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**TITLE 4**

**LIQUOR LICENSE**

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**ADOPTED AND APPROVED ON DECEMBER 4, 2018**  
**BY THE TETON COUNTY BOARD OF COUNTY COMMISSIONERS**  
**EFFECTIVE AS OF JANUARY 1, 2019**

## **CHAPTER 1 – AUTHORITY**

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### **4-1-1 AUTHORITY TO PROMULGATE REGULATIONS AND EFFECTIVE DATE**

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- a. Wyoming Statute §12-4-104(b)(v) (LexisNexis 2017) authorizes board of county commissioners to enact reasonable restrictions or standards on the issuance, transfer and renewal of liquor licenses and permits.
- b. These regulations shall become effective on January 1, 2019.

**CHAPTER 2 – DECLARATIONS**

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**4-2-1 SALE AND USE OF ALCOHOL IS A PUBLIC HEALTH CONCERN**

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- a. The Teton County Board of County Commissioners hereby declare that the Sale and Use of Alcoholic Beverages in Teton County is a public health concern.

## **CHAPTER 3 – GROUNDS FOR DENYING RENEWAL OF LICENSE OR PERMIT**

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### **4-3-1 GROUNDS FOR DENYING RENEWAL OF LICENSE OR PERMIT**

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- a. A license or permit shall not be renewed if the Board of County Commissioners 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 §12-4-107(c), as amended. No other preference rights are authorized or recognized by the County. 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. The following actions, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:
  - i. Failure of the license holder to comply with any provisions of this title;
  - ii. Three (3) or more convictions by the license holder or its employees in any calendar year for the sale of alcohol to underage persons;
  - iii. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by the County Building Official or Fire Marshal.
  - iv. A pattern (three (3) or more in one (1) year calendar year) of failing to report incidents of 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 license holder knew or should have known about;
  - v. Conviction of any nonprocedural violation of state or local liquor laws;
- d. 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 Board of County Commissioners.

### **4-3-2 GROUNDS FOR SUSPENSION OR REVOCATION**

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- a. Wyoming Statute §12-7-103 authorizes the County 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 Teton County Clerk will notify the licensee or permittee by certified mail of the hearing on whether the license or permit should be suspended.
- c. The suspension hearing will be conducted under rules adopted by the County. 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 Teton County Clerk receives certified notice from the state that the sales tax liability has been satisfied.
- f. In the event a suspension occurs:
  - i. The Teton County 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;
  - ii. The Teton County Clerk shall post one (1) copy of the suspension notice of the licensed or permitted premises;
  - iii. 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,
  - iv. 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 Teton County Sheriff or his/her designee.
- g. When a liquor license holder has acted in violation of this county title or Wyoming Statute §12-1-101 et seq., the County may take action pursuant to Wyoming Statute §12-7-201, as amended, seeking 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.

### **4-3-3 RESPONSIBLE BEVERAGE SERVER TRAINING**

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- a. All persons employed at any licensee business operating with a liquor license issued by Teton County who are engaged in the selling or serving of alcoholic beverages or the managing thereof (hereinafter referred to as an “alcohol server staff”), shall successfully complete an alcohol server training program as approved by Wyoming Statute §12-2-402, within ninety (90) days of the start of their employment, or the effective date of this rule, whichever is later, and shall keep the certification in good standing for so long as serving alcoholic beverages.

- b. All certificates of completion of alcohol server training shall be valid for 3 years. All alcohol server staff shall renew and complete their responsible beverage server training renewal prior to the 3-year expiration period.
- c. Every licensee shall maintain a server training record for all alcohol server staff, including their date of hire, and proof that each of them has successfully completed the alcohol server training required, and any renewals to maintain their certification. Every licensee shall keep the server training records available for review and copying at any time that the licensed establishment is open. All records of compliance shall be submitted to the County Clerk for consideration in the renewal process.
- d. No alcohol server staff shall consume alcohol while serving or selling alcohol to the public.
- e. Any violation of the section shall be deemed a violation of the liquor license or permit and shall be considered in Section 6-3-1 as grounds for denial for the annual renewal of the license.

#### **4-3-4 FALSE INFORMATION**

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- a. It is unlawful for any person to knowingly submit false information or false facts as true, on an application 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.

## **CHAPTER 4 – OPEN CONTAINERS**

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### **4-4-1 SELLING OF OPEN CONTAINER DRINKS**

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- a. All open container alcoholic drinks sold at a retail liquor establishment shall be sealed in a container. The type of seal used shall be at the discretion of the retail liquor establishment but must be designed as to be obvious as to whether the seal has been broken and that it is not possible to drink from the container so long as the seal is in place.
- b. All retail liquor establishments selling open container drinks must post a sign stating the following: “OPEN CONTAINERS ARE NOT PERMITTED IN A VEHICLE. SEAL MUST REMAIN ON ALL OPEN CONTAINER DRINKS WHILE IN A MOVING VEHICLE”