

ORDINANCE NO. 4366

ENTITLED: “AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 5.12, ALCOHOLIC LIQUOR AND MALT BEVERAGES, OF TITLE 5, BUSINESS LICENSES AND REGULATIONS, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That various sections of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming, are hereby amended as set out in this ordinance.

5.12.020 Definitions.

“Delivery service” means the taking of orders and providing the transporting and delivery of alcoholic liquor and malt beverage products to patrons at a residence, organization or business for a fee, ~~in violation of the provisions of the chapter~~ and a liquor licensee’s process by which their employee or contractor provides alcohol to a purchaser.

1. “Delivery” means the act of providing alcohol to a purchaser.
2. “Delivery Employee” means the licensee’s employee or contractor responsible for delivering alcohol to the purchaser.
3. “Sealed” means in its original package and unopened-factory sealed (bottle of wine or spirits/case of beer), in a plastic bag, heat sealed closed, or in a container that has a breakable seal incorporated in the top.
4. “Serve” means the act of delivering alcohol to a purchaser or delivery employee or contractor on the licensed premises.

5.12.070 Restrictions upon license or permit applicants and holders.

B. Retail Liquor Licensees.

3. A licensee ~~shall not~~ may provide any alcoholic liquor or malt beverage delivery services in conjunction with the licensee’s business operations pursuant to Wyo. Stat. Section 12-5-601.

a. Retail liquor licensees, microbrewery permittees, winery permittees, satellite winery permittees, and satellite manufacturing permittees, may be permitted to provide delivery service for the delivery of alcohol to customers. Microbreweries and wineries shall only be permitted to provide delivery of their manufactured product. Delivery services shall be subject to the following:

- i. No order shall be received from nor delivery made to a person under twenty-one (21) years of age. Each purchaser shall be required to provide a valid driver’s license or valid government issued identification upon delivery.
- ii. No part of a publicly owned sidewalk, highway, street, or alley shall be used for taking orders or conducting sales. No sales shall be made to intoxicated individuals pursuant to Section 5.12.160(C) of this chapter.
- iii. Alcohol shall only be delivered to customers in a sealed package.
- iv. Delivery shall not be made to or on public property and shall not be delivered outside the city of Cheyenne boundaries unless otherwise allowed by Wyoming Statute, resolution of the Laramie County Commissioners, or order of the Governor of Wyoming.

- v. Delivery service employees shall have completed an alcohol server training programs as approved by the Wyoming Liquor Division and pursuant to Section 5.12.090 of this chapter; shall be at least twenty-one (21) years of age; shall maintain a valid driver's license; shall maintain valid vehicle insurance coverage as required by Wyoming Statute; shall be an employee or contractor of the licensee; and shall be required to confirm the identification of the purchaser.
- vi. The licensee and/or the delivery service employee or contractor shall notify the Cheyenne Police Department of any criminal incident or criminal activity which is observed or occurs as soon as reasonably possible.
- vii. All sales shall occur on the licensee's premise by in-person purchase, online order, order by app, or order by phone. Payment shall be received at the time of purchase. Payment may not occur upon delivery.
- viii. Licensees shall keep a record of each delivery service transaction for a period of no less than two (2) years which shall be made available to the city upon request. The record shall include, at minimum, the name and address of the purchaser, date and time of order, address of delivery, name of delivery employee or contractor, and the product purchased and delivered.
- ix. Delivery shall only be made to the purchaser.
- x. Delivery shall be prohibited for kegs.
- xi. Delivery shall be completed the day of the sale.

4. All retail liquor licensees, microbrewery permittees, winery permittees, satellite winery permittees, and satellite manufacturing permittees, may establish a delivery service without submitting an amended operation plan, provided that the licensee submits written notice to the city clerk of its intent to provide delivery services. Failure to provide notice shall prohibit the licensee from providing delivery services.

5. All retail liquor licensees, microbrewery permittees, winery permittees, satellite winery permittees, and satellite manufacturing permittees, may establish curbside pick-up services at the licensed premise without submitting an amended operation plan.

6. Any violation of the aforementioned requirements, restrictions, or procedures by any licensee, licensee's employee, or contractor shall be a misdemeanor punishable pursuant to the general penalty provisions set forth in Chapter 1.24.010 of the city code.

7. Should any portion of this ordinance be in conflict with any other city of Cheyenne ordinance, this ordinance is deemed to control or supersede.

5.12.160 Violations.

~~E. No person may engage in the business of a delivery service involving alcoholic liquor and malt beverages.~~

(The current Section F. shall be renumbered to Section E.)

Section 2. That sections currently existing in Chapter 5.12 not set out within this ordinance remain unchanged.

Section 3. That this ordinance shall be in full force and effect on July 1, 2021.

FIRST READING: May 10, 2021

SECOND READING: May 24, 2021

THIRD AND FINAL READING: June 14, 2021



Patrick Collins, Mayor

(SEAL)

ATTEST:


Kristina F. Jones, City Clerk

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