

	CITY OF LANDER		
	CITY COUNCIL WORK SESSION MEETING		
	Tuesday, January 23, 2024 at 6:00 PM		
	City Council Chambers, 240 Lincoln Street		
	AGENDA		

Join Zoom Meeting
<https://us06web.zoom.us/j/88630693213?pwd=5uRrbRTvcMd9eBHjHQRNlsB5JacW62.1>
Meeting ID: 886 3069 3213
Passcode: 536633

- 1. MAYOR AND COUNCIL UPDATES**
- 2. STAFF REPORTS**
- 3. NEW BUSINESS (NON-ACTION ITEMS)**
 - A. Bryan Brown, Summit West C.P.A. Group PC, 2022-2023 city audit presentation
 - B. Chief Peters's annual Police Department update
 - C. Discussion concerning tabled Ordinance 2024-2
- 4. OLD BUSINESS (NON-ACTION ITEMS)**
 - A. Discussion concerning ordinance updates to liquor licenses and staff bonding
- 5. ADJOURNMENT**

Upcoming Council Meetings:
Regular Meeting:
6:00 PM Tuesday, February 13, 2024, City Council Chambers
6:00 PM Tuesday, March 12, 2024, City Council Chambers
Work Sessions:
6:00 PM Tuesday, February 20, 2024, City Council Chambers
6:00 PM Tuesday, February 27, 2024, City Council Chambers
6:00 PM Tuesday, March 26, 2024, City Council Chambers
All meetings are subject to cancellation or change.

2023 Department Statistic Comparison

<u>Traffic Stops:</u>	2023- 3,206	<u>Citations:</u>	2023- 1,864	<u>Warnings:</u>	2023- 2,381
	2022- 2,817		2022- 1,785		2022- 1,032
	2021- 2,272		2021- 1,686		2021- 1,119
	2020- 1,955		2020- 1,468		2020- 487

<u>Calls:</u>	2023- 4,526	<u>Parking:</u>	2023- 276	<u>DUI:</u>	2023- 79
	2022- 4,739		2022- 327		2022- 66
	2021- 4,462		2021- 157		2021- 76
	2020- 4,649				2020- 64
	2019- 5,042				2019- 84

<u>Warrants:</u>	2023- 140	<u>Animal Calls:</u>	2023- 440	<u>Code / Parking:</u>	2023- 104
	2022- 235		2022- 464		2022- 123
	2021- 157		2021- 416		2021- 107

<u>Vin Checks:</u>	2023- 640	<u>Part One Crimes:</u>	2023- 218 (199 Theft) = 19
	2022- 646		2022- 232 (205 Theft) = 27
	2021- 650		2021- 235 (200 Theft) = 35

<u>Domestics:</u>	2023- 30	<u>Family Fights:</u>	2023- 50	<u>Crashes:</u>	2023- 249
	2022- 39		2022- 60		2022- 239
	2021- 45		2021- 40		2021- 214

<u>Custodial Arrests:</u>	2023- 438	<u>Public Intox:</u>	2023- 139	<u>Fatal Crashes:</u>	2023- 0
	2022- 444		2022- 159		2022- 1
	2021- 339		2021- 162		2021- 0

<u>Arrests:</u> 2023- 529	<u>Use of Force:</u> 2023- 17 (.0012)
2022- 589	2022- 10 (.001%)
2021- 515	2021- 21 (.002%)
2000- 479	

<u>Total Activity (Calls + SIA):</u> 2023- 13,461	<u>Self-Initiated Activity:</u> 2023- 8,935
2022- 11,337	2022- 6,598
2021- 9,269	2021- 4,807

Training Hours: 2023: 1,524
2022: 1,521
2021: 708

Code Enforcement Activity:

<u>Calls:</u> 2023: 553	<u>Violation Notices:</u> 2023- 508
2022: 587	2022- 525
2021: 523	2021- 276

Trailer Parking Violation Notices: 2023: 226
2022: 232

Vehicle Parking Violation Notices: 2023: 194
2022: 217

Grass / Lawn & Snow Violations: 2023: 88
2022: 76

2023- 96% Compliance rate / 1'st Notice.

2022- 98% Compliance rate / 1'st Notice.

Detective Division:

<u>Felony Cases:</u>	2023- 60	<u>Clearance Rate:</u>	2023- 85%
	2022- 61		2022- 87%
	2021- 41		2021- 88%

ORDINANCE 2024-2

**AN ORDINANCE REZONING A LOT IN THE 400 BLOCK OF WASHAKIE STREET
BEING Block 10, Lots 3&4, Riverside Addition, Original Town of Lander,
from R-5 Multi-Family Residential District to C – Commercial**

WHEREAS, there has been a request to rezone a parcel of property which is described as follows:

Block 10, Lots 3&4, Riverside Addition, Original Town of Lander, City of Lander, Fremont County Wyoming, better known as 431 Washakie Street, and

WHEREAS, Section 4-7-2 of the City Municipal Code authorizes the City of Lander Planning Commission *“To hear and make recommendations to the City Council on rezoning applications insuring that the application is consistent with the adopted Master Plan.”*

WHEREAS, the planning commission reviewed the rezoning request on October 19, 2023, at a public hearing and the motion to recommended approval of the rezoning failed in a 5-1 vote; and

WHEREAS, the Governing Body of the City of Lander, Wyoming has conducted a public hearing on the first reading of this ordinance January 9, 2024, in accordance with City Code Section 4-8-5 on the requested changes to the zoning map as described herein; and,

NOW THEREFORE, BE IT ORDAINED that the Governing Body of the City of Lander, Wyoming approves the requested rezoning for property legally described above from R-5 Multi-Family Residential District to C-Commercial District.

BE IT FURTHER ORDAINED, that the approval of the request and the zone change takes effect immediately and be reflected on the City of Lander District Zoning Map.

This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING January 9, 2024

PASSED ON SECOND READING _____

PASSED ON THIRD READING _____

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the _____ day of _____, 2024.

THE CITY OF LANDER
A Municipal Corporation

By _____
Monte Richardson, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
) ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on following passage, adoption and approval of Ordinance 2024-2, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Wyoming State Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____, 2024.

Rachelle Fontaine, City Clerk



**CITY OF LANDER
ORDINANCE 2021-1**

**AN ORDINANCE AMENDING SECTION 2-2-16 RESTAURANT LIQUOR
LICENSEES**

NOW THEREFORE, be it ordained by the Council of City of Lander, in the State of Wyoming, as follows:

SECTION 1: AMENDMENT “2-2-16 Restaurant Liquor Licensees” of the City of Lander Municipal Code is hereby *amended* as follows:

AMENDMENT

2-2-16 Restaurant Liquor Licensees

- A. Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.
- B. Alcoholic and malt beverages shall be dispensed and prepared for consumption in an area upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic and malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing area.
- C. No restaurant liquor licensee shall serve alcoholic or malt beverages after food sales and services have ceased.
- D. All Restaurant Liquor Licensee’s shall comply with any and all applicable state, federal, and municipal liquor laws.

EFFECTIVE DATE This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING 3/09/2021

PASSED ON SECOND READING 04/13/2021

PASSED ON THIRD READING 05/11/2021

PASSED AND ADOPTED BY THE CITY OF LANDER COUNCIL MAY 11, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Missy White	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Dan Hahn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
John Larsen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Chris Hulme	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Julia Stuble	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Melinda Cox	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Monte Richardson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Monte Richardson, Mayor, City of Lander



Tami E. Hitshew, City Clerk City of Lander



ORDINANCE 1206

**AN ORDINANCE AMENDING TITLE 12
CITY ADMINISTRATIVE PROVISIONS**

NOW THEREFORE, be it ordained by the Governing Body of the City of Lander, Fremont County, Wyoming:

**TITLE 12
CITY ADMINISTRATIVE PROVISIONS**

Section

- 12-1-1 Corporate Limits**
- 12-1-2 Wards and Council Members**
- 12-1-3 Council Meetings**
- 12-1-4 Special Meetings**
- 12-1-5 Council Procedure**
- 12-2-1 Appointments**
- 12-2-2 Removal of Personnel**
- 12-2-3 Appointive Offices**
- 12-2-4 Subordinate Offices**
- 12-2-5 Compensation of Officers**
- 12-2-6 Department Regulations**
- 12-2-7 Municipal Judge**
- 12-2-8 Building Inspector**
- 12-2-9 Mt. Hope Cemetery**
- 12-3-1 Planning Commission**
- 12-3-2 Airport Board**
- 12-3-3 Parks & Recreation Board**
- 12-3-4 Special Commissions**
- 12-4-1 Economic Development Commission; Establishment**
- 12-4-2 Same; Duties and Responsibilities**
- 12-4-3 Same; Appointment and Term**
- 12-4-4 Same; Compensation**
- 12-5-1 Vacancies in the Office of Mayor**
- 12-5-2 Members - Vacancies - Procedures for Filling**
- 12-6-1 Creation and Establishment of a Urban Forest Council**
- 12-6-2 Same; Duties and Responsibilities**
- 12-7-1 Drug Free Workplace**
- 12-8-1 Americans with Disabilities Coordinator**

12-1-1. Corporate Limits. - An official map showing the corporate limits, zoned areas, and other specially designed areas of the City shall be maintained by the City Administration and shall be available for public inspection in the office of the City Clerk, together with legal descriptions for all boundary lines thereon.

12-1-2. Wards and Council Members. - The City shall be divided into three wards and two council members shall be elected from each ward. Council members shall be qualified electors of the ward they represent. Ward boundaries will be adjusted after each census and approved by the City Council.

12-1-3 Council Meetings. - Regular meetings of the City Council of the City of Lander may be held on the second Tuesday of each month at 7:00 p.m. at the City Hall. Work sessions of the City Council may be held on the fourth Tuesday of the month at 7:00 p.m. at the City Hall. Public Hearings will be held at 6:30 p.m. or as determined by the City Administration and properly published in accordance with Wyoming State Statutes. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. A regular

meeting, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice.

12-1-4. Special Meetings. - The Presiding Officer or four Council Members may call special meetings in accordance with W.S. 15-1-105 and 16-4-404 . Actual notice or constructive notice provided in Section 1-1-5 shall constitute sufficient notice under this section. The necessity of any notice may be waived by the presence and consent of every Council Member. Review Wy Statutes

12-1-5. Council Procedures. - Upon the request of any Council Member, Council procedure shall be conducted in accordance with Review Wy Statutes rules for the conduct of its proceedings as journaled by the City Administration.

12-2-1. Appointments. - Unless otherwise provided, all appointive offices shall be filled by the Mayor with the advice and consent of the Council.

12-2-2. Removal of Appointees. - The Mayor may remove or discharge any appointee, for incompetency, neglect, or, with the consent of the Council, for other cause in accordance with W.S. 15-3-204.

12-2-3. Appointive Offices – The following appointive offices are created in accordance with W.S. 15-3-204: Chief of Police, City Clerk, City Treasurer, City Attorney, Municipal Court Judge, Superintendent of Public Works, Assistant Mayor, City Engineer and Fire Chief terms for which shall coincide with the regular Mayor’s term; however, all officers shall remain in office until their replacements have qualified.

12-2-4. Subordinate Offices. - Subject to the approval of the Council, the Mayor may create offices subordinate to the appointive offices listed in Section 12-2-3. The Mayor may delegate appointment of subordinate officers to the appointive officers, provided that the subordinate officer shall in any case be approved by the Council.

12-2-5. Compensation of Officers and Employees. -

- (a) The Mayor’s annual salary is \$21,000 a year. The Mayor is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines
- (b) Each Council Member shall receive \$75.00 for actual attendance at each regular or special meeting of the City Council and at each meeting of committees that the Council Member shall attend. Each Council Member is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines.
- (c) The salaries of all other officers and employees shall be as shown on a step-grade scale as filed with the City Clerk.
- (d) Compensation for each Fireman for regular and special meetings each fireman attends shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. The yearly salary of each officer of the Lander Volunteer Fire Department shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander.

12-2-6. Department Regulations. -

(a) The Mayor, subject to the approval of the Council, may establish regulations and policies concerning all City personnel.

(b) Subject to the approval of the Mayor and Council, each appointive officer may establish regulations for the operation of his office or department, including

the procedural requirements, priority schedules, and whatever standards or rules are necessary to the proper and efficient functioning of his office.

(c) All Departmental regulations and procedures shall be filed with the City Clerk and must comply with the City of Lander Personnel Rules and Managerial Guidelines.

12-2-7. Municipal Judge. - The Municipal Judge shall give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties.

12-2-8. Building Inspector. -

(a) The City may employ a Building Inspector and so many Deputy Building Inspectors as the Governing Body shall deem appropriate.

(b) The Building Inspector, or his designee, may, in addition to any other person authorized by law:

- (i) investigate, enforce and sign complaints concerning any violation of Titles 3, 4, 5, 9, 11 and 13 of the Ordinance of the City of Lander;
- (ii) serve any notices, orders or documents, relevant to such enforcement action.

12-2-9. Mt. Hope Cemetery. - Mt. Hope Cemetery will operate in accordance with W.S. 35-8-201 through 35-8-211. Cemetery rules and procedures shall be filed with the City Clerk.

12-3-1. Planning Commission. -

- (a) A Planning Commission for the City of Lander is established in accordance with Section WS 15-1-502. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.
- (b) The commission shall promulgate and publish rules and regulations on file with the City Clerk for the health, welfare, and safety of persons making use thereof.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.

12-3-2. Airport Board. -

- (a) The term of the appointive members of the Airport Board shall be 5 years.
- (b) The Board shall exercise general supervision of the Lander Airport, subject to the direction of the City Council. The airport **board** shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-3-3. Parks & Recreation Board. -

- (a) A Parks and Recreation Board for the City of Lander is established to consist of nine board members who shall be residents of Lander. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.

- (b) The board shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the City of Lander recreation facilities and functions.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.
- (d) The duties of the board will be to review all related activities, programs, select committees and other functions whose operations are conducted in whole or in part by the City Recreation personnel and share their findings with the Public Works Director and/or a designated administrator of the City Administration.

12-3-4. Special Commissions. - The Council may authorize the creation of special commissions by resolution. Commissioners shall be appointed by the Mayor, with the advice and consent of the Council.

12-4-1. Economic Development Commission; Established. - Pursuant to the general powers conferred under Wyoming Statutes Section 15-1-103(a)(xli) and other applicable statutory authority, there is hereby created and established a commission, consisting of a minimum of seven (7) and a maximum of nine (9) commissioners. The Mayor and Council may approve by resolution the assignment of the Economic Development Commission duties and responsibilities to an established Economic Development Organization or include in City Staff job descriptions.

12-4-2 Duties and Responsibilities - The Economic Development Commission will assist and report to the governing body in determining and implementing plans for the beneficial diversification of Lander area economy. The commission shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-4-3. Same; Appointment and Term. - Each commissioner shall be appointed by the Mayor upon the advice and consent of the City Council, which appointment shall be for a term of four years. Vacancies shall be filled after appointment by the Mayor with the advice and consent of the governing body for the unexpired term of any member. Members of the Commission may be removed from office by the governing body for cause, upon written charges and after public hearing.

12-4-4. Same; Compensation. - No commissioner shall be entitled to receive any pay or supplementary benefit for his or her service of office, either directly or indirectly, provided, however, actual authorized expenses incurred by any commissioner in the performance of his or her duties as such shall be paid by the City of Lander.

12-5-1. Vacancies in the Office of Mayor. -

Any vacancy in the office of Mayor shall be filled only from the governing body by a majority vote of all council members. An abstention shall be considered a no vote. WS 15-1-107.

12-5-2. Members - Vacancies - Procedure of Filing. -

(a) Any vacancy on the Lander City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter *WS 15-1-107*

(b) A councilmember or mayor shall be deemed a non-resident, and a vacancy therefore to exist, when he or she shall have failed to occupy a fixed, permanent and customary place of habitation, within the boundaries of the municipality.

(c) A resignation shall be deemed effective and a vacancy to have occurred as follows:

- (1) A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the City Clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.
- (2) The City clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.
- (3) The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.
- (4) The resignation, unless withdrawn as stated in subdivision 3 of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

(i) The refusal of the mayor or a councilmember to take the oath of office, as required by law; at the time and place, and before the person designated, shall constitute a failure to take the oath as required and a vacancy shall be deemed to exist at such time.

(j) The city council shall cause public notice to be given of its intention to solicit applications to fill any vacancy on the city council. The notice shall be published in a local newspaper of general circulation on two consecutive weeks. The letter of interest shall be submitted establishing applicant's legal qualifications to hold office.

(k) The council shall specify a time period for submitting applications and the council shall then review applications received and may conduct any further review of candidates deemed necessary and, by a majority vote of all council members, shall appoint a temporary successor.

12-6-1 Creation and Establishment of a City Urban Forest Council (Tree Board) – There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council. The Tree Board will be responsible for the care of all trees on the City owned property including the study, investigation, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

12-6-2 Duties and Responsibilities – The Tree Board shall promulgate and publish rules and regulations on file with the City Clerk to insure operations consistent with Tree City USA requirements.

12-7-1. – Drug Free Workplace - The Drug Free workplace as defined in the City of Lander Personnel Policy and Managerial Guidelines shall be strictly enforced to protect the City of Lander's status as a responsible source for the award of Federal contracts and grants.

12-8-1 - Americans with Disabilities Coordinator

(a) The city shall appoint an employee as an Americans with Disabilities Coordinator and any Deputy Americans with Disabilities Coordinator as deemed appropriate.

This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING August 9, 2016

PASSED ON SECOND READING September 13, 2016

PASSED ON THIRD READING October 11, 2016

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 11th day of October, 2016.

THE CITY OF LANDER
A Municipal Corporation

By *Del McOmie*
Del McOmie, Mayor

ATTEST:

Robin Griffin
Robin Griffin, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on October 11, 2016, following passage, adoption and approval of Ordinance 1206, Del McOmie, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being October 16, 2016.

Robin Griffin
Robin Griffin, City Clerk

ORDINANCE 1220

AN ORDINANCE AMENDING TITLE 2 - SALE, LICENSING AND USE OF ALCOHOLIC AND MALT BEVERAGES

NOW THEREFORE, be it ordained by the Governing Body of the City of Lander, Fremont County, Wyoming that the City of Lander Sale, Licensing and Use of Alcoholic Malt Beverages Code be amended;

WHEREAS, notice of a public hearing and first reading was published in the Lander Journal April 15, 2018; and

WHEREAS, a copy of the proposed liquor ordinance is posted on the City of Lander website.

NOW, THEREFORE, BE IT RESOLVED City of Lander City Code Title 2 - Sale, Licensing and Use of Alcoholic Malt Beverages Code be amended to read as follows:

TITLE 2

SALE, LICENSING AND USE OF ALCOHOLIC AND MALT BEVERAGES

Section

- 2-1-1 Maximum Term of Licenses
- 2-1-2 Licenses Subject to Review
- 2-1-3 Hearing
- 2-1-4 Fee Upon Transfer of License
- 2-2-1 General
- 2-2-2 Definitions
- 2-2-3 License Required
- 2-2-4 Expiration
- 2-2-5 Fees
- 2-2-6 Grounds for Suspension, Revocation or Non-Renewal
- 2-2-7 License Holder Accountable for Agent
- 2-2-8 Providing Minor with Alcoholic Beverages Prohibited
- 2-2-9 Minors Prohibited from Having or Using Alcoholic Beverages
- 2-2-10 Falsifying Identification Prohibited
- 2-2-11 Consumption on Private Premises Prohibited
- 2-2-12 Public Exhibition and Consumption
- 2-2-13 Public Drunkenness
- 2-2-15 Hours of Sale
- 2-2-16 Restaurant Liquor Licenses
- 2-2-17 Continuing Violation
- 2-2-18 Temporary Malt Beverage Permits; Issuance
- 2-2-19 Same; Limits
- 2-2-20 Same; Fees
- 2-2-21 Same; Restrictions
- 2-3-1 Microbrewery Permits

2-1-1. Maximum Term of Licenses. - No license or permit for the carrying on or conducting of any business or employment shall be in force for any period longer than one year from the time of its issue.

2-1-2. Licenses Subject to Review. -

(a) All licenses or permits issued by the City are subject to review at any time by the City Council. At any time the Council has reason to believe that grounds for suspension, revocation, or refusal to renew exist with respect to any license or permit holder, it may summon the holder and his agents to appear and answer questions relevant to such grounds.



2-1-3. Hearing. - If the Council determines that cause exists to suspend, revoke, or not renew any license or permit, it shall give the holder of the permit reasonable notification of his right to request a hearing on the matter. Or the Council may likewise notify the holder that a hearing will be held on the matter at a specified time, date and place. If the holder fails to request a hearing upon notification or fails to appear at a scheduled hearing, the Council may immediately suspend or revoke the permit or license. Otherwise, the Council shall proceed to determine whether the permit or license should be suspended or revoked. Suspension or revocation shall not constitute a bar to other proceedings, whether civil, criminal, or administrative in nature.

2-1-4. Fee Upon Transfer of License - Upon approval by the Lander City Council of a transfer of license to either a different location or different licensee, fees shall be paid prior to the transfer becoming effective as stated in the City of Lander Fee Schedule. *(Section 2-1-4 Amended by Ordinance 1193, effective 11/15/15)*

2-2-1. General. - For the protection of the health, safety and welfare of the citizens of Lander, it is the policy of the City of Lander to strictly regulate the traffic of alcoholic and malt beverages. Therefore, no traffic in such beverages is permitted except in accordance with this Title.

2-2-2. Definitions. -

- (a) The words and phrases used in this Title shall be as defined in Title 12 of the Wyoming Statutes.
- (b) "Public place" as used in this Title shall include private business premises open to the public and includes private vehicles operating or parked in public places.
- (c) "Minor" as used in Title 2 shall mean any person who has not become twenty-one (21) years of age; provided, however, all persons who are gainfully employed by the holder of a valid alcoholic beverage license as of the date this ordinance is passed, adopted and approved and as a bona fide incident of said employment and during the course and scope of said employment,
 - (1) Possess alcoholic beverages and/or;
 - (2) Enter and/or remain in a room in which alcoholic beverages are dispensed or sold, shall not be considered minors, as herein defined. *(Section 2-2-2 amended by Ordinance 824, effective 6-28-88.)*

2-2-3. License Required. - No person shall sell alcoholic or malt beverages without a license or permit issued by the City of Lander. Application shall be made to the City Council as provided by state law, and any licenses or permits granted shall accord with and be subject to state law. The City Clerk shall keep a record of licenses and permits issued, including the name of the holder, the location for which the license or permit is granted, the dates of issuance and expiration, and the fee paid.

2-2-4. Expiration. - All alcoholic beverage licenses shall expire on February 20 of each year and shall be subject to renewal at a regular City Council meeting, or at any special Council meeting called for this purpose, on or before January 20 of each year. Fees for licenses issued or renewed on other dates shall be prorated.

2-2-5. Fees. - Fees for alcoholic beverage licenses shall be as stated in the City of Lander Fee Schedule. *(Section 2-2-5 amended by Ordinance 1193 effective 11/15/15)*

2-2-6. Ground for Suspension, Revocation, or Non-Renewal. -Without limitation, the following are grounds for the City Council to suspend, revoke, or refuse to renew any license or permit under this Title:



- (a) Violations by the holder of any provisions of this Title or of Title 12 of the Wyoming Statutes. A court conviction shall be presumptive evidence of such violation.
- (b) That the premises, while licensed in the name of the holder, are the scene of repeated or continuing violations of any ordinance or law, and that the initial violation occurred while the premises were licensed in the name of the holder and the holder had knowledge of the first violation or delays correcting a continuing violation.

2-2-7. License Holder Accountable for Agent. - Violations or notice attributable to agents of the license or permit holder are attributable to the holder and in such cases either the holder or the agent, or both, may be held accountable and the defense that the agent acted outside the scope of his authority shall not apply. This section shall apply to misdemeanor violations and City Council proceedings, provided that no jail sentence shall be imposed on license holders for violation by their agents unless the agent was expressly authorized to perform or permit the act in question.

2-2-8. Providing Minor with Alcoholic Beverages Prohibited.
Licensed Building Restrictions

Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

- (a) The establishment is operating a restaurant with a commercial kitchen 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; Employees at least eighteen (18) years of age are permitted in the building in the course of their employment and may serve alcoholic or malt beverages;
- (b) The establishment operates a commercial kitchen, persons under the age of twenty one (21) years may enter or remain in the licensed building until the hour of 2:00 a. m. but not including seating at the bar itself;
- (c) Limited Retail Licenses (clubs) are exempt from the age restrictions listed above;
- (d) Retail Licenses operating as a bowling alley are exempt from the age restrictions above;
- (e) Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale of alcoholic or malt beverages, including a separate check out area.
- (f) In any other establishment and operation that is approved by the City Council for persons under twenty-one (21) years to be present.

No person shall sell, furnish, provide, give or cause to be sold, furnished or given away an alcoholic or malt beverage to a minor, under the age of 21, who is not his legal ward, medical patient or a member of their immediate family

2-2-9. Minors Prohibited from Having or Using Alcoholic Beverages - No minor shall:

- (a) have any alcoholic or malt beverage in his possession within the city, or appear in a public place within the city, without being in the presence of a parent or legal guardian, while drunk or under the influence of an alcoholic liquor or malt beverage. For purposes of this section, under the influence of an alcoholic liquor or malt beverage shall mean the consumption of alcohol or malt beverage as shall be evidenced by the odor of alcohol on the breath and/or a positive reading for alcohol by an alco sensor or other device used to detect the presence of alcohol. *(Amended by Ordinance 878, effective 5-26-92.)*
- (b) enter or remain in a room where alcoholic or malt beverages are stored or dispensed in any establishment holding a club, retail, or restaurant liquor license, except that minor employees shall be permitted in the room during hours when alcoholic and malt beverages are not sold or dispensed; or



- (c) use or consume any alcoholic or malt beverages in any public place.

2-2-10. Falsifying Identification Prohibited. - No person shall, for the purpose of obtaining alcoholic or malt beverages for himself or for another person:

- (a) falsify any identification;
- (b) use identification belonging to another person; or
- (c) lend to or permit another person to use any identification not belonging to that person.

2-2-11. Consumption on Private Premises Prohibited. - No person shall consume or exhibit any open container of alcoholic or malt beverages on any privately owned property without the permission of the owner.

2-2-12. Public Exhibition and Consumption. -

- (a) No person shall consume any alcoholic or malt beverage, or exhibit any open container thereof, in any public place, with the following exceptions:
 - (i) a restaurant;
 - (ii) premises covered by an alcoholic beverage license or malt beverage permit;
 - (iii) all city parks, between the hours of 8:00 a.m. and 11:00 p.m.;
 - (iv) city outdoor public recreational facilities during period of scheduled public recreational activities and only between the hours of 8:00 a.m. and 11:00 p.m.;
 - (v) The interior areas of the Lander Community and Convention Center; and the exterior grounds of the Lander Community and Convention Center, including, but not limited to, the south patio and fireplace area, the north patio, but excluding the parking lot. This shall apply to the hours of 10:00 a.m. to 2:00 a.m.; and
 - (vi) All other areas specifically exempted by resolution of the City Council
- (b) The City Council may, by resolution, designate special days during which the above subsections shall not apply or shall be limited in application, it being the policy of the City that the restrictions should not be in effect on certain holidays and days of public celebrations.

2-2-13. Public Intoxication. - No person shall appear or be present in any public place while under the influence of alcohol, narcotics or other non-prescribed mind altering substance(s) to the extent that such person creates a nuisance or spectacle. This as may be established by any of the following elements: staggering, weaving, sleeping, vomiting, speaking incoherently, obscene speech, offensive gestures, or any other indecent or obnoxious conduct or act.

2-2-15. Hours of Sale. - Except as specifically provided by resolution of the City Council, all liquor licensees shall be controlled by the following schedule for operating hours:

- (a) On all days a licensee may open the building at 6:00 a.m. and shall close the building and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day and shall clear the building of all persons other than employees by 2:30 a.m.; and
- (b)

2-2-16. Restaurant Liquor Licensees. -



- (a) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.
- (b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic and malt beverages shall be permitted within the dispensing room, nor shall any person other than employees be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over 19 year of age is permitted to enter the separate dispensing room.
- (c) No restaurant liquor licensee shall serve alcoholic or malt beverages after food sales and services have ceased.
- (d) All Restaurant Liquor Licensee's shall comply with any and all applicable state, federal, and municipal liquor laws.

2-2-17. Continuing Violations. - Each day of a continuing violation of this Title shall be deemed a separate offense. *(Amended by Ordinance 730, effective 6-14-82.)*

2-2-18. Temporary Malt Beverage and Catering Permits; Issuance.
WY Statute 12-4-502

2-2-20. Repealed

2-2-21. Same; Restrictions. - The applicant shall insure that the premises are maintained in a decent and orderly manner, and shall insure that all patrons or guests act within the law and not cause disturbances, riots, or fights. Should the picnic, bazaar, fair, rodeo or similar public gathering become disorderly, the Chief of Police may suspend the temporary malt beverage permit and refund any un-accrued fees to the applicant. In such case, the applicant shall cause any crowds, patrons or guests to disperse and shall remove any malt beverages from the premises and cease dispensing the same. *(Section 2-2-21 created by Ordinance 775, effective 11-27-84.)*

2-3-1. Microbrewery and Winery Permits -

- (a) Definitions - as used herein the following terms shall have the following meanings:
 - (i) "Malt Beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substance therefore, containing at least one-half of one percent (.5%) of alcohol by volume.
 - (ii) "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand (15,000) barrels per year and no less than one hundred (100) barrels per year.
 - (iii) "Winery" means a commercial enterprise at a single location producing wine.
- (b) Application and Issuance of Microbrewery Permit & Winery Permits - Any person desiring a permit for the operation of a microbrewery or winery in accordance with the requirements of W.S. §12-4-412 shall apply to the City Clerk on forms prepared by the Wyoming Attorney General and in accordance with the applicable statutes of the State of Wyoming and not otherwise. The amount of the fee to be paid for a microbrewery permit shall be as stated in the City of Lander Fee Schedule. Said permit shall be renewed annually as other liquor licenses provided for hereunder. *(Section 2-3-1(b) amended by Ordinance 1193 effective 11/15/15)*
- (c) Provision for Sale in Microbrewery and Winery Permit - Issuance of a permit by the City of Lander shall entitle the permittee to:



- (i) Sell the microbrewery product, wines and other malt beverage f on premises consumption, provided the other malt beverages are obtained through licensed wholesale malt beverage distribution;
- (ii) Hold a dual microbrewery permit or winery permit and a retail liquor license, restaurant license or resort license. Provided that there are available retail liquor, restaurant or resort licenses available and the same is approved by the Lander City Council and Mayor. Further provided that no additional permit fee shall be charged over and above that charged for the original retail, restaurant or resort license.
- (iii) May allow the microbrewery to sell on site its products for off premises personal consumption, not for sale, in packaging bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale.
- (iv) May allow the winery to sell its products for off premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale.
- (v) Transfer ownership of the microbrewery, by the permittee shall not be allowed to transfer the microbrewery permit to another location.
- (vi) Said permit shall be subject to all other requirements of the Wyoming State Statutes governing microbreweries not in effect or hereafter enacted. *(Section 2-3-1 was amended by Ordinance 1100, effective June 21, 2005)*

2-4-1. Resort Retail Liquor Licenses – The appropriate licensing authority in a county, City or town may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection (a) of this section

- (a) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:
 - (i) Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land;
 - (ii) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons, and
 - (iii) Include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. *(Section 2-4-1 was created by Ordinance 1100, effective June 21, 2005)*

2-5-1. Bar and Grill License –

- a) The City, upon application and after public hearing, may authorize the issuance of a Bar and Grill Liquor License to a restaurant pursuant to Section 12-4-413(a) of Wyoming Statutes as such section may be amended from time to time.
- 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. *(Section 2-5-1 amended by Ordinance 1193 effective 11/15/15.)*

SECTION 2: This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING February 13, 2018
 PASSED ON SECOND READING March 13, 2018
 PASSED ON THIRD READING April 10, 2018



PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 10th day of April, 2018.

THE CITY OF LANDER
A Municipal Corporation

By *Del McOmie*
Del McOmie, Mayor

ATTEST:

Sarah E Edlund
Sarah Edlund, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)



CERTIFICATE

I hereby certify that on 10th day of April, 2018, following passage, adoption and approval of Ordinance 1220, Del McOmie, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being April 15, 2018.

Sarah E Edlund
Sarah Edlund, City Clerk



ORDINANCE 2024-XX

**AN ORDINANCE AMENDING TITLE 12
SECTION 12-2-7 MUNICIPAL JUDGE AND UPDATING SECTIONS 12-1-3 AND
12-3-3 AS PREVIOUSLY AMENDED**

WHEREAS, the City of Lander Ordinance 1206 Section 12-2-7 Municipal Judge requires the Municipal Judge to give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties; and

WHEREAS, the Governing Body for the City of Lander finds it in the best interest of the City to expand this requirement to additional city employees having custody of public funds;

WHEREAS, Section 12-1-3 was amended by Ordinance 1218 effective November 2017 and Section 12-3-3 was amended by Ordinances 2021-6 effective January 2022 and 2023-3 effective October 14, 2023 and should be updated herein,

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Lander, in the State of Wyoming, as follows:

**TITLE 12
CITY ADMINISTRATIVE PROVISIONS**

SECTION 1:

- 12-1-1 Corporate Limits**
- 12-1-2 Wards and Council Members**
- 12-1-3 Council Meetings**
- 12-1-4 Special Meetings**
- 12-1-5 Council Procedure**
- 12-2-1 Appointments**
- 12-2-2 Removal of Personnel**
- 12-2-3 Appointive Offices**
- 12-2-4 Subordinate Offices**
- 12-2-5 Compensation of Officers**
- 12-2-6 Department Regulations**
- 12-2-7 Municipal Judge**
- 12-2-8 Building Inspector**
- 12-2-9 Mt. Hope Cemetery**
- 12-3-1 Planning Commission**
- 12-3-2 Airport Board**
- 12-3-3 Parks & Recreation Board**
- 12-3-4 Special Commissions**
- 12-4-1 Economic Development Commission; Establishment**
- 12-4-2 Same; Duties and Responsibilities**
- 12-4-3 Same; Appointment and Term**
- 12-4-4 Same; Compensation**
- 12-5-1 Vacancies in the Office of Mayor**
- 12-5-2 Members - Vacancies - Procedures for Filling**
- 12-6-1 Creation and Establishment of a Urban Forest Council**
- 12-6-2 Same; Duties and Responsibilities**
- 12-7-1 Drug Free Workplace**
- 12-8-1 Americans with Disabilities Coordinator**

12-1-1. Corporate Limits. - An official map showing the corporate limits, zoned areas, and other specially designed areas of the City shall be maintained by the City **Administration** and shall be available for public inspection in the office of the City Clerk, together with legal descriptions for all boundary lines thereon.

12-1-2. Wards and Council Members. - The City shall be divided into three wards and two council members shall be elected from each ward. Council members shall

be qualified electors of the ward they represent. Ward boundaries will be adjusted after each census and approved by the City Council.

~~**12-1-3 Council Meetings.**—Regular meetings of the City Council of the City of Lander may be held on the second Tuesday of each month at 7:00 p.m. at the City Hall. Work sessions of the City Council may be held on the fourth Tuesday of the month at 7:00 p.m. at the City Hall. Public Hearings will be held at 6:30 p.m. or as determined by the City Administration and properly published in accordance with Wyoming State Statutes. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. — A regular meeting, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice.~~

12-1-3 Council Meetings. - Regular meetings of the City Council of the City of Lander may be held on the second and fourth Tuesday of each month at the City Hall. Work sessions of the City Council may be held ~~on all other~~ the fourth Tuesdays of the month at the City Hall. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. A regular meeting, work session, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice. The times, dates, and locations for regular meetings and special meetings of the City Council shall be established by resolution. Amended by Ordinance 1218 effective November 22, 2017

12-1-4. Special Meetings. - The Presiding Officer or four Council Members may call special meetings in accordance with W.S. 15-1-105 and 16-4-404 . Actual notice or constructive notice provided in Section 1-1-5 shall constitute sufficient notice under this section. The necessity of any notice may be waived by the presence and consent of every Council Member. (Review Wy Statutes).

12-1-5. Council Procedures. - Upon the request of any Council Member, Council procedure shall be conducted in accordance with Review Wy Statutes rules for the conduct of its proceedings as journaled by the City Administration.

12-2-1. Appointments. - Unless otherwise provided, all appointive offices shall be filled by the Mayor with the advice and consent of the Council.

12-2-2. Removal of Appointees. - The Mayor may remove or discharge any appointee, for incompetency, neglect, or, with the consent of the Council, for other cause in accordance with W.S. 15-3-204.

12-2-3. Appointive Offices – The following appointive offices are created in accordance with W.S. 15-3-204: Chief of Police, City Clerk, City Treasurer, City Attorney, Municipal Court Judge, Superintendent of Public Works, Assistant Mayor, City Engineer and Fire Chief terms for which shall coincide with the regular Mayor’s term; however, all officers shall remain in office until their replacements have qualified.

12-2-4. Subordinate Offices. - Subject to the approval of the Council, the Mayor may create offices subordinate to the appointive offices listed in Section 12-2-3. The Mayor may delegate appointment of subordinate officers to the appointive officers, provided that the subordinate officer shall in any case be approved by the Council.

12-2-5. Compensation of Officers and Employees. -

- (a) The Mayor’s annual salary is \$21,000 a year. The Mayor is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines
- (b) Each Council Member shall receive \$75.00 for actual attendance at each regular or special meeting of the City Council and at each meeting of

committees that the Council Member shall attend. Each Council Member is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines.

- (c) The salaries of all other officers and employees shall be as shown on a step-grade scale as filed with the City Clerk.
- (d) Compensation for each Fireman for regular and special meetings each fireman attends shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. The yearly salary of each officer of the Lander Volunteer Fire Department shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander.

12-2-6. Department Regulations. -

- (a) The Mayor, subject to the approval of the Council, may establish regulations and policies concerning all City personnel.
- (b) Subject to the approval of the Mayor and Council, each appointive officer may establish regulations for the operation of his office or department, including the procedural requirements, priority schedules, and whatever standards or rules are necessary to the proper and efficient functioning of his office.
- (c) All Departmental regulations and procedures shall be filed with the City Clerk and must comply with the City of Lander Personnel Rules and Managerial Guidelines.

~~12-2-7. Municipal Judge. — The Municipal Judge shall give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties.~~

12-2-7 City Employee Bonding

- (a) Each City Officer or Clerk of the City having custody of money belonging to the City shall, before entering upon the performance of his/her respective duties, be required to furnish a bond in the amount prescribed in this article for such office, which bond shall be conditioned upon: (a) The faithful performance by such officer or clerk of all the duties of his office as prescribed by law; (b) the safekeeping of all money which may come into his hands by virtue of his office; (c) the prompt payment thereof to those legally authorized to receive the same in the manner provided by law; and (d) the delivery by him to his successor in office of all money then held by him as such officer. Each of the officers and his bondsmen and sureties, respectively, shall be responsible for the safekeeping and paying over according to law of all funds which shall come into his hands by virtue of his office.
- (b) When the bond of any officer of the City having custody of public money shall be furnished by a guaranty or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the City.
- (c) The bonds of the various City employees, deputies and clerks having custody of public money of the City shall be in the following amounts:

- Mayor
- Council President
- Municipal Judge
- Municipal Court Clerk
- City Treasurer
- City Clerk
- Deputy Clerk
- Police Chief

(d) When approved, the bonds of all City officers and employees shall be filed with the City Clerk.

(e) The City Council may, by amendments to this section, increase or lower the amount of such bonds and may also require similar bonds to be furnished by any other City officers or employees having custody of City funds.

12-2-8. Building Inspector. -

(a) The City may employ a Building Inspector and so many Deputy Building Inspectors as the Governing Body shall deem appropriate.

(b) The Building Inspector, or his designee, may, in addition to any other person authorized by law:

- (i) investigate, enforce and sign complaints concerning any violation of Titles 3, 4, 5, 9, 11 and 13 of the Ordinance of the City of Lander;
- (ii) serve any notices, orders or documents, relevant to such enforcement action.

12-2-9. Mt. Hope Cemetery. – Mt. Hope Cemetery will operate in accordance with W.S. 35-8-201 through 35-8-211. Cemetery rules and procedures shall be filed with the City Clerk.

12-3-1. Planning Commission. -

- (a) A Planning Commission for the City of Lander is established in accordance with Section WS 15-1-502. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.
- (b) The commission shall promulgate and publish rules and regulations on file with the City Clerk for the health, welfare, and safety of persons making use thereof.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.

12-3-2. Airport Board. -

- (a) The term of the appointive members of the Airport Board shall be 5 years.
- (b) The Board shall exercise general supervision of the Lander Airport, subject to the direction of the City Council. The airport board shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

~~12-3-3. Parks & Recreation Board. —~~

- ~~(a) A Parks and Recreation Board for the City of Lander is established to consist of nine board members who shall be residents of Lander. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.~~
- ~~(b) The board shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the City of Lander recreation facilities and functions.~~

- ~~(c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.~~
- ~~(d) The duties of the board will be to review all related activities, programs, select committees and other functions whose operations are conducted in whole or in part by the City Recreation personnel and share their findings with the Public Works Director and/or a designated administrator of the City Administration.~~
Amended by Ordinance 2021-6

12-3-3. Parks And Recreation

A. Individual City Park Rules

1. All parks and recreational facilities within the City maintained by the City for the public shall have park rules for each park location as created by Resolution and approved and adopted by the Governing Body. Each park location shall have posted signage listing park rules pertaining to each location.
2. Violation of this Ordinance shall constitute a misdemeanor, unless otherwise stated, and upon conviction shall be punishable by a maximum fine of \$750.00 or imprisonment for not more than six months. Forfeitable bonds will be as set forth in the Lander Municipal Court Bond Schedule as adopted from time to time.
Amended by Ordinance 2023-3 effective October 14, 2023.

12-3-4. Special Commissions. - The Council may authorize the creation of special commissions by resolution. Commissioners shall be appointed by the Mayor, with the advice and consent of the Council.

12-4-1. Economic Development Commission; Established. - Pursuant to the general powers conferred under Wyoming Statutes Section 15-1-103(a)(xli) and other applicable statutory authority, there is hereby created and established a commission, consisting of a minimum of seven (7) and a maximum of nine (9) commissioners. The Mayor and Council may approve by resolution the assignment of the Economic Development Commission duties and responsibilities to an established Economic Development Organization or include in City Staff job descriptions.

12-4-2 Duties and Responsibilities – The Economic Development Commission will assist and report to the governing body in determining and implementing plans for the beneficial diversification of Lander area economy. The commission shall promulgate and publish rules and regulations on file with the City Clerk.

12-4-3. Same; Appointment and Term. - Each commissioner shall be appointed by the Mayor upon the advice and consent of the City Council, which appointment shall be for a term of four years. Vacancies shall be filled after appointment by the Mayor with the advice and consent of the governing body for the unexpired term of any member. Members of the Commission may be removed from office by the governing body for cause, upon written charges and after public hearing.

12-4-4. Same; Compensation. - No commissioner shall be entitled to receive any pay or supplementary benefit for his or her service of office, either directly or indirectly, provided, however, actual authorized expenses incurred by any commissioner in the performance of his or her duties as such shall be paid by the City of Lander.

12-5-1. Vacancies in the Office of Mayor. -

Any vacancy in the office of Mayor shall be filled only from the governing body by a majority vote of all council members. An abstention shall be considered a no vote. WS 15-1-107.

12-5-2. Members - Vacancies - Procedure of Filing. -

(a) Any vacancy on the Lander City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter *WS 15-1-107*

(b) A councilmember or mayor shall be deemed a non-resident, and a vacancy therefore to exist, when he or she shall have failed to occupy a fixed, permanent and customary place of habitation, within the boundaries of the municipality.

(c) A resignation shall be deemed effective and a vacancy to have occurred as follows:

(1) A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the City Clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.

(2) The City clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.

(3) The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.

(4) The resignation, unless withdrawn as stated in subdivision 3 of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

(d) The refusal of the mayor or a councilmember to take the oath of office, as required by law; at the time and place, and before the person designated, shall constitute a failure to take the oath as required and a vacancy shall be deemed to exist at such time.

(e) The city council shall cause public notice to be given of its intention to solicit applications to fill any vacancy on the city council. The notice shall be published in a local newspaper of general circulation on two consecutive weeks. The letter of interest shall be submitted establishing applicant's legal qualifications to hold office.

(f) The council shall specify a time period for submitting applications and the council shall then review applications received and may conduct any further review of candidates deemed necessary and, by a majority vote of all council members, shall appoint a temporary successor.

12-6-1 Creation and Establishment of a City Urban Forest Council (Tree Board) – There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council. The Tree Board will be responsible for the care of all trees on the City owned property including the study, investigation, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

12-6-2 Duties and Responsibilities – The Tree Board shall promulgate and publish rules and regulations on file with the City Clerk to insure operations consistent with Tree City USA requirements.

12-7-1. – Drug Free Workplace - The Drug Free workplace as defined in the City of Lander Personnel Policy and Managerial Guidelines shall be strictly enforced to protect the City of Lander's status as a responsible source for the award of Federal contracts and grants.

12-8-1 - Americans with Disabilities Coordinator

(a) The city shall appoint an employee as an Americans with Disabilities Coordinator and any Deputy Americans with Disabilities Coordinator as deemed appropriate.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4: This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PUBLIC HEARING _____

PASSED ON FIRST READING ____

PASSED ON SECOND READING ____

PASSED ON THIRD READING ____

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the ____ day of _____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Monte Richardson, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that _____, following passage, adoption and approval of Ordinance 2024-XX, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____.

Rachelle Fontaine, City Clerk

DRAFT

ORDINANCE 2024-XX

AN ORDINANCE AMENDING TITLE 2 - SALE, LICENSING AND USE OF ALCOHOLIC AND MALT BEVERAGES SECTION 2-2-6 AND 2-4-1 AND UPDATING SECTION 2-2-16 AS PREVIOUSLY AMENDED

WHEREAS, the City of Lander, pursuant to Wyoming Statutes, §12-4-101 *et. Seq.*, licenses and regulates the issuance of liquor licenses; and

WHEREAS, as a result of statutory amendments made by the 67th Wyoming Legislature during the 2023 General Session, the Mayor and Council of the City of Lander, has determined that the existing municipal code needs to be revised; and

WHEREAS, Section 2-2-16 was amended by Ordinance 2021-1 on May 11, 2012 and should be updated herein; and

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Lander, in the State of Wyoming, as follows:

TITLE 2

SALE, LICENSING AND USE OF ALCOHOLIC AND MALT BEVERAGES

SECTION 1:

- 2-1-1 Maximum Term of Licenses**
- 2-1-2 Licenses Subject to Review**
- 2-1-3 Hearing**
- 2-1-4 Fee Upon Transfer of License**
- 2-2-1 General**
- 2-2-2 Definitions**
- 2-2-3 License Required**
- 2-2-4 Expiration**
- 2-2-5 Fees**
- 2-2-6 Grounds for Suspension, Revocation or Non-Renewal**
- 2-2-7 License Holder Accountable for Agent**
- 2-2-8 Providing Minor with Alcoholic Beverages Prohibited**
- 2-2-9 Minors Prohibited from Having or Using Alcoholic Beverages**
- 2-2-10 Falsifying Identification Prohibited**
- 2-2-11 Consumption on Private Premises Prohibited**
- 2-2-12 Public Exhibition and Consumption**
- 2-2-13 Public Drunkenness**
- 2-2-15 Hours of Sale**
- 2-2-16 Restaurant Liquor Licenses**
- 2-2-17 Continuing Violation**
- 2-2-18 Temporary Malt Beverage Permits; Issuance**
- 2-2-19 Same; Limits**
- 2-2-20 Same; Fees**
- 2-2-21 Same; Restrictions**
- 2-3-1 Microbrewery Permits**

2-1-1. Maximum Term of Licenses. - No license or permit for the carrying on or conducting of any business or employment shall be in force for any period longer than one year from the time of its issue.

2-1-2. Licenses Subject to Review. -

(a) All licenses or permits issued by the City are subject to review at any time by the City Council. At any time the Council has reason to believe that grounds for suspension, revocation, or refusal to renew exist with respect to any license or permit

holder, it may summon the holder and his agents to appear and answer questions relevant to such grounds.

2-1-3. Hearing. - If the Council determines that cause exists to suspend, revoke, or not renew any license or permit, it shall give the holder of the permit reasonable notification of his right to request a hearing on the matter. Or the Council may likewise notify the holder that a hearing will be held on the matter at a specified time, date and place. If the holder fails to request a hearing upon notification or fails to appear at a scheduled hearing, the Council may immediately suspend or revoke the permit or license. Otherwise, the Council shall proceed to determine whether the permit or license should be suspended or revoked. Suspension or revocation shall not constitute a bar to other proceedings, whether civil, criminal, or administrative in nature.

2-1-4. Fee Upon Transfer of License - Upon approval by the Lander City Council of a transfer of license to either a different location or different licensee, fees shall be paid prior to the transfer becoming effective as stated in the City of Lander Fee Schedule. *(Section 2-1-4 Amended by Ordinance 1193, effective 11/15/15)*

2-2-1. General. - For the protection of the health, safety and welfare of the citizens of Lander, it is the policy of the City of Lander to strictly regulate the traffic of alcoholic and malt beverages. Therefore, no traffic in such beverages is permitted except in accordance with this Title.

2-2-2. Definitions. -

- (a) The words and phrases used in this Title shall be as defined in Title 12 of the Wyoming Statutes.
- (b) "Public place" as used in this Title shall include private business premises open to the public and includes private vehicles operating or parked in public places.
- (c) "Minor" as used in Title 2 shall mean any person who has not become twenty-one (21) years of age; provided, however, all persons who are gainfully employed by the holder of a valid alcoholic beverage license as of the date this ordinance is passed, adopted and approved and as a bona fide incident of said employment and during the course and scope of said employment,
 - (1) Possess alcoholic beverages and/or;
 - (2) Enter and/or remain in a room in which alcoholic beverages are dispensed or sold, shall not be considered minors, as herein defined. *(Section 2-2-2 amended by Ordinance 824, effective 6-28-88.)*

2-2-3. License Required. - No person shall sell alcoholic or malt beverages without a license or permit issued by the City of Lander. Application shall be made to the City Council as provided by state law, and any licenses or permits granted shall accord with and be subject to state law. The City Clerk shall keep a record of licenses and permits issued, including the name of the holder, the location for which the license or permit is granted, the dates of issuance and expiration, and the fee paid.

2-2-4. Expiration. - All alcoholic beverage licenses shall expire on February 20 of each year and shall be subject to renewal at a regular City Council meeting, or at any special Council meeting called for this purpose, on or before January 20 of each year. Fees for licenses issued or renewed on other dates shall be prorated.

2-2-5. Fees. - Fees for alcoholic beverage licenses shall be as stated in the City of Lander Fee Schedule. *(Section 2-2-5 amended by Ordinance 1193 effective 11/15/15)*

2-2-6. Ground for Suspension, Revocation, or Non-Renewal. -Without limitation, the following are grounds for the City Council to suspend, revoke, or refuse to renew any license or permit under this Title:

- (a) Violations by the holder of any provisions of this Title or of Title 12 of the Wyoming Statutes. A court conviction shall be presumptive evidence of such violation.
- (b) That the premises, while licensed in the name of the holder, are the scene of repeated or continuing violations of any ordinance or law, and that the initial violation occurred while the premises were licensed in the name of the holder and the holder had knowledge of the first violation or delays correcting a continuing violation.
- (c) Receipt by the city clerk of a notice of sales tax delinquency and a Sales Tax Hold Notice from the State of Wyoming issued pursuant to W.S. 12-2-306, as amended.
- (d) Suspension or Revocation Procedure: Upon receipt by the city clerk of a notice of a, b or c above, the city clerk shall notify the liquor licensee of violation(s). If the violation is sales tax delinquency as outlined in c and the liquor licensee fails to obtain a Sales Tax Rease within fifteen calendar days from the date the city clerk receives the Sales Tax Hold Notice, a hearing shall be set before the governing body.
 The certified notice from the state and all evidence presented to the state in support of the certified notice and order of conviction from municipal court will be admitted and considered prima facie evidence of the liquor licensee's sales tax delinquency or conviction of municipal ordinance on liquor. The purpose of the hearing is to allow the liquor licensee to offer corrections to the information; and action take by liquor licensee to mitigate the violation and for the governing body to determine whether liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by certified mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:
 That the city received a notice for failure to pay sales tax or a criminal violation described in Paragraph D herein has occurred, and that a fine, suspension and/or revocation of the licensee's license is possible; and
 Summarizing the nature and date(s) of the incidents resulting in the conviction and notice for failure to pay sales tax.

2-2-7. License Holder Accountable for Agent. - Violations or notice attributable to agents of the license or permit holder are attributable to the holder and in such cases either the holder or the agent, or both, may be held accountable and the defense that the agent acted outside the scope of his authority shall not apply. This section shall apply to misdemeanor violations and City Council proceedings, provided that no jail sentence shall be imposed on license holders for violation by their agents unless the agent was expressly authorized to perform or permit the act in question.

2-2-8. Providing Minor with Alcoholic Beverages Prohibited.
 Licensed Building Restrictions

Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

- (a) The establishment is operating a restaurant with a commercial kitchen 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; Employees at least eighteen (18) years of age are permitted in the building in the course of their employment and may serve alcoholic or malt beverages;

- (b) The establishment operates a commercial kitchen, persons under the age of twenty one (21) years may enter or remain in the licensed building until the hour of 2:00 a. m. but not including seating at the bar itself;
- (c) Limited Retail Licenses (clubs) are exempt from the age restrictions listed above;
- (d) Retail Licenses operating as a bowling alley are exempt from the age restrictions above;
- (e) Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale of alcoholic or malt beverages, including a separate check out area.
- (f) In any other establishment and operation that is approved by the City Council for persons under twenty-one (21) years to be present.

No person shall sell, furnish, provide, give or cause to be sold, furnished or given away an alcoholic or malt beverage to a minor, under the age of 21, who is not his legal ward, medical patient or a member of their immediate family

2-2-9. Minors Prohibited from Having or Using Alcoholic Beverages - No minor shall:

- (a) have any alcoholic or malt beverage in his possession within the city, or appear in a public place within the city, without being in the presence of a parent or legal guardian, while drunk or under the influence of an alcoholic liquor or malt beverage. For purposes of this section, under the influence of an alcoholic liquor or malt beverage shall mean the consumption of alcohol or malt beverage as shall be evidenced by the odor of alcohol on the breath and/or a positive reading for alcohol by an alco sensor or other device used to detect the presence of alcohol. *(Amended by Ordinance 878, effective 5-26-92.)*
- (b) enter or remain in a room where alcoholic or malt beverages are stored or dispensed in any establishment holding a club, retail, or restaurant liquor license, except that minor employees shall be permitted in the room during hours when alcoholic and malt beverages are not sold or dispensed; or
- (c) use or consume any alcoholic or malt beverages in any public place.

2-2-10. Falsifying Identification Prohibited. - No person shall, for the purpose of obtaining alcoholic or malt beverages for himself or for another person:

- (a) falsify any identification;
- (b) use identification belonging to another person; or
- (c) lend to or permit another person to use any identification not belonging to that person.

2-2-11. Consumption on Private Premises Prohibited. - No person shall consume or exhibit any open container of alcoholic or malt beverages on any privately owned property without the permission of the owner.

2-2-12. Public Exhibition and Consumption. -

- (a) No person shall consume any alcoholic or malt beverage, or exhibit any open container thereof, in any public place, with the following exceptions:
 - (i) a restaurant;
 - (ii) premises covered by an alcoholic beverage license or malt beverage permit;
 - (iii) all city parks, between the hours of 8:00 a.m. and 11:00 p.m.;
 - (iv) city outdoor public recreational facilities during period of scheduled public recreational activities and only between the hours of 8:00 a.m. and 11:00 p.m.;
 - (v) The interior areas of the Lander Community and Convention Center; and the exterior grounds of the Lander Community and Convention Center, including, but not limited to, the south patio and fireplace area, the north patio, but excluding the

parking lot. This shall apply to the hours of 10:00 a.m. to 2:00 a.m.; and

(vi) All other areas specifically exempted by resolution of the City Council

(b) The City Council may, by resolution, designate special days during which the above subsections shall not apply or shall be limited in application, it being the policy of the City that the restrictions should not be in effect on certain holidays and days of public celebrations.

2-2-13. Public Intoxication . - No person shall appear or be present in any public place while under the influence of alcohol, narcotics or other non-prescribed mind altering substance(s) to the extent that such person creates a nuisance or spectacle. This as may be established by any of the following elements: staggering, weaving, sleeping, vomiting, speaking incoherently, obscene speech, offensive gestures, or any other indecent or obnoxious conduct or act.

2-2-15. Hours of Sale. - Except as specifically provided by resolution of the City Council, all liquor licensees shall be controlled by the following schedule for operating hours:

- (a) On all days a licensee may open the building at 6:00 a.m. and shall close the building and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day and shall clear the building of all persons other than employees by 2:30 a.m.; and
- (b)

~~**2-2-16. Restaurant Liquor Licensees.**~~

- ~~(a) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.~~
- ~~(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic and malt beverages shall be permitted within the dispensing room, nor shall any person other than employees be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over 19 year of age is permitted to enter the separate dispensing room.~~
- ~~(c) No restaurant liquor licensee shall serve alcoholic or malt beverages after food sales and services have ceased.~~
- ~~(d) All Restaurant Liquor Licensee's shall comply with any and all applicable state, federal, and municipal liquor laws.~~

2-2-16 Restaurant Liquor Licensees

1. Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.
2. Alcoholic and malt beverages shall be dispensed and prepared for consumption in an area upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic and malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing area.

- 3. No restaurant liquor licensee shall serve alcoholic or malt beverages after food sales and services have ceased.
- 4. All Restaurant Liquor Licensee's shall comply with any and all applicable state, federal, and municipal liquor laws.

Amended by Ordinance 2021-1 on May 11, 2021

2-2-17. Continuing Violations. - Each day of a continuing violation of this Title shall be deemed a separate offense. *(Amended by Ordinance 730, effective 6-14-82.)*

2-2-18. Temporary Malt Beverage and Catering Permits; Issuance.
WY Statute 12-4-502

2-2-20. Repealed

2-2-21. Same; Restrictions. - The applicant shall insure that the premises are maintained in a decent and orderly manner, and shall insure that all patrons or guests act within the law and not cause disturbances, riots, or fights. Should the picnic, bazaar, fair, rodeo or similar public gathering become disorderly, the Chief of Police may suspend the temporary malt beverage permit and refund any un-accrued fees to the applicant. In such case, the applicant shall cause any crowds, patrons or guests to disperse and shall remove any malt beverages from the premises and cease dispensing the same. *(Section 2-2-21 created by Ordinance 775, effective 11-27-84.)*

2-3-1. Microbrewery and Winery Permits -

- (a) Definitions - as used herein the following terms shall have the following meanings:
 - (i) "Malt Beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substance therefore, containing at least one-half of one percent (.5%) of alcohol by volume.
 - (ii) "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand (15,000) barrels per year and no less than one hundred (100) barrels per year.
 - (iii) "Winery" means a commercial enterprise at a single location producing wine.
- (b) Application and Issuance of Microbrewery Permit & Winery Permits - Any person desiring a permit for the operation of a microbrewery or winery in accordance with the requirements of W.S. §12-4-412 shall apply to the City Clerk on forms prepared by the Wyoming Attorney General and in accordance with the applicable statutes of the State of Wyoming and not otherwise. The amount of the fee to be paid for a microbrewery permit shall be as stated in the City of Lander Fee Schedule. Said permit shall be renewed annually as other liquor licenses provided for hereunder. *(Section 2-3-1(b) amended by Ordinance 1193 effective 11/15/15)*
- (c) Provision for Sale in Microbrewery and Winery Permit - Issuance of a permit by the City of Lander shall entitle the permittee to:
 - (i) Sell the microbrewery product, wines and other malt beverage for on premises consumption, provided the other malt beverages are obtained through licensed wholesale malt beverage distribution;
 - (ii) Hold a dual microbrewery permit or winery permit and a retail liquor license, restaurant license or resort license. Provided that there are available retail liquor, restaurant or resort licenses available and the same is approved by the Lander City Council and Mayor. Further provided that no additional permit fee shall be charged over and above that charged for the original retail, restaurant or resort license.
 - (iii) May allow the microbrewery to sell on site its products for off premises personal consumption, not for sale, in packaging bottles,

cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale.

- (iv) May allow the winery to sell its products for off premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale.
- (v) Transfer ownership of the microbrewery, by the permittee shall not be allowed to transfer the microbrewery permit to another location.
- (vi) Said permit shall be subject to all other requirements of the Wyoming State Statutes governing microbreweries not in effect or hereafter enacted. *(Section 2-3-1 was amended by Ordinance 1100, effective June 21, 2005)*

2-4-1. Resort Retail Liquor Licenses – The appropriate licensing authority in a county, City or town may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection (a) of this section

- (a) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:
 - (i) Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land;
 - (ii) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons, and
 - (iii) Include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. *(Section 2-4-1 was created by Ordinance 1100, effective June 21, 2005)*

2-5-1. Bar and Grill License –

- a) The City, upon application and after public hearing, may authorize the issuance of a Bar and Grill Liquor License to a restaurant pursuant to Section 12-4-413(a) of Wyoming Statutes as such section may be amended from time to time.
- 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. *(Section 2-5-1 amended by Ordinance 1193 effective 11/15/15.)*
- c) **A Bar and Grill license holder may include entertainment as part of the compliance with W.S. section 12-4-413 provided entertainment meets the following requirements and definitions:**
 - 1. For purposes of this section “Entertainment” means any activity designated to provide diversion or amusement, regardless of the age required for the activity. “Entertainment” shall not include adult entertainment or gambling.
 - 2. For purposes of this section “Adult Entertainment” means any form of dancing, exhibition or display involving male or female nudity or partial nudity for any period of time intended to gratify sexual desires of any entertainer or patron, or any sexually oriented business.
 - 3. For purposes of this section Gambling is defined as risking any property for gain contingent in whole or in part upon lot, the operation of a gambling device or the happening or outcome of an event, including sporting event, over which the person taking the risk has no control. (6-7-101)

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby

repealed.

SECTION 3: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4: This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PUBLIC HEARING

PASSED ON FIRST READING ___

PASSED ON SECOND READING ___

PASSED ON THIRD READING ___

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the _____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Monte Richardson, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on _____, following passage, adoption and approval of Ordinance 2024-XX, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____.

Rachelle Fontaine, City Clerk