.~~

A. The following actions, whether one (1) or more, shall be a basis for the Town Council to suspend a liquor license and/or for the Town Council to initiate revocation proceedings:

1. ~~In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or failures as outlined below may be cause for the initiation of suspension and/or revocation procedures. If a business fails a third~~ Failure by any licensee, or an agent or employee thereof, of three (3) consecutive or cumulative compliance checks in a twelve (12) month period. ~~the business shall be subject to suspension~~ The suspension must occur within the liquor license year and be for a minimum of one hundred twenty (120) days. ~~and shall be subject to revocation proceedings.~~
2. ~~If a business fails~~ Failure by any licensee, or an agent or employee thereof, of five (5) compliance checks in a twenty-four (24) month period. The suspension must occur within the liquor license year, ~~the business shall be subject to suspension and be~~ for a minimum of one hundred fifty (150) days. ~~and shall be subject to revocation proceedings.~~
3. A pattern of excessive drinking and/or disorderly conduct on the licensed premises. A "pattern" for purposes of this section is defined as three (3) or more police reports in any twelve (12) month period.
4. ~~It is unlawful for any person to knowingly submit false information or false facts submitted as true and correct in an application packet for any license, or permit authorized by this chapter. Each application submitted shall be affirmed as being true and correct to the best of the applicant's knowledge.~~
 1. ~~If, in the opinion of the Town Attorney, a licensee or permittee has violated subsection (A) above, the Town Attorney may request the governing body to take action pursuant to Wyoming Statute § 12-7-101, § 12-7-102 or § 12-7-201 to suspend or revoke the applicable license or permit.~~
5. Three (3) or more substantiated violations with any provision(s) of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code in any twelve (12) month period.
6. Any substantiated incident of noncompliance with any provision of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code, until the licensee comes back into compliance with the provision.

~~G.B.~~ In the event a suspension occurs:

1. The Town Clerk shall send by certified mail one copy of each of the suspension notices to the last known address of the license of permit holder and to the Director of the Wyoming Liquor Division of the State of Wyoming;
2. The Town Clerk shall post one (1) copy of the suspension notice on the licensed or permitted premises;
3. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful; and,
4. The licensee or permittee 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 his/her designee.

(~~Ord. __, 2019;~~ Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

Chapter 6.70 VIOLATIONS

Sections:

6.70.010 Violations. (~~Repealed Ord. __, 2019~~)

6.70.010 Violations. ~~Repealed~~

~~A. The governing body shall not issue a license or permit to any person or organization violating this title.~~

~~B. Excessive drinking of alcoholic liquor and malt beverages in any place licensed under this title shall not be permitted by the licensee.~~

(~~Ord. __, 2019~~; Ord. 853 § 9, 2007.)

Chapter 6.90
PENALTY FOR VIOLATIONS

Sections:

6.90.010 General Penalty for Violations.

6.90.020 Compliance Check Failures.

6.90.010 General Penalty for Violations

- A. Any person who violates any provisions of this title for which violation no specific penalty is provided is guilty of a misdemeanor and upon conviction thereof shall be punished according to Section 1.12.010 of this code.
- B. The provisions of this Chapter are cumulative and shall not be construed as preventing the Town of Jackson or the Wyoming Liquor Division from suspending or revoking a liquor license in any case authorized by law.

6.90.020 Compliance Check Failures

- A. On the first compliance check failure, the licensee is required to have the employee failing the compliance check attend alcohol beverage server training as approved by the Jackson Police Department or the Wyoming Liquor Division, within thirty (30) calendar days of the failed compliance check, and thereafter must provide the Jackson Police Department with proof of compliance.
- B. On a second consecutive compliance check failure, or a second compliance check failure within a twelve (12) month period, the licensee is required to do the following within the associated time limits:
 - 1. Within two (2) calendar days of the failed compliance check, provide the Jackson Police Department with the names of all employees who serve alcoholic beverages; and
 - 2. Within forty-five (45) calendar days of the failed compliance check, ensure all the employees, in accordance with Sec. 6.90.020(B)(1), attend an alcohol beverage server training as approved by the Jackson Police Department or the Wyoming Liquor Division; and
 - 3. Within one (1) week of completion of the alcohol beverage server training, provide the Jackson Police Department with proof of compliance for each employee, in accordance with Sec. 6.90.020(B)(1).

(Ord. __, 2019; Ord. 853 § 10, 2007; Ord. 90 § 14, 1965.)

Title 6 Liquor Licenses and Permits

Chapters:

- 6.10 DEFINITIONS**
- 6.20 APPLICATION FOR LICENSES AND PERMITS**
- 6.30 ANNUAL LICENSES AND PERMITS**
- 6.40 RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS**
- 6.50 SPECIAL TWENTY-FOUR (24) HOUR PERMITS**
- 6.60 SUSPENSION AND REVOCATION OF LICENSES AND PERMITS**
- 6.70 VIOLATIONS (Repealed Ord. ,2019).**
- 6.90 PENALTY FOR VIOLATIONS**

Chapter 6.10
DEFINITIONS

Sections:

6.10.010 Definitions.

6.10.010 Definitions.

As used in this Title:

- A. **"Hotel"** means a suitable building kept, used, maintained, advertised, and 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.
- B. **"Licensee"** means a person holding any permit or license in accordance with this Title or Title 12 of the Wyoming State Statutes, as amended.
- C. **"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-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. __, 2019; 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:

6.20.025 State Laws Applicable.

6.20.050 Application Form and Fees.

6.20.010 Affidavit and of Authorization and Understanding.

6.20.012 Plan of Operations, All Licenses and Permits.

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

6.20.020 Notice publication--Protests. (Repealed Ord. __, 2019)

6.30.030 Term - Exception. (Repealed Ord. __, 2019)

6.20.025 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, *et seq.*, and are adopted by reference and amendments thereto 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.

6.20.050 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 statutes 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 Title 12 of the Wyoming State Statutes, as amended.
- C. The fee paid annually for each license is as follows, said fees may be amended from time to time by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming, and no application will be processed, nor any license issued, until payment in full has been made:
 - 1. Retail Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 2. Limited Retail (Club) Liquor License: The fee is five hundred dollars (\$500.00).
 - 3. Resort Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 4. Restaurant Liquor License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 5. Bar and Grill License: The fee is one thousand and five hundred dollars (\$1,500.00).
 - 6. Microbrewery Permit: The fee is five hundred dollars (\$500.00).
 - 7. Winery Permit: The fee is five hundred dollars (\$500.00).
 - 8. Satellite Winery Permit: The fee is one hundred dollars (\$100.00).
- D. The fee to be paid for each twenty-four (24) hour permit is as follows, which fees may be amended from time to time by ordinance of the Town Council; however, in no case shall

the sum be greater than the amount authorized by applicable statutes of the State of Wyoming, and no permit will be issued until payment in full has been made:

1. Catering Permit: The fee is twenty dollars (\$20.00).
2. Malt Beverage Permit: The fee is one hundred dollars (\$100.00).

(Ord. __, 2019)

6.20.010 Affidavit of Authorization and Understanding.

- A. All persons filing applications for new licenses and permits, renewals or for transfer of ownership, unless otherwise noted in this title, shall submit a signed Affidavit of Authorization form as provided by the Town Clerk, which includes the applicant's full legal name, signature, social security number, driver's license number, and date of birth to assist with application processing by the Town Clerk and Chief of Police. By signing the Affidavit of Authorization and Understanding, all persons filing applications agree to a background check conducted by the Chief of Police or their designee.
- 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.
- D. Procedures for reviewing applications will be established by the Town Clerk, Chief of Police and Risk Manager.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 969 § 1, 2010; Ord. 853 § 4, 2007)

6.20.012 Plan of Operations, All Licenses and Permits.

- A. All new and transfer applications must include a Plan of Operations that at minimum sets forth in detail:
 1. The areas proposed for service of alcoholic and malt beverages;
 2. The plans for outdoor service of food and alcoholic and malt beverages; and
 3. The Restaurant Liquor Licensee's dispensing room(s) operations.
- B. Licensees must provide the Town Clerk a revised Plan of Operations anytime a Licensee changes the Plan of Operations (whether the original or a revised Plan) on file with the Town.

(Ord. __, 2019)

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. __, 2019; 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. __, 2019)

6.30.040 Microbrewery Permits, Authorization and Application. (Repealed Ord. __, 2019)

6.30.050 Satellite Winery Permits, Application. (Repealed Ord. __, 2019)

6.30.060 Satellite Manufacturer's Permits, Authorization and Application. (Repealed Ord. __, 2019)

6.30.010 Retail Liquor Licenses.

- A. Establishments holding a retail liquor license that 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.

B. Events for persons under 21

The holder of a retail liquor license may be issued a permit authorizing the holding of an event at which persons under the age of twenty-one (21) are permitted on the premises if:

1. Application is made with the Town Clerk and a fee of twenty-five (\$25.00) dollars is paid.
2. No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person attending the event.
3. No alcoholic liquor or malt beverages are accessible to persons attending the event.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 569 § 1, 1996. Ord. 504 § 7, 1995; Ord. 503 § 3, 1995; Ord. 90 § 3, 1965.)

6.30.020 Restaurant Liquor Licenses.

- A. No restaurant liquor Licensee shall promote the restaurant as a bar or lounge, nor shall the Licensee compete with a retail liquor Licensee in activities other than dining functions.

1. A Restaurant Liquor License does not allow:

- a. Providing liquor service at dances, receptions, or other social gatherings.
- b. Advertising as a bar or saloon in publications or signage.
- c. Having a separate name for any room or area that denotes the availability of alcoholic or malt beverages.
- d. Advertising special prices or promotions for sale of alcoholic beverages separate from meals, "happy hour", unless the special price or promotion includes a qualifying restaurant meal.
- e. Selling alcoholic or malt beverages to customers seated at a bar or counter unless they have been given a printed food menu.

- f. 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 restaurant meal.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 605 § 1, 1997; Ord. 388 § 1, 1989.)

6.30.030 Bar & Grill Liquor Licenses. Repealed.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 828 § 1, 2006.)

6.30.040 Microbrewery Permits, Authorization and Application. Repealed.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 5, 2007; Ord. 456 § 1, 1993.)

6.30.050 Satellite Winery Permits, Application. Repealed.

(Ord. __, 2019; Ord. 853 § 5, 2007; Ord. 723 § 1, 2003.)

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

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 1069 § 1, 2014)

Chapter 6.40

RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS

Sections:

6.40.010 License: Transfer, Renewal. (Repealed Ord. __, 2019)

6.40.020 License: Contents, Signing, Attestation and Display. (Repealed Ord. __, 2019)

6.40.030 Hours of Sale: Unlawful Acts Designated.

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

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

6.40.055 Off-Premises Open Container.

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

6.40.010 License: Transfer, Renewal. Repealed.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 960 § 1, 2010; Ord. 853 § 6, 2007; Ord. 90 § 6, 1965.)

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

(Ord. __, 2019; Ord. 853 § 6, 2007; Ord. 90 § 12, 1965.)

6.40.030 Hours of Sale: Unlawful Acts Designated.

- A. All persons licensed under this Title except clubs holding a limited retail license 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 establishment licensed under this Title, except clubs holding a limited retail license, to allow anyone other than an employee of the licensed establishment to be, or remain in the licensed room, or building, from and after thirty (30) minutes after the time designated by ordinance for closing of the dispensing room and ceasing the sale of both alcoholic and malt liquors. 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 ordinance for the closing of the dispensing room and the ceasing of sale of alcoholic and malt liquors.
 - D. It is unlawful for any holder of a license or permit issued under the provisions of this Title or the statutes of the State of Wyoming, or his or its servants, agents or employees 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 Wyo. Stat. Ann. § 12-6-101, as amended.
- (Ord. __, 2019; Ord. 853 § 6, 2007; Ord. 544 § 1, 1996; Ord. 227 § 1--2, 1977; Ord. 90A § 1, 1973; Ord. 90 § 8, 1965.)

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 secured by a server may be served only 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.

(Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 90 § 9, 1965; Ord 516 § 1, 1995.)

6.40.050 Places for Consumption or Possession in Open Containers 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 dedicated 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.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 853 § 6, 2007; Ord. 172 § 1, 1974.)

6.40.055 Off-Premises Open Container.

- A. Retail liquor licensees selling alcoholic beverages that are not in the original package or are in reused original packages (sloshies, growlers and the like) for off-premise consumption shall seal the container in a fashion so that it is obvious as to whether the seal has been broken and so that it is not possible to consume any of the beverage as long as the seal is in place. The type of seal shall be at the discretion of the licensee.
- B. Every liquor licensee selling alcoholic beverages in an open container shall post a sign visible to patrons stating “Alcoholic beverages shall remain secured and not accessed by Driver or Passengers while vehicle is in motion – W.S. §31-5-235.”

(Ord. __, 2019.)

6.40.060 Overserving of Alcoholic Beverages; Restrictions.

- A. It is 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.

- B. 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.
- C. Under Section 9.64.020 of the Jackson Municipal Code it is unlawful for any person under the age of twenty-one (21) years to have any alcoholic or malt beverage in his possession or to be under the influence of any intoxicating liquor or malt beverage, within the Town of Jackson, unless an exemption stated under Wyoming State Statute § 12-6-101 is applicable, which includes possession by a person under the age of twenty-one (21) years making the delivery of such alcoholic beverage pursuant to his employment.
- D. 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 W.S. § 12-6-101 is applicable.
(Ord. __, 2019; 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. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

Chapter 6.50

SPECIAL TWENTY-FOUR (24) HOUR PERMITS

Sections:

6.50.010 Catering Permits.

6.50.020 Malt Beverage Permits. (Repealed Ord. __, 2019)

6.50.010 Catering Permits.

A. 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 and any violations thereof shall be attributed to the resort or retail liquor Licensee.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 1118, §1, 2016; Ord. 853 §7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)

6.50.020 Malt Beverage Permits. Repealed.

(Ord. __, 2019; 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 Title 12 of the Wyoming State Statutes, as amended, 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(s) of state liquor law or this Title;
 - 2. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;
 - 3. A pattern of failing to report incidents of illegal acts upon the licensee's premises which result 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 to provide education materials to its employees on Wyoming liquor laws and the duties associated with the prevention of service of alcohol to minors. The business shall have the ability to provide this educational information in any format they wish.
 - 5. Failure of initial, consecutive, and/or cumulative compliance checks conducted by law enforcement pursuant to W.S. 12-6-103, as amended.
 - 6. The making of materially false statements on, or the submission of materially false documents in, the State of Wyoming and/or Town of Jackson liquor license application packet;
 - 7. Failure to comply with the Plan of Operations set forth in the license application.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

6.60.020 Grounds for Suspension and/or Revocation.

- A. The following actions, whether one (1) or more, shall be a basis for the Town Council to suspend a liquor license and/or for the Town Council to initiate revocation proceedings:
 - 1. Failure by any licensee, or an agent or employee thereof, of three (3) consecutive or cumulative compliance checks in a twelve (12) month period. The suspension

must occur within the liquor license year and be for a minimum of one hundred twenty (120) days.

2. Failure by any licensee, or an agent or employee thereof, of five (5) compliance checks in a twenty-four (24) month period. The suspension must occur within the liquor license year and be for a minimum of one hundred fifty (150) days.
3. A pattern of excessive drinking and/or disorderly conduct on the licensed premises. A “pattern” for purposes of this section is defined as three (3) or more police reports in any twelve (12) month period.
4. False information or false facts submitted as true and correct in an application packet for any license..
5. Three (3) or more substantiated violations with any provision(s) of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code in any twelve (12) month period.
6. Any substantiated incident of noncompliance with any provision of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code, until the licensee comes back into compliance with the provision.

B. In the event a suspension occurs:

1. The Town Clerk shall send by certified mail one copy of each of the suspension notices to the last known address of the license of permit holder and to the Director of the Wyoming Liquor Division of the State of Wyoming;
2. The Town Clerk shall post one (1) copy of the suspension notice on the licensed or permitted premises;
3. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful; and,
4. The licensee or permittee 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 his/her designee.

(Ord. __, 2019; Ord. 1185 § 1, 2017; Ord. 1173 § 1, 2017; Ord. 853 § 8, 2007.)

Chapter 6.70
VIOLATIONS

Sections:

6.70.010 Violations. (Repealed Ord. __, 2019)

6.70.010 Violations. Repealed
(Ord. __, 2019; Ord. 853 § 9, 2007.)

Chapter 6.90
PENALTY FOR VIOLATIONS

Sections:

6.90.010 General Penalty for Violations.

6.90.020 Compliance Check Failures.

6.90.010 General Penalty for Violations

- A. Any person who violates any provisions of this title for which violation no specific penalty is provided is guilty of a misdemeanor and upon conviction thereof shall be punished according to Section 1.12.010 of this code.
- B. The provisions of this Chapter are cumulative and shall not be construed as preventing the Town of Jackson or the Wyoming Liquor Division from suspending or revoking a liquor license in any case authorized by law.

6.90.020 Compliance Check Failures

- A. On the first compliance check failure, the licensee is required to have the employee failing the compliance check attend alcohol beverage server training as approved by the Jackson Police Department or the Wyoming Liquor Division, within thirty (30) calendar days of the failed compliance check, and thereafter must provide the Jackson Police Department with proof of compliance.
- B. On a second consecutive compliance check failure, or a second compliance check failure within a twelve (12) month period, the licensee is required to do the following within the associated time limits:
 - 1. Within two (2) calendar days of the failed compliance check, provide the Jackson Police Department with the names of all employees who serve alcoholic beverages; and
 - 2. Within forty-five (45) calendar days of the failed compliance check, ensure all the employees, in accordance with Sec. 6.90.020(B)(1), attend an alcohol beverage server training as approved by the Jackson Police Department or the Wyoming Liquor Division; and
 - 3. Within one (1) week of completion of the alcohol beverage server training, provide the Jackson Police Department with proof of compliance for each employee, in accordance with Sec. 6.90.020(B)(1).

(Ord. __, 2019; Ord. 853 § 10, 2007; Ord. 90 § 14, 1965.)