

COUNCIL WORK SESSION
Tuesday, February 14, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. North Platte Industrial Park – Land Use Request for Microbrewery (Aaron Kloke)
2. Leasing the 13th Street Ballfield (Dan Coryell)
3. 2016 Liquor License Review (Chief Wetzel)
4. Old Yellowstone District Ordinance Changes (Craig Collins, Liz Becher)
5. Public Forum Discussion/Prayer at Council Meetings (Bill Luben, Wallace Trembath)
6. Pre-Budget Discussion (V.H. McDonald)
7. City Manager Report
8. Future Agenda Review
9. Council Around the Table

February 6, 2017

MEMO TO: V.H. McDonald, City Manager

FROM: Liz Becher, Community Development Director *eb*
Craig Collins, AICP, City Planner
Aaron Kloke, Planner I

SUBJECT: North Platte Industrial Park Proposed Land Use

Recommendation:

That Council provide direction to the potential developer of the former Petroleum Club, located in the North Platte Industrial Park, as to whether their proposal for the reuse of the building as a microbrewery would be a permitted land use, pursuant to the approved North Platte Industrial Park Covenants.

Summary:

On Tuesday, January 24th 2017, members of City staff met with potential developers to discuss City requirements for the redevelopment of the former Petroleum Club, 1301 Wilkins Circle. An aerial map is attached for your reference (Exhibit A). The potential developers would like to purchase the property and establish a microbrewery and restaurant. As an integral part of the microbrewery, a maximum of six (6) grain silos, no taller than thirty-five (35) feet in height, would be added along the northwest edge of the exterior of the building. In addition to serving beer on site, the proposed microbrewery would also assemble and distribute product from this location.

The property is properly zoned (C-4 (Highway Commercial)) for a microbrewery; however, the North Platte Industrial Park was originally developed by the City and as the developer, the City instituted Covenants in 1980. Attached as Exhibit B, the adopted Covenants provide a list of permitted land uses in the subdivision and although several of the listed land uses are similar, a microbrewery is not specifically listed. The Covenants do allow the City to permit land uses that are not specifically listed. It is of staff's opinion that there are no other standards, architectural or otherwise, that would prevent the development of a microbrewery, restaurant, and grain silos. Before developing the property, the potential developers would like assurance from the City that the use of the property as a microbrewery would be allowed, and that the exterior addition of six (6), thirty-five (35) foot grain silos would be permitted.

1301 Wilkins Circle - Former Petroleum Club



National Historic Trails Interpretive Center

1301 Wilkins Circle

Generally proposed area for grain silos

US INTERSTATE I-25

N POPLAR ST

N GLENN RD

US INTERSTATE I-25

WILKINS CIR



NOT TO SCALE

EXHIBIT
A

RECO	11:46	AM
D Mar 26 19 80 AT		
INSTRUMENT NO.	286988	
JOHN J. TOBIN	COUNTY CLERK	

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS



NORTH PLATTE INDUSTRIAL PARK

THIS DECLARATION made this 24th day of March, 1980, by the CITY OF CASPER, WYOMING, A Municipal Corporation, referred to as "Owner" and "City".

W I T N E S S E T H:

WHEREAS, City is the owner of the following-described real property hereinafter referred to as the "Property" in the City of Casper, State of Wyoming:

LOTS 1-25, inclusive, North Platte Industrial Park, an Addition to the City of Casper, Wyoming, as shown on the Plat thereof, recorded in the office of the County Clerk of Natrona County, Wyoming, by Instrument number 279307, recorded December 11, 1979,

and desires to establish an area for the uses herein set forth, properly landscaped with compatible, architecturally designed buildings for the protection of the "Property" and adjacent areas; and

WHEREAS, City is the owner of lands adjacent to the Property, including the North Platte Recreational Complex, described on Exhibit "A" attached hereto.

ARTICLE I

GENERAL PROVISIONS

1.1 Establishment of Restrictions and Covenants:

CITY, as owner of the Property, hereby declares Property is now held and shall be transferred, sold, leased, conveyed, mortgaged and occupied subject to the restrictions and covenants herein set forth, which shall apply to, and bind, the heirs, assigns

and successors in interest of each and every parcel or parcels of the Property.

1.2 Definitions:

(a) building line: an imaginary line equidistant to the street right-of-way line specifying the closest point from the street right-of-way line that a building structure may be located, except for overhangs, permitted in the C-4 district of Ordinance No. 7-78 of the City of Casper, Wyoming, as amended from time to time;

(b) city: City of Casper, Wyoming;

(c) lot: a single-numbered lot described and set forth on the plat of North Platte Industrial Office Park, recorded in the office of the County Clerk of Natrona County, Wyoming;

(d) owner: the record owner, whether one or more persons or entities, of a fee simple title to any numbered lot which is part of the Property; or the contract buyer from such owner, but excluding those having only security interest therein;

(e) property: that certain property hereinbefore described, and any property that may be added to these Covenants and Restrictions by City, pursuant to Paragraph 9.2 hereof;

(f) sign: any structure, device or contrivance, electric or non-electric, and all parts thereof which are erected or used for advertising purposes upon, or within which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever placed, posted, tacked, nailed, pasted or otherwise fastened or affixed.

ARTICLE II

PERMITTED USES

2.1 Each and every parcel of the Property is restricted to the following permitted uses:

- (a) new automobile sales;
- (b) banking facilities;
- (c) greenhouses;
- (d) helistops;
- (e) hotels, motels;
- (f) offices, general;
- (g) Professional offices, including medical laboratories, clinics, health spas, financial centers, real estate brokers, insurance agents and public health facilities;
- (h) parks, playgrounds, historical sites, golf courses and other similar recreational facilities;
- (i) personal service shops, department stores;
- (j) printing and newspaper houses;
- (k) public utility and public service installations and facilities, including repair and storage facilities;
- (l) radio and television stations, including transmitting and receiving towers;
- (m) full service restaurants;
- (n) veterinary clinics;
- (o) such other uses as City may permit.

2.2 All uses above are subject to the development standards listed in ARTICLE III of this Declaration.

ARTICLE III

DEVELOPMENT STANDARDS

3.1 Setbacks: No building shall be located nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

- (a) front yard setback: thirty (30) feet, except that unsupported roofs or sun screens may project four (4) feet into the setback area;

(b) side yard setback: fifteen (15) feet, except that unsupported roofs and sun screens may project three (3) feet into the setback area; provided that if a single building is constructed across an interior lot line on two (2) or more lots, no side yard setback is required from such interior lot line. In the case of a corner lot, the street side setback shall be twenty-five (25) feet, except that unsupported roofs and sun screens may project four (4) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines;

(c) rear yard setback: no rear yard setback is required.

(d) building height:

(1) four (4) stories or forty (40) feet, whichever is less, on lots one (1) through eleven (11);

(2) eight (8) stories or seventy-five (75) feet, whichever is less, on lots twelve (12) through twenty-two (22);

(3) buildings with heights exceeding eight (8) stories or seventy-five (75) feet may be permitted with approval of the Board of Adjustment of the City, and City.

3.2 Site Coverage: Maximum building coverage of fifty percent (50%) of the site is allowed. Parking structures shall not be calculated as building area; however, said structures shall be used only for the parking of company vehicles, employees' vehicles, or vehicles belonging to business visitors.

3.3 Number of Buildings per Lot: Only one (1) building, other than a parking structure, to be used only as set forth in Paragraph 3.2 of this Declaration shall be erected on any one (1) lot, unless the erection and use of more than one (1) building on any one (1) lot is specifically approved and consented to by City in writing, and approved by the Board of Adjustment of City.

3.4 Signs: No sign shall be erected or maintained on the Property except in conformity with the following:

(a) signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion;

(b) signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site, or the products produced or sold thereon;

(c) all signs attached to the building shall be flush-mounted;

(d) all signs not attached to the building shall be parallel to the roadway, unless otherwise approved in writing by the Board of Adjustment of City.

(e) only one (1) single-faced or double-faced sign shall be permitted per frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site;

(f) a sign advertising the sale, lease or hire shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed a maximum area of thirty-two (32) square feet, and shall be immediately removed upon completion of the transaction;

(g) no ground signs shall exceed four (4) feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single-face) shall not be erected in the first twenty (20) feet, as measured from the property line of any street side setback area. However, the above standards shall not apply to the community directional sign, special purpose sign, construction sign, or future tenant identification sign;

(h) signs painted directly on the surface of a wall shall not be permitted;

(i) a wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line;

(j) one (1) construction sign denoting the architects, engineers, contractors and other related subject, shall be permitted upon the commencement of construction. Said sign shall not exceed thirty-two (32) square feet;

(k) a future tenant identification sign listing the name of future tenants, responsible agent or realtor, and identification of the North Platte Industrial Park shall be permitted. Said sign shall not exceed thirty-two (32) square feet;

(l) special purpose signs, used to give directions to traffic or pedestrians, or give instructions as to special conditions, and community directional and/or identification signs used to give directions to and identify areas within the North Platte Industrial Park shall be in conformity with these covenants, Council-approved graphic design, and the Manual of Uniform Traffic Control Devices for Streets and Highways, and the City Zoning Ordinance.

3.5 Parking: Each owner of a site shall provide adequate off-street parking to accommodate all parking needs for the site. The intent is to eliminate the need for any on-street parking. Every use within the North Platte Industrial Park must comply with the off-street parking requirements for the type of use in question, as provided in the City of Casper Zoning Ordinance (Ordinance No. 7-78), as amended from time to time.

3.6 Landscaping:

(a) front yard setback area of each site shall be landscaped with an effective combination of street trees,

trees, ground cover and shrubbery. Rock or stone may be used, not to exceed ten percent (10%) of the total landscaped area. All unpaved areas not used for parking shall be landscaped in a similar manner. The entire area between the curb and the front building line shall be landscaped, except for access driveways and walks in said area;

(b) side and rear yard setback areas, not used for parking, shall be landscaped using ground cover and/or shrub, rock or stone and tree materials;

(c) undeveloped areas proposed for future expansion shall be maintained in a weed-free condition and shall be landscaped to the satisfaction of the City;

(d) areas used for parking shall be landscaped or fenced in such a manner as to interrupt or screen said areas from view from access streets, freeways and adjacent properties. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and/or trees. Berming will be permitted if properly landscaped;

(e) retaining walls will be permitted. However, design and construction plans must be approved in writing by the City. In addition, the design and construction plans for said retaining wall must be approved by a registered professional civil engineer.

3.7 Loading Areas; No loading shall be allowed which is visible from adjacent streets. On Wilkins Circle, street side loading shall be allowed, provided the loading dock is set back a minimum of seventy (70) feet from the street right-of-way line. Said loading area must be screened from view from adjacent streets.

3.8 Outdoor Storage Areas: No outdoor storage will be permitted.

3.9 Refuse Collection Areas: All outdoor refuse collection areas shall be visually screened from access streets, freeways, where possible, and adjacent property by a complete

opaque screen. No refuse collection areas shall be permitted between Wilkins Circle and the front building line.

3.10 Utilities: All utilities shall be underground.

3.11 Nuisances: No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, including, but not limited to, vibration, sound, radiation, air or water pollution, dust emission or odorous, toxic or noxious matter.

ARTICLE IV

PLANS AND SPECIFICATIONS

4.1 No building, fence, wall, sign, advertising device, roadway, loading facility, parking area, site grading, planting, landscaping, facility for industrial waste or sewage disposal, nor any other improvement shall be commenced, erected or constructed, nor shall any addition thereto, or change or alteration therein, be made (except to the interior of the building), nor shall any change in the use of any premises be made until the plans and specifications therefor, showing the nature, kind, shape, heights, materials, color scheme, lighting, and location on the lot of the proposed improvements, grading, landscaping or alterations and the proposed use or change in the use of the premises shall have been submitted to, and approved in writing, by the City, acting as an architectural committee. A copy of such plans and specifications shall be permanently filed with the City. The City shall have the right to refuse to approve any such plans or specifications of the premises for any reasons which the City, in its sole discretion, may deem in the best interests of the North Platte Industrial Park and the owners or lessees thereof and adjacent properties.

4.2 Constructions and alteration of any and all improvements in the North Platte Industrial Park shall be in accordance with the requirements of all applicable Building, Zoning and other Codes and Regulations as adopted by the City of Casper.

ARTICLE V
MAINTENANCE

5.1 Each lot owner shall, at all times, keep his premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition, free from weeds, trash, rubbish, junk and unused materials, and shall comply with all laws, ordinances and regulations pertaining to health and safety.

5.2 During construction, it shall be the responsibility of each lot owner to insure that construction sites are kept free from unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, shacks and the like are kept in a neat and orderly manner.

ARTICLE VI
ADDITIONAL RESTRICTIONS

6.1 Each and every building site shall consist of at least one (1) whole and entire lot. No owner shall reduce the size of any lot by sale, lease, replat, or other disposition, or further subdivide any lot without first having received the express written permission from City to do so, and thereafter any reduction in lot size shall be only by properly recorded replat of such resubdivision of such lot or lots.

ARTICLE VII
ENFORCEMENT

7.1 Abatement and Suit: Violation or breach of any restrictions and covenant herein contained shall give to City the right to enter upon the property to which said violation or breach exists and to summarily abate and remove, at the expense of the owner or lessee thereof, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions hereof, and City or any owner may prosecute a proceeding at law or in equity against the person or persons who have

violated, or are attempting to violate, any of these restrictions and covenants to enjoin or prevent them from doing so, to cause said violation to be remedied or to recover damages for said violation.

7.2 Attorney's Fees: In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision hereof, the losing party, or parties, shall pay the attorney's fees of the prevailing party or parties, in such amount as may be fixed by the Court in such proceedings. All remedies provided herein, or at law, or in equity shall be cumulative and not exclusive.

7.3 Inspection: City may, from time to time, at any reasonable hour or hours, enter and inspect any property subject to these restrictions to ascertain compliance therewith.

7.4 Failure to Enforce Not a Waive of Rights: The failure of the City, or any other property owner, to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter, nor of the right to enforce any other restriction or covenant.

ARTICLE VIII

TERM, MODIFICATION AND TERMINATION

8.1 Term: This Declaration, every provision hereof, and every covenant and restriction contained herein, shall continue in full force and effect for a period of twenty-five (25) years from the date of this Declaration's recording, after which time they shall be automatically extended for successive periods of ten (10) years, unless terminated by an affirmative vote of the majority of the land owners within the North Platte Industrial Office Park.

8.2 Termination and Modification: This Declaration, or any provision hereof, or any covenant or restriction contained herein, may be terminated, extended, modified or amended, as to

the whole of said property or any portion thereof, with the written consent of the owners of sixty-five percent (65%) of the Property, based upon the number of square feet owned, as compared to the total number of square feet of property provided, however, that so long as City owns at least twenty percent (20%) of the Property specified herein and on Exhibit "A" attached hereto, no such termination, extension, modification or amendment shall be effective until a proper instrument in writing has been executed and acknowledged and recorded in the office of the County Clerk, Natrona County, Wyoming.

ARTICLE IX

MISCELLANEOUS PROVISIONS

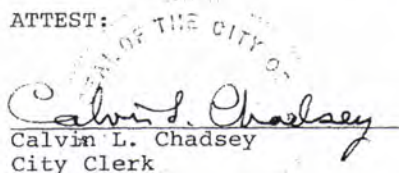
9.1 Effect of Invalidation: If any provision of this Declaration is held to be invalid by any Court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

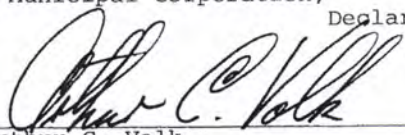
9.2 Addition of Territory: City may, at any time during the pendency of these restrictions, add all or any portion of the land described in Exhibit "A", which is attached hereto and by this reference, made a part hereof, to the Property which is covered by this Declaration, and upon the recording of a notice of such addition, the covenants contained in this Declaration shall apply to the added land in the same manner as if it were originally covered by this Declaration.

9.3 City Action: Any action required or permitted by City shall be by majority vote of the elected members of the City Council of City.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the date first hereinabove written.

ATTEST:


Calvin L. Chadsey
City Clerk

CITY OF CASPER, WYOMING,
A Municipal Corporation,
Declarant

Arthur C. Volk
Mayor

ACKNOWLEDGMENT

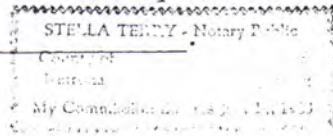
STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me
by ARTHUR C. VOLK, Mayor, City of Casper, this 24th
day of March, 19 80.

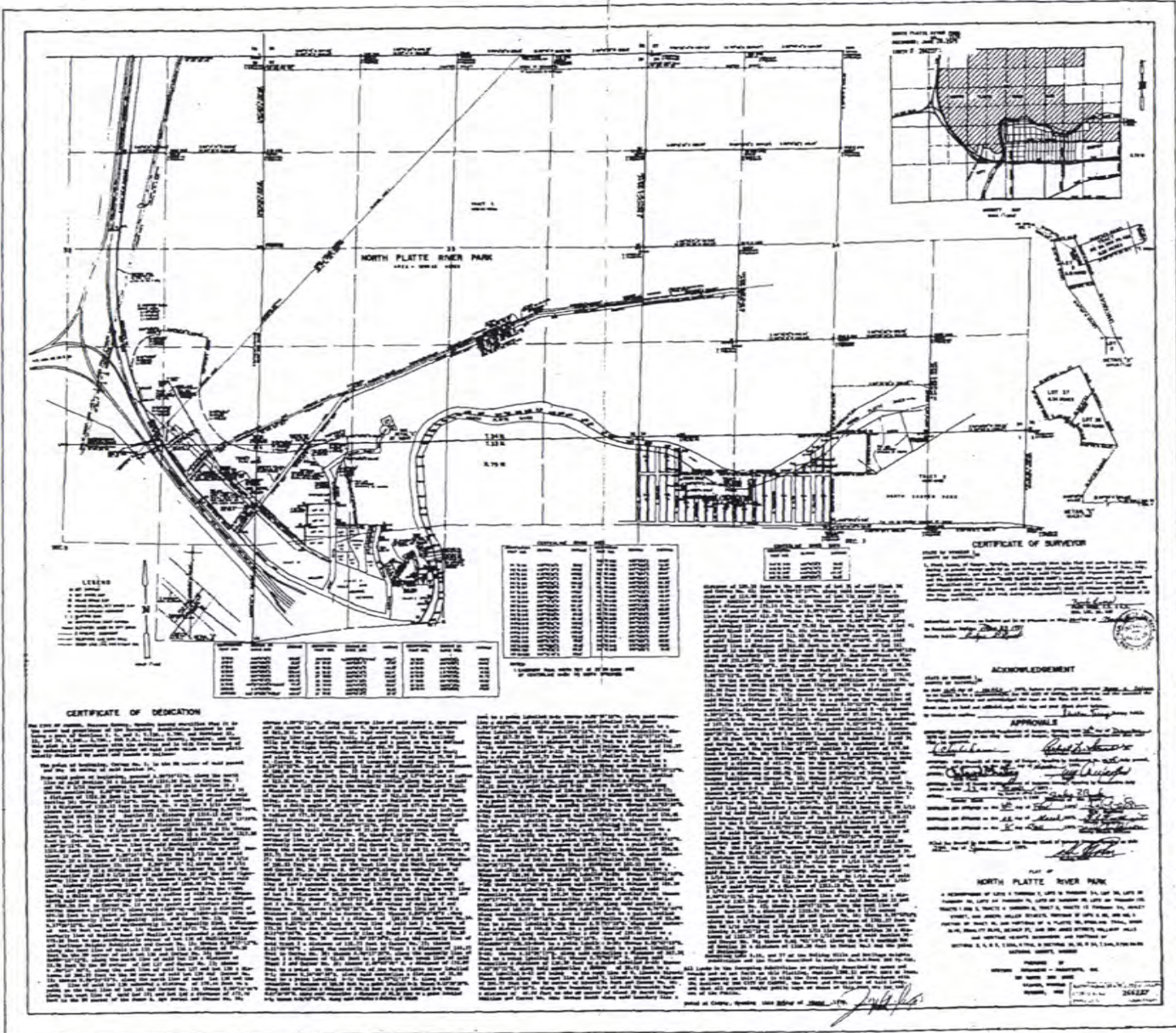
WITNESS my hand and official seal.

Stella Terry

Notary Public



My Commission expires: _____



LEGEND

- 1. Center Line of Road
- 2. Right of Way of Road
- 3. Boundary of Road
- 4. Boundary of Park
- 5. Boundary of Lot
- 6. Boundary of Section
- 7. Boundary of Township
- 8. Boundary of Range
- 9. Boundary of County
- 10. Boundary of State
- 11. Boundary of Federal Land
- 12. Boundary of Private Land
- 13. Boundary of Public Land
- 14. Boundary of Indian Land
- 15. Boundary of Military Land
- 16. Boundary of Naval Land
- 17. Boundary of Air Force Land
- 18. Boundary of Atomic Energy Land
- 19. Boundary of National Park Land
- 20. Boundary of National Monument Land
- 21. Boundary of National Preserve Land
- 22. Boundary of National Historic Landmark
- 23. Boundary of National Historic Site
- 24. Boundary of National Historic Shrine
- 25. Boundary of National Historic Trail
- 26. Boundary of National Historic Battlefield
- 27. Boundary of National Historic Shrine
- 28. Boundary of National Historic Site
- 29. Boundary of National Historic Shrine
- 30. Boundary of National Historic Site

CERTIFICATE OF DEDICATION

I, the undersigned, being a duly qualified surveyor and engineer, do hereby certify that the foregoing is a true and correct copy of the original survey and map of the North Platte River Park, as shown on the attached map, and that the same has been approved by the Board of Surveyors and Engineers of the State of Nebraska, and that the same is in accordance with the provisions of the Act of the Legislature of the State of Nebraska, approved March 10, 1907, relating to the dedication of land for public parks and recreation.

The purpose of this dedication is to provide for the enjoyment of the people of the State of Nebraska a public park and recreation area, and to preserve the natural beauty and scenic views of the North Platte River and its surroundings. The land is being dedicated to the State of Nebraska, and the same shall be held in trust for the people of the State, and shall be managed and controlled by the Board of Surveyors and Engineers of the State of Nebraska, subject to the approval of the Legislature.

The land is being dedicated to the State of Nebraska, and the same shall be held in trust for the people of the State, and shall be managed and controlled by the Board of Surveyors and Engineers of the State of Nebraska, subject to the approval of the Legislature. The land is being dedicated to the State of Nebraska, and the same shall be held in trust for the people of the State, and shall be managed and controlled by the Board of Surveyors and Engineers of the State of Nebraska, subject to the approval of the Legislature.

SECTION	ACRES	OWNER
1	36.00	State of Nebraska
2	36.00	State of Nebraska
3	36.00	State of Nebraska
4	36.00	State of Nebraska
5	36.00	State of Nebraska
6	36.00	State of Nebraska
7	36.00	State of Nebraska
8	36.00	State of Nebraska
9	36.00	State of Nebraska
10	36.00	State of Nebraska
11	36.00	State of Nebraska
12	36.00	State of Nebraska
13	36.00	State of Nebraska
14	36.00	State of Nebraska
15	36.00	State of Nebraska
16	36.00	State of Nebraska
17	36.00	State of Nebraska
18	36.00	State of Nebraska
19	36.00	State of Nebraska
20	36.00	State of Nebraska
21	36.00	State of Nebraska
22	36.00	State of Nebraska
23	36.00	State of Nebraska
24	36.00	State of Nebraska
25	36.00	State of Nebraska
26	36.00	State of Nebraska
27	36.00	State of Nebraska
28	36.00	State of Nebraska
29	36.00	State of Nebraska
30	36.00	State of Nebraska

The land is being dedicated to the State of Nebraska, and the same shall be held in trust for the people of the State, and shall be managed and controlled by the Board of Surveyors and Engineers of the State of Nebraska, subject to the approval of the Legislature. The land is being dedicated to the State of Nebraska, and the same shall be held in trust for the people of the State, and shall be managed and controlled by the Board of Surveyors and Engineers of the State of Nebraska, subject to the approval of the Legislature.

CERTIFICATE OF SURVEY

I, the undersigned, being a duly qualified surveyor and engineer, do hereby certify that the foregoing is a true and correct copy of the original survey and map of the North Platte River Park, as shown on the attached map, and that the same has been approved by the Board of Surveyors and Engineers of the State of Nebraska, and that the same is in accordance with the provisions of the Act of the Legislature of the State of Nebraska, approved March 10, 1907, relating to the dedication of land for public parks and recreation.

ACKNOWLEDGEMENT

I, the undersigned, being a duly qualified surveyor and engineer, do hereby acknowledge the receipt of the sum of \$100.00, which is the amount of the fee for the survey and map of the North Platte River Park, as shown on the attached map, and that the same has been approved by the Board of Surveyors and Engineers of the State of Nebraska, and that the same is in accordance with the provisions of the Act of the Legislature of the State of Nebraska, approved March 10, 1907, relating to the dedication of land for public parks and recreation.

APPROVALS

[Signatures and stamps of various officials, including the Surveyor and Engineers of the State of Nebraska.]

NORTH PLATTE RIVER PARK

A MEMORANDUM OF LANDS IN THE STATE OF NEBRASKA, AS SHOWN ON THE ATTACHED MAP, AND THAT THE SAME HAS BEEN APPROVED BY THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF NEBRASKA, AND THAT THE SAME IS IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF THE LEGISLATURE OF THE STATE OF NEBRASKA, APPROVED MARCH 10, 1907, RELATING TO THE DEDICATION OF LAND FOR PUBLIC PARKS AND RECREATION.

February 3, 2017

MEMO TO: V.H. McDonald, City Manager

FROM: Andrew Beamer, Public Services Director
Dan Coryell, Parks Manager

SUBJECT: Athletic Field Leases and 13th & Sycamore Ballfields

Information only:

The City of Casper maintains 33 athletic fields that are used by formal football, baseball, softball, and soccer leagues or clubs for practices, games and tournament play. The fields occupy 108 acres of land. Athletic lease holders in the City of Casper include the Casper Midget Football Association, Casper Legion Baseball Association, Casper Youth Baseball, Casper Crush, and Casper Soccer Club.

The Casper Midget Football Association leases the football field at the North Casper Ballfield Complex. They lease the field on an annual basis, renewable annually through April 30th, 2019. Under the terms of the lease, they pay the City \$5 per player to compensate City staff for field maintenance. The field is leased for the sole purpose of conducting football activities.

Casper Legion Baseball holds the lease for Mike Lansing Field through December 31st, 2020. Payment for the use of this 5A field is also at the rate of \$5 per player. As the field was primarily funded with public funds, there is a stipulation in their lease agreement that Legion shall not unreasonably deny use of the leased premises by other groups.

The Field of Dreams complex, Washington Park ballfield, and Tani Ballfield complex are all leased to Casper Youth Baseball (CYB). The Field of Dreams complex, consisting of two 1A fields, two 2A fields, and two 3A fields, requires CYB to reimburse the City for electricity charges that exceed \$2,750 per calendar year and is leased through August 14th, 2026. Tani Field and Washington Park, both 5A fields, are leased to CYB through December 31st, 2020. This agreement requires CYB to pay for all electricity costs during the playing season. They are also required to make, at a minimum, \$13,500 worth of improvements to the leased premises annually. Specific to the Washington Park and Tani Ballfield lease is a field sharing policy, where other baseball groups will be allowed use the facilities when not in use by CYB. CYB has extended the field sharing policy to include the Field of Dreams complex.

Casper Crush leases the 3A Mike Sedar ballfield through December 31, 2044. This lease also specifically references a field sharing policy, where other baseball groups may use the facility when not in use by Casper Crush. The lease requires Casper Crush to make, at a minimum, \$5,000 worth of improvements to the leased premises annually.

The Casper Soccer Club holds the lease to the North Casper Soccer Complex for the purpose of soccer related activities through December 31, 2021. Consisting of twelve soccer fields, the club

pays the City \$8 per player per season, with a minimum payment of \$4,000 and maximum payment of \$12,000. Additional fees are assessed for special events.

Fields not currently leased include five softball fields in North Casper, along with three additional softball fields and one 5-A field at Crossroads Park. These fields are scheduled through the Casper Recreation Center for rec league play. Casper Legion and Casper Crush routinely schedule additional practice and game times on the 5A field at Crossroads.

There are two 1A fields at 13th Street & Sycamore Street. Built originally in 1955, they were leased to Casper Youth Baseball until 2014 when the Field of Dreams complex was completed. Since then, the complex has been decommissioned and not been used. Significant improvements would be needed to bring the facility up to playing standards. 200 tons of infield mix, at a cost of \$15,000, is needed to replace the existing crushed limestone infield. The irrigation system, last updated in 1989, has several leaks. The backstops and outfield fences are curling and breaking apart, creating safety concerns with past balls.

Should City staff be required to maintain the facility, the weekly cost during the season for irrigation and maintenance is estimated at \$1,250. This includes mowing the fields up to three times a week, fertilizer, infield prep, and irrigation. It should be recognized that the fields were designed for 1A play, with limited base and fence distances. The dugouts, designed for kids under the age of 10, are not tall enough for adults.

Athletic Leases

Legend

Leased

No (3)

Yes (7)

Crossroads Ballfields
City of Casper
14.6 Acres Total
9.76 Acres Irrigated
Fields 1,2,3 Rec & Fast Pitch
Field 4 5A

Mike Lansing Field
Legion
8.17 Acres Total
4.4 Acres Irrigated
Level 5A

North Casper Ballfields
City of Casper
13.41 Acres Total
10.7 Acres Irrigated
Rec & Fast Pitch

North Casper Soccer
Casper Soccer Club
42.36 Acres Total
33.3 Acres Irrigated

Midget Football Field
1.4 Acres Total
1.4 Acres Irrigated

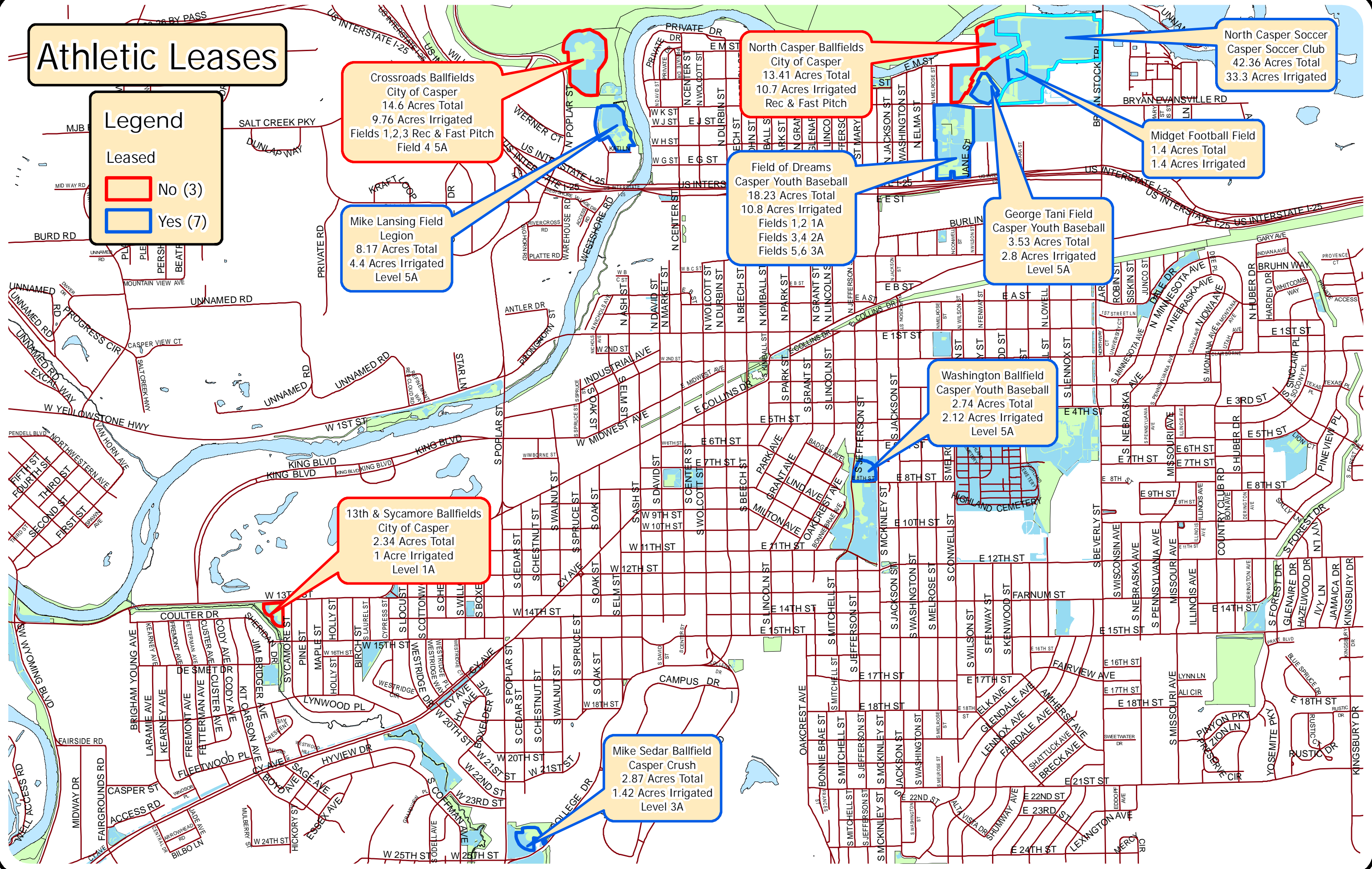
Field of Dreams
Casper Youth Baseball
18.23 Acres Total
10.8 Acres Irrigated
Fields 1,2 1A
Fields 3,4 2A
Fields 5,6 3A

George Tani Field
Casper Youth Baseball
3.53 Acres Total
2.8 Acres Irrigated
Level 5A

Washington Ballfield
Casper Youth Baseball
2.74 Acres Total
2.12 Acres Irrigated
Level 5A

13th & Sycamore Ballfields
City of Casper
2.34 Acres Total
1 Acre Irrigated
Level 1A

Mike Sedar Ballfield
Casper Crush
2.87 Acres Total
1.42 Acres Irrigated
Level 3A



Field #	Level of play (Age)	Pitching Distance	Base Distance	Fence Distance
FOD 1	1A (7-8)	Pitching Machine, 36'	50' & 60'	L-199', C-198', R-199'
FOD 2	1A (7-8)	Pitching Machine, 36'	50' & 60'	L-200', C-200, R-200'
FOD 3	2A (9-10)	46'	60'	L-197, C-197', R-197
FOD 4	2A (9-10)	46'	60'	L-197', C-200', R 200
FOD 5	3A (11-12)	54'	70'	L-230', C-230', R-210'
FOD 6	3A (11-12)	54'	70'	L-210', C-230', R-210
Tani Field	5A (13-18)	60'6"	90'	L-320', C-258', R-320
Washington Field	5A (13-18)	60'6"	90'	L-299', C-322', R-294'
Mike Lansing Field	5A (13-18)	60'6"	90'	L-352', C-380', R-342'
Crossroads 4	5A (13-18)	60'6"	90'	L-347', C-347', R-347'
Crossroads 1-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-300', C-300', R-300'
Crossroads 2-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-290', C-290', R-300'
Crossroads 3-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-250', C-250', R-289'
North Casper 1-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-250', C-250', R-250'
North Casper 2-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-270', C-270', R-270'
North Casper 3-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-278', C-278', R-278'
North Casper 4-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-273', C-273', R-278'
North Casper 5-Softball	Rec & Fast Pitch	43',50'	60'-70'	L-275', C-275', R-275
Mike Sedar Baseball Field	Temp Mound	ADJUSTABLE	50,60,70'	L-273', C-273', R-273'
13th Sycamore Field 1	1A (7-8)	36'	50', 60'	L-174', C-179', R-176
13th Sycamore Field 2	1A (7-8)	36'	50', 60'	L-160', C-165', R-165

January 26, 2017

TO: V.H McDonald, City Manager
FROM: Jim Wetzel, Chief of Police
SUBJECT: CY2016 Liquor Dealers Demerit Report

Recommendation:

No Recommendation. Informational only.

Summary:

This document serves to provide a summary of 2016 police response to the physical location of each city-issued liquor license and any corresponding demerit points received by the license holder as a result of license infractions.

None of the liquor license holders accrued the designated minimum number of points to merit suspension of their license.



City of Casper

Liquor License Review

2016

Prepared by:



Table of Contents

Memo From the Chief.....	2
Liquor License Ordinance Provisions	3
Violations and Demerits Summary	4
Calls for Service Summary.....	5
City Ordinances.....	12

January 26, 2017

TO: V.H McDonald, City Manager
FROM: Jim Wetzel, Chief of Police
SUBJECT: CY2016 Liquor Dealers Demerit Report

Recommendation:

No Recommendation. Informational only.

Summary:

This document serves to provide a summary of 2016 police response to the physical location of each city-issued liquor license and any corresponding demerit points received by the license holder as a result of license infractions.

None of the liquor license holders accrued the designated minimum number of points to merit suspension of their license.

Liquor License Ordinance Provisions

The current Liquor Ordinance specifies the following:

- I. Every Licensee acquiring one hundred twenty five (125) demerits in twelve month period shall have its license suspended for seven (7) days;
- II. Every Licensee acquiring more than one hundred seventy five (175) but less than two hundred fifty (250) demerit points, in a twelve month period, shall have its license suspended for thirty (30) days; and,
- III. Every licensee acquiring more than two hundred fifty (250) demerit points in a twenty-four month period shall have its license suspended for sixty days.

2016 Alcohol Violations Summary

Retailer	Date	Violation	Demerits	Plea	License Type
2nd Street Liquor & Wine	5/20/16	Sell to Minor	25	Guilty	Retail
Botticelli Ristorante Italiano	2/11/16	Sell to Minor	25	Guilty	Restaurant
Charlie T's Pizzeria	5/20/16	Sell to Minor	25	Guilty	Restaurant
Don Juan's Mexican Restaurant	5/20/16	Sell to Minor	25	Guilty	Restaurant
Elks Lodge #1353	3/7/16	Sell to Minor	25	Guilty	Limited Retail
Fire Rock Steakhouse	7/25/16	Sell to Minor	25	Nolo Contendre	Retail
Frosty Lounge	2/11/16	Sell to Minor	25	Guilty	Retail
Frosty Lounge	5/20/16	Sell to Minor	25	Guilty	Retail
House of Sushi	11/29/16	Sell to Minor	25	Dismissed	Restaurant
La Costa Mexican Restaurant	5/20/16	Sell to Minor	25	Guilty	Restaurant
Paradise Valley Liquors	10/26/16	Sell to Minor	25	Guilty	Retail
Partytime Liquors	2/14/16	Sell to Minor	25	Nolo Contendre	Retail
Ramada Plaza Riverside	11/29/16	Sell to Minor	25	Guilty	Resort
Ramkota	4/18/16	Sell to Minor	0	Deferral with Plea	Retail
Rena's Lime Leaf Asian Bistro	2/11/16	Sell to Minor	25	Guilty	Restaurant
Sanford's Grub & Pub	5/10/16	Sell to Minor	0	Dismissed	Restaurant
The Fort Saloon N' Eatery	2/11/16	Sell to Minor	25	Guilty	Bar & Grill
Wal-Mart Supercenter #3778	4/18/16	Sell to Minor	25	Guilty	Retail

Liquor Retailer Calls For Service Summary

2nd Street Liquor & Wine 939 E 2ND ST License Type: Retail	Total Incidents: 41 Total Demerit Points: 25
Albertsons #2062 2625 E 2ND ST License Type: Retail	Total Incidents: 124 Total Demerit Points: 0
Albertsons Liquors #2060 1076 CY AVE License Type: Retail	Total Incidents: 79 Total Demerit Points: 0
Alibi Bar & Lounge 1740 E YELLOWSTONE HWY License Type: Retail	Total Incidents: 37 Total Demerit Points: 0
Armor's Restaurant 3422 ENERGY LN License Type: Retail	Total Incidents: 9 Total Demerit Points: 0
Bosco's 847 E A ST License Type: Restaurant	Total Incidents: 4 Total Demerit Points: 0
Botticelli Ristorante Italiano 129 W 2ND ST License Type: Restaurant	Total Incidents: 5 Total Demerit Points: 25
Buffalo Wild Wings 5071 E 2ND ST License Type: Bar & Grill	Total Incidents: 16 Total Demerit Points: 0
Casper Events Center 1 EVENTS DR License Type: Retail	Total Incidents: 41 Total Demerit Points: 0
Casper VFW Memorial Post 9439 1800 BRYAN STOCK TRL License Type: Limited Retail	Total Incidents: 1 Total Demerit Points: 0
Charlie T's Pizzeria 112 E 2ND ST License Type: Restaurant	Total Incidents: 3 Total Demerit Points: 25

Chopstix Asian Bistro Casper Inc. 1937 E 2ND ST License Type: Restaurant	Total Incidents: 1 Total Demerit Points: 0
Courtyard by Marriott 4260 HOSPITALITY LN License Type: Resort	Total Incidents: 12 Total Demerit Points: 0
CY Discount Liquor 840 CY AVE License Type: Retail	Total Incidents: 19 Total Demerit Points: 0
Denny's Dinner 4220 HOSPITALITY LN License Type: Restaurant	Total Incidents: 13 Total Demerit Points: 0
Don Juan's Mexican Restaurant 144 S CENTER ST License Type: Restaurant	Total Incidents: 2 Total Demerit Points: 25
Dsasumo 320 W 1ST ST License Type: Bar & Grill	Total Incidents: 4 Total Demerit Points: 0
Eagles Lodge 306 N DURBIN ST License Type: Limited Retail	Total Incidents: 12 Total Demerit Points: 0
Eggington's 229 E 2ND ST License Type: Restaurant	Total Incidents: 4 Total Demerit Points: 0
El Toro 3400 E 2ND ST License Type: Restaurant	Total Incidents: 4 Total Demerit Points: 0
Elks Lodge #1353 108 E 7TH ST License Type: Limited Retail	Total Incidents: 7 Total Demerit Points: 25
Fire Rock Steakhouse 6100 E 2ND ST License Type: Retail	Total Incidents: 22 Total Demerit Points: 25
Frosty Lounge 520 S CENTER ST License Type: Retail	Total Incidents: 18 Total Demerit Points: 50

Galles Liquor Mart 748 E YELLOWSTONE HWY License Type: Retail	Total Incidents: 31 Total Demerit Points: 0
Galloway's Irish Pub 2800 CY AVE License Type: Retail	Total Incidents: 40 Total Demerit Points: 0
Guadalajara Mexican Restaurant 3350 CY AVE License Type: Restaurant	Total Incidents: 10 Total Demerit Points: 0
Hilton Garden Inn 1150 N POPLAR ST License Type: Resort	Total Incidents: 46 Total Demerit Points: 0
Himalayan Indian Cuisine 232 E 2ND ST License Type: Restaurant	Total Incidents: 8 Total Demerit Points: 0
Holiday Inn 721 GRANITE PEAK DR License Type: Resort	Total Incidents: 13 Total Demerit Points: 0
House of Sushi 260 S CENTER ST License Type: Restaurant	Total Incidents: 3 Total Demerit Points: 25
JS Chinese 116 W 2ND ST License Type: Restaurant	Total Incidents: 1 Total Demerit Points: 0
J's Pub & Grill 3201 SW WYOMING BLVD License Type: Bar & Grill	Total Incidents: 8 Total Demerit Points: 0
Karen & Jim's Restaurant 520 S ASH ST License Type: Retail	Total Incidents: 8 Total Demerit Points: 0
La Cocina Mexican Restaurant 321 E E ST License Type: Restaurant	Total Incidents: 12 Total Demerit Points: 0
La Costa Mexican Restaurant 1600 E 2ND ST License Type: Restaurant	Total Incidents: 4 Total Demerit Points: 25

Liquor Shed 4241 E 2ND ST License Type: Retail	Total Incidents: 18 Total Demerit Points: 0
Modern Electric 246 W 1ST ST License Type: Retail	Total Incidents: 1 Total Demerit Points: 0
Moonlight Liquors 2305 E 12TH ST License Type: Retail	Total Incidents: 42 Total Demerit Points: 0
Old Chicago 3580 E 2ND ST License Type: Retail	Total Incidents: 27 Total Demerit Points: 0
Olive Garden Italian Restaurant #1828 5070 E 2ND ST License Type: Bar & Grill	Total Incidents: 12 Total Demerit Points: 0
On the Border 71 SE WYOMING BLVD License Type: Bar & Grill	Total Incidents: 29 Total Demerit Points: 0
Outlet Liquor & Tobacco 627 N POPLAR ST License Type: Retail	Total Incidents: 24 Total Demerit Points: 0
Paradise Valley Country Club 70 MAGNOLIA License Type: Limited Retail	Total Incidents: 3 Total Demerit Points: 0
Paradise Valley Liquors 401 VALLEY DR License Type: Retail	Total Incidents: 8 Total Demerit Points: 25
Parkway Plaza Hotel & Conference Centre 123 W E ST License Type: Resort	Total Incidents: 145 Total Demerit Points: 0
Partytime Liquors 1335 S MCKINLEY ST License Type: Retail	Total Incidents: 7 Total Demerit Points: 25
Pizza Hut #238 3738 CY AVE License Type: Restaurant	Total Incidents: 5 Total Demerit Points: 0
Pizza Hut #239 3741 E 2ND ST	Total Incidents: 16

License Type: Restaurant	Total Demerit Points: 0
Pizza Ranch - Casper	
5011 E 2ND ST	Total Incidents: 13
License Type: Restaurant	Total Demerit Points: 0
Poor Boys Steakhouse	
739 N CENTER ST	Total Incidents: 9
License Type: Retail	Total Demerit Points: 0
Poplar Wine & Spirits	
1016 S POPLAR ST	Total Incidents: 14
License Type: Retail	Total Demerit Points: 0
Prime Time	
4370 S POPLAR ST	Total Incidents: 11
License Type: Retail	Total Demerit Points: 0
Ramada Plaza Riverside	
300 W F ST	Total Incidents: 92
License Type: Resort	Total Demerit Points: 25
Ramkota	
800 N POPLAR ST	Total Incidents: 58
License Type: Retail	Total Demerit Points: 0
Red Lobster #6374	
5010 E 2ND ST	Total Incidents: 5
License Type: Retail	Total Demerit Points: 0
Rena's Lime Leaf Asian Bistro Inc.	
845 E 2ND ST	Total Incidents: 3
License Type: Restaurant	Total Demerit Points: 25
Ridley's Family Markets	
1375 CY AVE	Total Incidents: 80
License Type: Retail	Total Demerit Points: 0
Roaring 22	
314 W MIDWEST AVE	Total Incidents: 8
License Type: Retail	Total Demerit Points: 0
Sam's Club #6425	
4600 E 2ND ST	Total Incidents: 34
License Type: Retail	Total Demerit Points: 0
Sanford's Grub & Pub	
61 SE WYOMING BLVD	Total Incidents: 8
License Type: Restaurant	Total Demerit Points: 0

Shogun Japanese Steak House 3095 TALON DR License Type: Restaurant	Total Incidents: 9 Total Demerit Points: 0
Shrine Club 1501 W 39TH ST License Type: Limited Retail	Total Incidents: 1 Total Demerit Points: 0
Smith's Food & Drug #185 2405 CY AVE License Type: Retail	Total Incidents: 67 Total Demerit Points: 0
Table Mountain Vineyards 731 E 2ND ST License Type: Satellite Winery	Total Incidents: 4 Total Demerit Points: 0
Taco's Mexico 2117 E 12TH ST License Type: Restaurant	Total Incidents: 5 Total Demerit Points: 0
The 19th Hole 2120 ALLENDALE BLVD License Type: Limited Retail	Total Incidents: 23 Total Demerit Points: 0
The Fort Saloon N' Eatery 500 W F ST License Type: Bar & Grill	Total Incidents: 13 Total Demerit Points: 25
The Keg & Cork 5371 BLACKMORE RD License Type: Retail	Total Incidents: 22 Total Demerit Points: 0
Three Crown's Golf Club 1601 KING BLVD License Type: Limited Retail	Total Incidents: 6 Total Demerit Points: 0
TJ's Bar & Grill 2024 CY AVE License Type: Retail	Total Incidents: 11 Total Demerit Points: 0
Wal-Mart Supercenter #3778 4255 CY AVE License Type: Retail	Total Incidents: 388 Total Demerit Points: 25
Wyoming Ale 5900 E 2ND ST License Type: Bar & Grill	Total Incidents: 13 Total Demerit Points: 0

Wyoming State Brewing Company/Wonder Bar

256 S CENTER ST

License Type: Microbrewery

Total Incidents: 16

Total Demerit Points: 0

Yellowstone Garage

355 W YELLOWSTONE HWY

License Type: Retail

Total Incidents: 1

Total Demerit Points: 0

Z Financial Administration & Management Inc/TBA

1121 WILKINS CIR

License Type: Retail

Total Incidents: 1

Total Demerit Points: 0

Chapter 5.08 – Alcoholic Beverages

5.8.10 - Definitions.

As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains more than one-half of one percent of alcohol by volume.
2. "Bar and grill liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. "Barrel" is a unit of liquid measure equal to thirty-one U.S. gallons.
4. "Building" means a roofed and walled structure built or set in place for permanent use.
5. "Club" means any of the following organizations:
 - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
 - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subdivision, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;
 - c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
 - d. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
 - e. A social club with more than one hundred bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings, and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to Section 5.08.060, shall be in good standing by having paid at least one full year in dues;
 - f. Club does not mean college fraternities or labor unions.
6. "Commission" means the Wyoming Liquor Commission.
7. "Drugstore" means space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.

8. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.
9. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
10. "Licensee" means a person holding a:
 - a. Retail liquor license;
 - b. Limited retail liquor license;
 - c. Resort liquor license;
 - d. Malt beverage permit;
 - e. Restaurant liquor license;
 - f. Catering permit;
 - g. Special malt beverage permit; or
 - h. Bar and grill liquor license.
11. "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
12. "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
13. "Malt beverage permit" means the authority under which the licensee is permitted to sell malt beverages only.
14. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(ixx).
15. "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year.
16. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
17. "Person" includes an individual person, partnership, corporation, limited liability company or association.
18. "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
19. "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

20. "Restaurant liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
21. "Retail liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.
22. "Room" means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.
23. "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging for goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.
24. "Special malt beverage permit" means the authority under which a licensee is permitted to sell malt beverages at public auditoriums, civic centers or events centers, meeting the qualifications hereinafter provided.
25. "This chapter" means Ordinance 25-86.
26. "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.
27. "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

(Ord. 33-06 §§ 1, 2, 2006; Ord. 24-96 § 1, 1996; Ord. 22-93 § 1, 1993; Ord. 8-88 § 1, 1988; Ord. 25-86 (part), 1986; prior code § 3-1)

5.8.25 - Microbrewery and winery permits—Authorized—Conditions—Dual permits and licenses—Fees—Satellite winery permits.

- A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the city council may issue:
 1. A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;
 2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.
 3. Satellite winery permits, subject to the terms and conditions of Section 5.08.140, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the city clerk for each location following approval of the city council after a public hearing for consideration of the permit application. Satellite winery permits shall be subject to the applicable terms and conditions of this chapter.
 4. Every applicant for a satellite winery permit shall file with the city clerk, at the time of application for the initial permit, and any subsequent permit or renewal thereof, an affidavit in a form approved by the city clerk attesting that the applicant does not have more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
 5. No satellite winery permit shall be eligible for renewal in the event the applicant thereof has more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.
- B. The city council:

1. May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;
3. May approve the dual holding of a microbrewery permit or winery permit and one of the following:
 - a. A retail liquor license as provided in Section 5.08.120 of this chapter;
 - b. Subject to subsection C of this section, a restaurant license as provided in Section 5.08.120 of this chapter;
 - c. A resort license as provided in Section 5.08.120 of this chapter;
 - d. A microbrewery permit as provided under subsection (A)(1) of this section;
 - e. A winery permit as provided under subsection (A)(2) of this section; or
 - f. A bar and grill liquor license as provided in Section 5.08.285 of this chapter. Provided, however, the provisions of Section 5.08.285 of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:
 - i. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to subsections (B)(4) and (B)(5) of this section.
 - ii. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit.
 - iii. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under Section 5.08.260 of this chapter.
4. May allow the microbrewery to sell on-site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;
 - a. All microbrewery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.
5. May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;
 - a. All winery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.
6. Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;
7. May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and
8. Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a

fee of one hundred dollars annually for up to three satellite winery permits issued within the city to the same applicant. When dual ownership of a microbrewery or winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant or resort license fee.

- C. Section 5.08.280 of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:
1. May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons under the age of twenty-one years are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;
 2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to subsections (B)(4) and (5) of this section;
 3. May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and
 4. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under Section 5.08.260(C) of this chapter.

(Ord. No. 11-14, § 1, 6-3-2014; Ord. 33-06 § 3, 2006; Ord. 24-96 § 2, 1996; Ord. 22-93 § 3, 1993)

Editor's note—

Ord. No. 11-14, § 1, adopted June 3, 2014, amended the title of § 5.08.025 to read as set out herein. Previously § 5.08.025 was titled microbrewery and winery permits—authorized—conditions—dual permits and licenses—fees.

5.08.030 - License—Required.

It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or give away to the public, as an inducement to the public to patronize any business, place or person within the city, any alcoholic liquor or malt beverage as defined in this chapter, or to operate a microbrewery within the city without first obtaining a license to do so and paying the license fees therefor.

(Ord. 22-93 § 2, 1993; Ord. 25-86 (part), 1986; prior code § 3-9)

5.08.035 - Suspension of license by licensing authorities for failure to pay sales tax.

The city council may suspend any license issued under this title if the licensee fails to pay sales taxes and the commission has ceased sales of alcoholic liquor to the licensee pursuant to W.S. 12-2-306. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104(F) and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

(Ord. 24-96 § 3, 1996)

5.8.40 - License application—Contents and fees.

Any person desiring a license or permit under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney general of the state and furnished to the city. It shall be sworn to by the applicant, filed in the office of the city clerk and be accompanied by the sum of fifteen dollars in the event that it is submitted as an application for annual renewal to become effective on the annual renewal

date of April 1st, and in the sum of thirty dollars for an application submitted at any other time or for any other purpose. The set amount is intended to defray the expense of publishing notice of such application as required by law. Such application shall contain the following information:

- A. The location and description of the room in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed;
- B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;
- C. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic or malt beverages within ten years prior to the filing of the application;
- D. If the applicant is a corporation:
 - 1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and
 - 2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;
- E. A statement indicating the financial condition and financial stability of a new applicant;
- F. The site and the zoning of the site where the applicant will sell under the license;
- G. If the applicant is a limited liability company:
 - 1. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, and
 - 2. If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided under subsection C of this section;
- H. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or if there are no officers or managers, at least one of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

(Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986; prior code § 3-10)

5.08.050 - License application—Change of ownership and other information.

- A. Corporate and limited liability company licensees and permittees shall advise the city council within thirty days in writing of any change in the information in any application required under this chapter. The city shall provide the commission a copy of a notification of change.
- B. Whenever an interest of more than ten percent of the whole interest in any corporation, association or organization holding a retail liquor license is sought to be sold, assigned or otherwise transferred, a new application as described in Section 5.08.040 shall first be filed with the city clerk and no such sale, assignment or transfer shall be made without the prior approval of the city council.

- C. Whenever ownership of a license or permit is proposed to be transferred, or a retail or limited retail liquor license moved to a different location, or a licensed or permitted facility is proposed to be expanded, a new application as described in Section 5.08.040 shall first be filed with the city clerk, and no such transfer, move or expansion shall be made without the prior approval of the city council as set forth in Section 5.08.170

(Ord. 24-96 § 5, 1996; Ord. 25-86 (part), 1986: prior code § 3-13)

5.08.060 - License application—Affidavits required.

In addition to the application form described in Section 5.08.040, each applicant shall furnish the city an affidavit in duplicate, setting forth the names and addresses of all stockholders and their respective stockholdings if the applicant is a corporation, and the names and addresses of all members if the applicant is an association or organization. Such affidavit shall also state whether or not any relative by blood or marriage of an individual applicant, partner, stockholder of a corporation or a member of an association or organization making application has any interest in any retail liquor license issued by the city and, if so, the name and address of each such person; such affidavit shall also state whether or not any person, other than the applicant, has any interest, whether direct or indirect, in the license and, if so, the nature of the interest.

(Ord. 2-87 § 2, 1987; Ord. 25-86 (part), 1986: prior code § 3-14)

5.08.070 - License application—Notice, hearing and appeals procedure.

- A. When an application for a license, special malt beverage permit, renewal, expansion or any transfer of location or ownership thereof has been filed with the city clerk, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale, and publish the notice in a newspaper of local circulation once a week for four consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the _____ day of _____, 19_____, (name of applicant) filed an application for a _____ license (permit), in the office of the Clerk of the City of Casper for the following described place (and room) (insert description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of _____ .m. on the _____ day of _____, 19_____, in the (meeting place of the governing body).

Dated	Signed
	City Clerk

- B. Any license or special malt beverage permit authorized under this chapter shall not be issued, renewed, expanded or transferred until on or after the date set in the notice for hearing protests. If a

renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or special malt beverage permit. A license or special malt beverage permit shall not be issued, renewed, expanded or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;
 2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;
 3. The number, type and location of existing licenses or special malt beverage permits meet the needs of the vicinity under consideration;
 4. The desires of the residents of the city will not be met or satisfied by the issuance, renewal or transfer of the license or special malt beverage permit; or
 5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit.
- C. The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the city council.
- D. When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the commission. The city council shall not approve or deny an application until the commission has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the commission within ten working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the commission.
- E. An applicant for a renewal license or special malt beverage permit may appeal to the district court from an adverse decision by the city council. No applicant for a new license or permit shall have a right of appeal from the decision of the city council denying an application.
- F. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the city council named as defendant. During the pendency of an appeal, a renewal license denied by the city council shall not be granted to any other applicant. Upon notice of appeal the city clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest, if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the city clerk. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

(Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986: prior code § 3-15)

5.08.080 - Special malt beverage permit.

- A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.
- B. To qualify for a special malt beverage permit an applicant must meet the following requirements:
1. The applicant must be a responsible person or organization;
 2. The public auditorium, civic center or events center shall be an enclosed building owned by the city or the county, containing meeting rooms, kitchen facilities and at least one auditorium which has a seating capacity for no less than five thousand persons and is used for public gatherings;

3. The person or organization applying for the permit must hold a written agreement with the owner of the public auditorium, civic center or events center, giving said applicant the right to sell concessions within the building for the period for which the license will be effective.
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the holder of the permit to see that no sales are made to any person under the age of twenty-one years.
 - D. The permits authorized by this section shall be issued after a hearing on the application, and the license fee shall be one thousand five hundred dollars, payable annually in advance.
 - E. The permit shall be subject to such rules and regulations as are established by the city council for the following:
 1. The location of the dispensing rooms;
 2. The furnishings and other features of the dispensing rooms; and
 3. The hours and days of operation of the dispensing rooms.

(Ord. 8-88 § 3, 1988; Ord. 25-86 (part), 1986: prior code § 3-22)

5.08.090 - Malt beverage and catering permits for public events.

- A. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. Privately owned or leased premises shall be subject to the restrictions set forth in subsections G and H, except that premises owned or leased from the city of Casper shall be exempt from these restrictions. Sections 5.08.290, 5.08.300 and 5.08.310 do not apply to this subsection.
- B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the city manager or his or her designee to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic liquor or malt beverage off the premises described in the permit.
- C. The permits authorized by this section shall be issued for one twenty-four-hour period, subject to the schedule of operating hours provided by Section 5.08.320. No person or organization shall receive more than a total of twelve malt beverage and twenty-four catering permits for sales at the same premises in any one year. In no event shall more than twenty-four malt beverage permits be issued for any given premises in any one year.
- D. The malt beverage permit and the catering permit shall be issued on application to the city manager or his or her designee without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.
- E. The fee for the malt beverage permit and the catering permit shall be fifty dollars per twenty-four-hour period, payable to the city.
- F. Applications shall be submitted on a form approved by the city manager or his or her designee.
- G. Applications for malt beverage permits shall be denied due to any of the following conditions:

1. Conviction of the following individuals and entities for one or more of the following offenses related to a similar event or location within the preceding five years prior to the date of the application as follows:
 - a. Applicant or applicant's entity principals, employees, agents, or representatives:
 - 1) Driving while under the influence,
 - 2) Public intoxication,
 - 3) Disturbing the peace/noise offense,
 - 4) Serving after hours at location,
 - 5) Controlled substances offenses,
 - 6) Serving to a minor,
 - 7) Selling alcohol without a license,
 - 8) Violation of any provision of Chapter 5.08 of the Casper Municipal Code.
2. Convictions of any patron, guest, attendee, employee, owner, applicant, or principal resulting from four or more of any of the following offenses occurring at, or stemming from, an event location for which a permit is being applied for, within three hundred sixty-five days prior to the date of the application as follows:
 - a. Minor in possession,
 - b. Disturbing the peace/noise offense,
 - c. Selling alcohol without a license,
 - d. Furnishing alcohol to minor,
 - e. Driving while under the influence,
 - f. Controlled substances offense.
3. Applicant's business entity is not in good standing with the State of Wyoming Secretary of State.
4. Applicant lack of valid Wyoming sales tax permit.
5. Applicant nonresident of Wyoming.
6. Applicant not obtaining other required permits, including, but not limited to, open container, street closure, and food service permits.

Any denial by the city manager or his designee may be appealed to the city council by the applicant filing a written notice of appeal with the city manager within ten days of the denial. The appeal will be considered within thirty days of the written notice of appeal being filed. Council's decision is final.

Upon denial, or final denial of any malt beverage permit for any of the reasons listed in this section, applicant may apply for future malt beverage permits after the expiration of three hundred sixty-five days from the date of any such denial.

The provisions of this section shall become applicable for any license applied for or any conviction of the listed offenses occurring after the effective date of this ordinance.

- H. Any permit issued under this section may be revoked at any time on the discretion of the city manager, or his or her designee, or the chief of police, or his or her designee, if the event poses a risk to public safety or welfare. Upon revocation, all sales and consumption of alcohol shall cease.

(Ord. 11-05 § 1, 2005; Ord. 30-04 §§ 1 (part), 2, 2004; Ord. 33-02 § 1, 2002; Ord. 17-02 § 1, 2002; Ord. 2-91, 1991; Ord. 69-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-28)

(Ord. No. 33-11, §§ 1—3, 12-20-2011)

5.08.100 - License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any member of the city council or county commissioners;
 2. Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;
 3. Any party who does not own the building in which the licensed room is located or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 4 of this subsection;
 4. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
 5. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 4 of this subsection;
 6. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture or sale of malt beverages under a microbrewery license issued pursuant to this chapter;
 7. A person under twenty-one years of age;
 8. A college fraternity or organization created by one or more college fraternities;
 9. A chamber of commerce;
 10. A corporation or a limited liability company which has not qualified to do business in Wyoming;
 11. An individual who is not a resident; or
 12. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
 13. Except as provided in subsection 14 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;
 14. Subsection 13 of this section shall not apply to:
 - a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;
 - b. Holders of special permits issued under Sections 5.08.080 and 5.08.090 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as hereinafter provided.

(Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986: prior code § 3-12)

5.08.110 - License interest restrictions.

No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit and no corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions are true.

(Ord. 25-86 (part), 1986: prior code § 3-11)

5.08.120 - Retail, resort and restaurant license fees.

Every person holding a retail, resort or restaurant license authorized by the provisions of this chapter shall pay annually in advance, for a license hereunder, the sum of one thousand five hundred dollars. The license fee shall be paid to the clerk of the city before the license is issued.

(Ord. 25-86 (part), 1986: prior code § 3-18)

5.08.130 - Fee disposition—Refunds prohibited.

All fees for licenses and permits issued by the city council paid under this chapter shall be deposited into the city treasury. No refund of all or any part of a license or permit fee shall be made at any time following issuance.

(Ord. 25-86 (part), 1986: prior code § 3-16)

5.08.140 - License and permit term.

- A. A license or permit is considered a personal privilege to the holder and the term of the license or permit is for one year unless sooner revoked, except for twenty-four-hour catering and malt beverage permits. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.
- B. The term of a license or special malt beverage permit may be less than one year if specified by the city council to coincide with the annual date or dates set by the authority for consideration of license and permit issuance, renewals and transfers. In the event that the city council issues a license or permit for a term less than one year, it shall prorate the fee accordingly. Any licensee not attempting to renew a newly issued prorated license or permit valid for a term of less than one year shall not be eligible for any license or permit authorized under this chapter for a period of two years after the expiration date of the prorated license or permit.

(Ord. 25-86 (part), 1986: prior code § 3-17)

5.08.150 - Number of licenses allowed—Council authority.

The city council may issue less than the total number of allowable liquor licenses allowed by state statutes and may issue any license or permit authorized by this chapter.

(Ord. 25-86 (part), 1986: prior code § 3-46)

5.08.160 - License—Display required.

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

(Ord. 25-86 (part), 1986: prior code § 3-36)

5.08.170 - License—Transfer conditions and procedures.

- A. Except as otherwise provided, after public hearing and subject to the approval of the city council, a license or permit may be transferred to or renewed on different premises on the same basis as the original application or a licensed or permitted facility may be expanded. An additional license fee of not more than one hundred dollars, as specified by city council resolution, is required for the

remaining term of the license or permit. A transferred license or permit shall expire on the same day as the original license or permit.

- B. A licensee, or the executor or administrator of the estate of a deceased licensee, may assign or transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the city council, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the city council if proceedings, including an action to collect delinquent sales tax payments pursuant to W.S. 12-2-306, are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the city of not more than one hundred dollars for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

(Ord. 24-96 § 8, 1996; Ord. 25-86 (part), 1986; prior code § 3-42)

5.08.180 - Transfer, sale or attachment restrictions.

No license or permit shall be transferred or sold, or licensed or permitted facility expanded except as provided by Section 5.08.170, nor used for any place not described in the license or permit at the time of issuance, nor shall any license be subject to attachment, garnishment or execution.

(Ord. 25-86 (part), 1986; prior code § 3-43)

5.08.185 - Liquor license application information.

All applicants for liquor licenses shall provide accurate information in conjunction with their applications. Providing false information is declared to be violation of law and may be penalized accordingly.

(Ord. 1-95 § 1, 1994)

5.08.190 - Demerit point values for alcoholic beverage violations—Hearings—Suspensions and revocation petition consideration—Procedure.

- A. The city council shall use an alcoholic liquor and malt beverage demerit point system to assist it in identifying licensees which repeatedly violate the provisions of this code relating to alcoholic liquor and malt beverages, and in determining when liquor licenses should be suspended or revoked as a result of such violations. Violations of this chapter by an employee or agent of a licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section. Accordingly, a licensee will acquire demerit points upon the conviction of its employees and/or agents for violations of city code Chapter 5.08 committed while acting in the service of the licensee. References to "violations by a licensee," "convictions of a licensee," "demerit points acquired by a licensee," and similar references shall be construed in a manner consistent with this intent. Upon conviction for any offense specified in subsection B of this section, the number of demerit points specified in subsection B shall be acquired by the licensee. Points shall be considered "acquired" by a licensee on the date Chapter 5.08 of this code is violated by the licensee. In attributing points to a licensee, the section number of the city code which the licensee is convicted of violating and the points ascribed to the violation by subsection B are controlling.
- B. The number of demerit points specified below will be acquired by a licensee as a result of a conviction of it, its employees or agents for violations of the corresponding sections of this chapter.

Alcoholic Liquor and Malt Beverage Demerit Points

City Code Section	Type of Violation	Point

or Chapter		Value
5.08.050	Failure to notify city of changes in application information	25
5.08.080(C)	Special malt beverage permit violation:	
	Selling alcoholic liquor other than malt beverages	25
	Malt beverage sold for consumption off authorized premises	25
5.08.090(B)	Catering permit violation:	
	Selling or permitting consumption of alcoholic liquor or malt beverage off the authorized premises	25
5.08.160	Failure to display license	10
5.08.180	Unlawful sale or transfer of license or permit	5
5.08.180	Unlawful expansion of license or permitted facility	50
5.08.185	Providing false information on license application	50
5.08.200	Fraternal club permit violation:	
	Selling alcoholic liquor or malt beverage for consumption off the licensed premises	25
	Selling alcoholic liquor or malt beverage for consumption by other than members and their accompanied guests	25
5.08.210	Drive-in area violation	25
5.08.230	Drugstore sale violation	25
5.08.240	Resort retail license violation:	
	Improper transfer of license	50
	Selling alcoholic beverages or malt liquor for consumption off premises	25

	owned or leased by the licensee	
5.08.280	Restaurant license sale violation	25
5.08.290(B)	Retail liquor license location violation	25
5.08.290(C)	Retail liquor license sale violation	25
5.08.290(E)	Repealed	
5.08.290(H)	Licensee, employee, or licensed operator off premises violation	50
5.08.290(I)	Signage violation	10
5.08.320	Hours of sale violation:	
	Per violation	25
5.08.330	Off-premises storage violation	25
5.08.340	On-premises violations:	
	Prostitution	50
	Public indecency	10
	Obscenity	10
5.08.290(D) or 5.08.340	Gambling	10
	Any other violation of this chapter	25
Chapter 15.40	Violation of occupancy limit (fire code)	25
	Failure to maintain:	
	Exits and emergency escapes	25
	Fire protection and life safety systems	25

	Unauthorized use of pyrotechnic special effects material	25
5.08.350	Minor illegally on premises	
5.08.360(B)	Failure to check identification	
5.08.360(A)(B)	Sale or gift to minor	
5.08.350 to 380	First violation within 12 months	25
	Second violation within 12 months	50
	Third violation within 12 months	75

1. Liquor licensee will be granted a one-time, non-accumulation of points for first-time violations of any of the codes numbered 5.08.350 through 5.08.380, provided that the establishment has all alcohol server staff/employees "tips" trained (training for intervention procedures).
 2. Licensee new hires will be granted a thirty-day grace period to obtain their tips training to be eligible for the non-accumulation of points described above in Section 5.08.190(B)(1).
- C. Not later than thirty days following disposition of a charge alleging a violation of state law, this chapter, or Chapter 15.40 of the city code in any court which results in a conviction, the chief of police shall report the following information to the administrative services director who in turn, shall notify the licensee of the demerit points acquired as a result of the conviction:
1. The fact that a licensee, its employee or agent has been convicted of a violation of state law, this chapter or Chapter 15.40 of the city code;
 2. The date of the alleged violation;
 3. The demerit points as specified in this chapter that are acquired by the licensee as a result of the conviction; and
 4. Whether the court disposition has been appealed.
- The administrative services director shall maintain the total of all demerit points acquired by each licensee. The total of any demerit points acquired by a licensee shall be reported by the administrative services director to the city council at the time of application for renewal and at any time the total points acquired by a licensee reach the limits for suspension actions of this chapter.
- D. 1 In the event that a licensee, or with the licensee's prior knowledge of the action leading to the conviction, its agent or employee is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, in any court, the licensee shall acquire one hundred fifty points.
2. In the event that a third party is convicted of illegally distributing or possessing with intent to distribute a controlled substance in the licensed premises, and the city council finds that there is substantial evidence that such occurred with the licensee's, or its agent's or employee's prior knowledge while employed within the licensee's establishment, of the action leading to the conviction, and that licensee, its agent or employee did not report his or her knowledge of such

sale or possession to a peace officer, as that term is defined in Wyoming Statutes Section 7-2-101 (1977), as soon as practicable, the licensee shall acquire one hundred fifty points.

3. Should the city council become aware that an event, as described in subsection (D)(1), (D)(2) or (E) of this section, may have occurred, it shall provide the licensee with notice and an opportunity for a hearing. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by 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:
 - a. That the city council has been informed that one or more of the events described in subsection (D)(1), (D)(2) or (E) of this section, has occurred and that as a result demerit points may be attributed to the licensee and that a suspension and/or revocation of the license is possible;
 - b. Summarizing the nature and date(s) of the alleged event(s) and the number of demerit points which would be attributed to the licensee if the city council finds that such event(s) occurred;
 - c. That a hearing on the subject has been scheduled before the city council, and further informing the licensee of the time and place of the hearing; and
 - d. That the purpose of the hearing is to hear evidence, including that presented by the licensee, on the issue.
 4. In the event that the city council concludes that there is substantial evidence that a licensee, its agent or employee has refused to allow entry and inspection pursuant to Section 5.08.295, the licensee shall acquire one hundred demerit points for each day that a refusal occurs.
- E. 1 Except as otherwise provided, the following suspension periods shall be imposed:
- a. Every licensee acquiring one hundred twenty-five points in a twelve-month period shall have its license suspended for seven days;
 - b. Every licensee acquiring more than one hundred seventy-five but less than two hundred fifty points in a twelve-month period shall have its license suspended for thirty days; and
 - c. Every licensee acquiring more than two hundred fifty points in a twenty-four month period shall have its license suspended for sixty days.
2. It is declared to be a gross violation, both of this chapter and for the purposes of license revocation as provided in Title 12, Chapter 7, of the Wyoming Statutes, for a licensee to have its license suspended three times in any twenty-four-month period. In the event of a gross violation, the city council may authorize a petition to the district court pursuant to Wyoming Statutes Section 12-7-201 to revoke a licensee's license.
 3. The sanctions provided in this section for demerit points are cumulative, and therefore points may result in multiple sanctions. Accumulated points shall not be excused at the end of the license year, but shall instead continue to be counted against a licensee for the periods described in this section of the Casper Municipal Code.
- F. If it appears to the city council that a licensee has acquired sufficient points to result in a suspension or revocation of its license, the licensee shall be afforded an opportunity for hearing before the city council. The purpose of such hearing is to allow the licensee to provide information demonstrating that such points have not been acquired. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by 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:
1. That it appears to the city council that the licensee has acquired points such that a suspension and/or revocation of the licensee's license is appropriate;
 2. Summarizing the nature and date(s) of the incidents resulting in points and the number of demerit points alleged to have been acquired by the licensee as a result of such incidents;

3. That a hearing on the subject has been scheduled before the city council, and further informing the licensee of the time and place of the hearing; and
 4. That the purpose of the hearing is to allow the licensee to offer corrections to the information demonstrating such points have not been acquired.
- G. At a hearing, a licensee may appear in person or through counsel. A licensee will be given an opportunity to present evidence and argument on the relevant issue. Evidence relied on shall consist of information commonly relied upon by reasonably prudent people in the conduct of their serious affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A record shall be made of the proceeding and shall include the following:
1. All notices and intermediate rulings;
 2. Evidence received or considered by the city council including information officially noticed and received from the municipal court;
 3. Questions and offers of proof, objections and rulings thereon;
 4. Any proposed findings and exceptions thereto; and
 5. Any opinion, findings, decision or order of the city council and any report by any hearing officer.
- H. Nothing shall preclude the city council from appointing one or more hearing examiners to conduct any hearing called for by this section for the purpose of assembling a record for subsequent consideration by the city council. If a hearing examiner is appointed, the council shall direct the examiner to forward the record of the hearing to the council either with or without proposed findings of fact and conclusions of law, and with or without the opinion/recommendation of the examiner.
- I. Following the hearing described in this section, and based upon the information considered and received at such hearing, and the sanctions described, the city council shall:
1. Order the suspension of the license in question;
 2. Authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license; or
 3. Find that suspension or revocation is not required by the terms of this section.
- City council decisions shall be in writing, shall be supported by findings of fact and conclusions of law, and shall be delivered to the licensee in interest either personally or by mail at the address listed on the licensee's most recent liquor license application to the city.
- J. The city council's action suspending a licensee shall be subject to review in the district court in accordance with the procedural rules heretofore or hereinafter adopted by the Wyoming Supreme Court concerning the review of administrative actions. Filing an appeal as provided in such rules, stays enforcement of the suspension decision pending final order on the appeal. The city council's action may be set aside by the district court if it finds the action to be:
1. Arbitrary, capricious, or otherwise not in accordance with law;
 2. Without observance of the procedure required by law; or
 3. Unsupported by substantial evidence.
- K. If a license is revoked, except as provided in Wyoming Statutes Section 12-7-201(d) concerning the expiration of a licensee while a revocation order is under appeal, the holder of such revoked license shall not be eligible to apply for a new license for a period of twelve months from the date of revocation.

(Ord. No. 3-14, §§ 2—4, 2-4-2014; Ord. No. 2-10, § 1, 1-5-2010; Ord. 8-99 § 1, 1999; Ord. 24-96 § 9, 1996; Ord. 19-95 §§ 3, 4, 1995; Ord. 5-95 § 1, 1995; Ord. 25-86 (part), 1986: prior code § 3-44)

5.08.195 - Administrative fees.

In addition to any other penalty, sanction or fee authorized by law, if a licensee, either as an entity or by virtue of its employees or agents, violates Casper Municipal Code Section 5.08.360 for the sale or furnishing of alcohol to a minor, the licensee shall, upon notice, pay to the city clerk, an administrative fee in the amount of one thousand dollars for the first instance of reaching three convictions for violations occurring within a twelve-month period, and two thousand dollars for a fourth violation within a twelve-month period, and five thousand dollars for a fifth or subsequent violation within that twelve-month period. Such fee shall be paid within ten days of the notice to pay. The notice to pay shall be issued by the city clerk upon notification by the court of convictions for the relevant offenses, but the time frame for accumulation of the fees shall be based on date of violation, not conviction. If such fee is not paid, or a hearing before council is not requested within ten days of notice being given, the license shall be suspended until such time as the fee is paid to the city clerk.

It shall be in council's sole discretion, after hearing, whether to impose or suspend the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedures Act shall not apply to such hearing.

(Ord. 19-06 § 1, 2006)

5.08.200 - Sales by clubs—Petition—Duties and restrictions.

- A. Bona fide clubs, as defined in Section 5.08.010(5), shall be licensed under a limited retail liquor license for which they shall pay a license fee of one hundred dollars annually in advance, which license fee shall be paid to the city.
- B. At least fifty-one percent of the membership of a social club as defined by Section 5.08.010(5)(e), shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the commission and shall include the residence address of each member signing the petition. The petition shall be submitted with the initial application for a limited retail liquor license.
- C. A club holding a limited retail liquor license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to ensure that all alcoholic or malt beverages sold are consumed within the building, space or premises.
- D. Any golf club as defined by Section 5.08.010(5) which holds a club limited retail liquor license may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. Any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws.

(Amended during Supp. No. 26, 1-07; Ord. 9-05 § 2, 2005; Ord. 25-86 (part), 1986: prior code § 3-19)

5.8.210 - Use of drive-in areas—Restrictions.

Upon approval of the city council, a drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquors or malt beverages under the following conditions:

- A. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;
- B. No part of the area used for orders, delivery and making payment shall be more than forty feet distant from the licensed room;
- C. The area shall be well lighted and subject to inspection by the city council or its designees at any and all times;

- D. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;
- E. No order shall be received from, nor delivery made to, a person under twenty-one years of age or an intoxicated person in the area;
- F. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales;
- G. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package, and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted; and
- H. No retail liquor license may be renewed, granted or transferred for any establishment having what is commonly known as a "drive-up" window, door or other service area intended to allow the purchase of alcohol from a motor vehicle. However, nothing in this section shall prohibit the renewal or transfer of a license for an existing establishment having a "drive-up" window in operation prior to the effective date of the ordinance codified in this section at its current location or on adjacent and abutting real property. Should the license be transferred to a new location which is not on adjacent and abutting real property, a "drive-up" window shall not be allowed.

(Ord. 20-06 § 1, 2006; Ord. 8-88 § 4, 1988; Ord. 25-86 (part), 1986: prior code § 3-34)

5.08.220 - Use of drive-in areas—Council authority.

The agents and officers of the city administering the liquor licenses shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales or delivery in any drive-in area, recommending appropriate action to the city council. If by resolution of the city council the right of a licensee to use certain drive-in areas is forbidden or restricted, that resolution shall be complied with by the licensee.

(Ord. 25-86 (part), 1986: prior code § 3-35)

5.08.230 - Sales by drugstores.

All sales of alcoholic liquor or malt beverages by drugstores holding a retail liquor license under the provisions of this chapter shall be made only in the container received by the druggist in the original package. No such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore. Any such sale shall be made by a licensed pharmacist or by an adult clerk. The drugstore shall be limited in its sales to the amount provided in this chapter that may be sold by holders of other retail licenses.

(Ord. 25-86 (part), 1986: prior code § 3-20)

5.08.240 - Resort retail license.

- A. The city council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection B of this section.
- B. To qualify for a resort retail liquor license, the city council shall require the resort complex to:
 1. Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars, excluding the value of the land;
 2. Include a restaurant and convention facility, which convention facility shall seat no less than one hundred persons; and
 3. Include motel or hotel accommodations with a minimum of one hundred sleeping rooms.
- C. No resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the city council.

- D. Resort liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. The dispensing of alcoholic liquor or malt beverages licensed to be sold hereunder shall be controlled by Sections 5.08.290 through 5.08.310

(Ord. 25-86 (part), 1986: prior code § 3-21)

5.08.250 - Restaurant license issuance—Council authority.

- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010, may be licensed by the city council under a restaurant liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application.
- B. Any person holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under Sections 5.08.010 and 5.08.250 through 5.08.280, may be issued a restaurant liquor license by the city council.

(Ord. 33-06 § 4, 2006; Ord. 25-86 (part), 1986: prior code § 3-24)

5.08.260 - Restaurant license—Food service requirements.

- A. An applicant for a restaurant liquor license shall satisfy the city council that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages.
- B. When renewing a restaurant liquor license, the city council shall condition renewal upon a requirement that not less than sixty percent of gross sales from the preceding twelve months' operation of a licensed restaurant be derived from food services.
- C. Upon application for license renewal, a license holder shall submit an annual report to the city council on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories:
 - 1. Food service sales; and
 - 2. Alcoholic liquor and malt beverage sales.
- D. The annual report shall be submitted upon a form approved by the city council.

(Ord. 25-86 (part), 1986: prior code § 3-25)

5.08.270 - Restaurant licenses—Transfer.

No restaurant liquor license shall be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the city council.

(Ord. 33-06 § 5, 2006; Ord. 22-93 § 4, 1993; Ord. 25-86 (part), 1986: prior code § 3-26)

5.08.280 - Restaurant license—Sale and consumption conditions.

- A. Except as provided in subsection F of this section, restaurant liquor licensees shall not sell alcoholic liquor or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections B and F of this section, alcoholic or malt beverages shall be served for on-premises consumption only, in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.
- B. Alcoholic liquor 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 liquor and malt beverages may be served, and in the case of a golf course upon which a restaurant liquor license is operational, at dispensing areas on the premises of the golf course as provided by subsection E hereof. No consumption of alcoholic liquor or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over nineteen years of age 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 liquor or beverage sales and consumption, the restaurant may dispense alcoholic liquor or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over nineteen years of age is permitted to enter the separate dispensing room.

- C. No alcoholic liquor or malt beverages shall be served to an individual person unless served in conjunction with meals served to, and eaten by, the individual person. However, nothing herein provided shall prohibit the sale of alcoholic liquor or malt beverages to any person whom the licensee, his agents or employees, reasonably believe has the intention of ordering and eating a meal.
- D. All sales of alcoholic or malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease, or at the hours specified by Section 5.08.320, if food sales and services extend beyond the hours specified therein.
- E. With the approval and on the conditions imposed by the city council, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course, and such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.
- F. A restaurant liquor licensee may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of Section 5.08.420
- G. No restaurant liquor licensee shall promote the restaurant as a bar and/or lounge nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions, and other social gatherings.

(Ord. 33-06 § 6, 2006; Ord. 11-05 §§ 2, 3, 2005; Ord. 9-05 § 1, 2005; Ord. 25-86 (part), 1986: prior code § 3-27)

5.08.285 - Bar and grill liquor license issuance, council authority, criteria and restrictions.

- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010 of this chapter, may be licensed by the city council under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. Criteria that may be considered by the city council in determining to whom any such license may be issued may include, but is not limited to the following:
 - 1. The location of the proposed business is in an area: (1) in need of redevelopment; (2) officially designated as an urban renewal area; or (3) that has been identified as being under served by food and beverage services.
 - 2. The issuance of the license will contribute to economic development goals or purposes of the city.
 - 3. Whether the applicant will be investing in the construction of a new structure or will otherwise be materially and substantially updating a current building.

4. If the applicant's business is a new business, the number of new jobs reasonably estimated to be created, or if an existing business, the number of new or additional jobs that will reasonably be created by use of the bar and grill liquor license.
- B. Bar and grill licenses shall be subject to the provisions of Sections 5.08.260 and 5.08.280(D) of this chapter to the same extent that those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under Section 5.08.280(F) of this chapter.
 - C. Every person holding a bar and grill liquor license authorized by the provisions of this chapter shall pay annually, in advance, a license fee for such license the sum of ten thousand five hundred dollars for the first license year; and, three thousand dollars for each year thereafter that such license is granted, in addition to any other fees due from such person otherwise holding a microbrewery or winery permit. The license fee shall be paid to the clerk of the city before the license is issued.
 - D. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder.
(Ord. 33-06 § 7, 2006)
(Ord. No. 1-09, § 1, 2-17-2009; Ord. No. 32-12, § 1, 12-4-2012)

5.08.290 - Location—General conditions.

- A. The principal place in which alcoholic liquor and malt beverages are sold under a retail liquor license shall be located in one room upon the premises for which the retail liquor license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds of the fee paid for the retail license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license.
- B. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located, and in an immediately adjacent fenced or enclosed area as approved by the city council. This area shall not be in another building and shall be located on the licensed premises.
- C. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose product the item is advertising may be sold and served in the licensed room.
- D. No gambling shall be permitted in a licensed room or dispensing room.
- E. Repealed.
- F. The retail licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption without payment of an additional fee.
- G. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition when a connection doorway exists to permit persons to pass freely between the two facilities.
- H. Licensee, employee, or licensed operator is to be in licensed room at all times during hours of operation.
- I. All licensees are required to post signage on all exits from licensed rooms stating:
"No alcohol beyond this point per open container ordinance 5.08.420."

(Ord. No. 3-14, § 1, 2-4-2014; Ord. 19-95 § 1, 1995; Ord. 25-86 (part), 1986: prior code § 3-30(A))

5.08.295 - Right of entry—Inspection.

- A. In addition to all other rights of inspection which the city may now or hereafter possess, the public safety director or the designee(s) of the public safety director are empowered to enter and inspect every place of business which is licensed by the city to sell malt or alcoholic beverages or where malt or alcoholic beverages are sold, stored or kept for the purpose of sale pursuant to a city liquor license.
- B. Entry for purposes of inspection pursuant to this section is authorized only during open business hours unless it is in the presence of the licensee or his agent, employee or representative, or unless the person making entry does so under court order, or the person making entry has reasonable grounds to believe that evidence of a violation of this chapter is within the place to be entered and emergency or exigent circumstances exist such that a warrantless search is allowed by law.
- C. Reserved.
- D. A refusal to permit entry or inspection pursuant to this section shall result in the assignment of demerits to the offending licensee pursuant to city code.

(Ord. 19-95 § 2, 1995)

(Ord. No. 9-12, § 1, 3-6-2012; Ord. No. 32-12, § 2, 12-4-2012)

5.8.300 - Convention facilities.

If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room under the same fee referred to in Section 5.08.290. For purposes of this section, a convention facility shall have and maintain all of the following:

- A. Motel or hotel sleeping room accommodations;
- B. Restaurant facilities; and
- C. Conference facilities.

(Ord. 25-86 (part), 1986: prior code § 3-30(B))

5.08.310 - Twenty-four-hour permit for additional location.

The city manager or his or her designee may issue a twenty-four-hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one additional dispensing room in the same building licensed by the original license for a twenty-four-hour period only. No one licensee shall be issued more than six permits in any one-year period. The fee for the permit shall be twenty-five dollars.

(Ord. 30-04 § 1 (part), 2004; Ord. 25-86 (part), 1986: prior code § 3-30(C))

5.08.320 - Hours of sale generally—Exceptions—Designation of dates for unrestricted operation.

- A. All licensees except club licensees holding liquor licenses shall be controlled by the following schedule for operating hours:
 - 1. On all days except Sunday, a licensee may open the dispensing room at six a.m. and shall close the dispensing room and cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. the following day and shall clear the dispensing room of all persons other than employees by two-thirty a.m.; and
 - 2. On Sundays, licensees may open the dispensing room between the hours of ten a.m. and ten p.m. and shall clear the dispensing room of all persons other than employees by ten-thirty p.m. However, on Sundays that occur on December 31st licensees may close the dispensing room and cease the sale of both alcoholic liquor and malt beverages promptly at the hour of two a.m. on January 1st, and shall clear the dispensing room of all persons other than employees by two-thirty a.m.
- B. Clubs holding a limited retail liquor license may open each day at nine a.m. and shall close the dispensing room and cease sales of alcoholic liquor and malt beverages promptly at the hour of two

a.m. of the following day and shall clear the dispensing room of all persons other than employees by two-thirty a.m. Clubs holding a limited retail liquor license may remain open past two a.m. on the morning of January 1st.

- C. The hours of operating designated in subsection A of this section may be modified on no more than four days each calendar year by a resolution of the city council, designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may continuously operate their dispensing rooms for a period of twenty-four hours beginning at six a.m. on days other than Sunday, and beginning at ten a.m. on Sundays.

(Ord. 43-00 § 1, 2000; Ord. 24-96 § 11, 1996; Ord. 25-86 (part), 1986: prior code § 3-29)

5.08.330 - Off-premises storage prohibited—Exception.

A licensee shall not store alcoholic liquor or malt beverages outside of the licensed premises unless he files with the commission and the city council a written statement that he stores liquor or malt beverages in a place other than his place of business and states the exact location of the storage place.

(Ord. 25-86 (part), 1986: prior code § 3-31)

5.08.340 - Prostitution, public indecency, gambling and obscenity prohibited.

- A. No licensee or agent or employee thereof shall knowingly permit prostitution, under Section 6-4-101 of the Wyoming Statutes, public indecency under Section 6-4-201 of the Wyoming Statutes, gambling under Section 6-7-102 of the Wyoming Statutes, or shall promote obscenity under Section 6-4-302 of the Wyoming Statutes within any dispensing room, building or premises licensed or permitted under this chapter.
- B. Any licensee, permittee or agent or employee thereof violating subsection A of this section, or aiding, abetting or inciting any violation thereof is, in addition to other penalties provided by law, subject to the suspension or revocation of his license or permit, and the violation, aiding, abetting or inciting a violation is sufficient cause for the suspension or revocation of the license or permit.

(Ord. 25-86 (part), 1986: prior code § 3-33)

5.08.350 - Minors restricted from dispensing room—Exception—Penalty—Exceptions after violations.

- A. No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of twenty-one to enter or remain in the licensed room or rooms where alcoholic liquor or malt beverages are dispensed. No person under the age of twenty-one years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:
 - 1. Accompanied by his or her parent or guardian who is at least twenty-one years of age; and
 - 2. The licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; and
 - 3. With the approval of the City Council, in a dining or waiting area with an adult not later than ten p.m. if the dining or waiting area is part of the licensed room.
- B. When the licensed room or rooms are not open for the sale or dispensing of alcoholic liquor or malt beverages, employees of the licensee under the age of twenty-one may be permitted in the course of their employment to work in the room or rooms.
- C. Any person violating subsection A of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars for the first conviction. The person convicted of a subsequent violation of this section within twelve months, shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. The person convicted of a third violation of this section within twenty-four months shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars, plus not less than five days nor more than six months in jail.

(Ord. 24-96 § 12, 1996; Ord. 21-92 § 1, 1992; Ord. 25-86 (part), 1986: prior code § 3-32)

5.08.360 - Sale or gift to minors prohibited.

- A. It is declared to be illegal and a violation of this chapter for any person to sell, furnish, give or cause to be sold, furnished or given, any alcoholic liquor or malt beverage to any person under the age of twenty-one years, unless such person is his or her legal ward, medical patient or member of his or her own immediate family.
- B. For the purpose of establishing the age of any person proposing to buy alcoholic liquor or malt beverages, all licensees shall demand presentation of identification as provided for in Section 5.08.380

(Ord. 8-88 § 5, 1988; Ord. 25-86 (part), 1986: prior code § 3-37)

5.08.370 - Minors—Possession of alcohol or public intoxication.

- A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.
- B. It is declared to be illegal and a violation of this chapter for any person under the age of twenty-one years to have alcoholic liquor or malt beverages in his or her possession, or to be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. Provided, however, this subsection does not apply to possession of alcoholic liquor or malt beverages by a person under the age of twenty-one years:
 - 1. When making delivery of alcoholic or malt beverages pursuant to his lawful employment;
 - 2. Who is in the physical presence of his or her parents or legal guardian;
 - 3. When dispensing or serving alcoholic or malt beverages or otherwise working in dispensing room pursuant to his or her employment, if the person was at least nineteen years of age on the effective date of the ordinance codified in this section. This subdivision does not apply to persons otherwise authorized to serve alcoholic malt beverages under subdivision 4 of this subsection;
 - 4. Is a licensee under this title; or
 - 5. When serving alcoholic or malt beverages pursuant to his or her employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person is at least eighteen years of age.
- C. It is declared to be illegal for any person to attempt to commit any offense under this section. Any person convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.

(Ord. 2-95 § 1, 1994; Ord. 12-90 § 1, 1990; Ord. 8-88 § 6, 1988; Ord. 25-86 (part), 1986: prior code § 3-38)

5.8.380 - Minors—Proof of age.

In order to safeguard against violations of this chapter, any licensee or his agent or employee may refuse to sell or serve alcoholic liquor or malt beverages to any person who is unable to produce bona fide evidence of his or her majority and identity. Bona fide evidence of majority and identity of a person is:

- A. As to residents of this state, a Wyoming State driver's license issued pursuant to state law;
- B. As to nonresidents of this state, identification shall include a state driver's license, or registration certificate issued under the Federal Military Selective Service Act, an internationally accepted passport document with a discernible date of birth and photograph, an identification card issued by the Department of Revenue, or a student identification card issued by any college or

university, or any identification issued to any member of the Armed Forces of the United States, all of which identification must be of the type that bears a photograph.

(Ord. 24-96 § 13, 1996: Ord. 25-86 (part), 1986: prior code § 3-39)

5.08.390 - Minors—False proof of age.

Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

(Ord. 24-96 § 14, 1996: Ord. 8-88 § 8, 1988: Ord. 25-86 (part), 1986: prior code § 3-41)

5.08.400 - Minors—Age violation—Defense to prosecution.

Proof that a licensee or his employee or agent has demanded, was shown and acted in reliance upon such bona fide evidence as required in this chapter in any transaction, employment, use or permission forbidden by Section 5.08.440 is a defense to any criminal prosecution for the sale of alcoholic or malt beverages or liquor to a person under the age of twenty-one years or to any proceedings for the suspension or revocation of any liquor license based thereon.

(Ord. 8-88 § 7, 1988: Ord. 25-86 (part), 1986: prior code § 3-40)

5.08.410 - Bottle clubs prohibited.

- A. A "bottle club" is an operation or enterprise whereby space is given or rented to any person or persons upon the premises of such operation or enterprise for the keeping or storage of alcoholic or malt beverages for consumption upon such premises or in other rooms nearby, used for consumption by the owner of the beverages or guests, the income, profits or fees of the operator of the bottle club being secured from sales or furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards or assessments.
- B. It is unlawful to operate a bottle club in the city, and any person who operates a bottle club shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars for each offense. Each day of operation shall be deemed a separate offense. This subsection shall not apply to any person lawfully licensed under the liquor laws of the state or the city and operating in compliance with the law.

(Ord. 25-86 (part), 1986: prior code §§ 3-6, 3-7)

5.08.420 - Open container restrictions.

- A. It is unlawful:
 - 1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
 - 2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
 - 3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
 - 4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. However, nothing in this chapter shall be

interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;

5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Section 5.08.280

B. Definitions.

1. "Certain structures" means any city owned, operated or leased offices, public safety or maintenance facility and any building or structure used primarily for public entertainment, i.e., theaters, amusement centers, restaurants and the like, excluding, however, structures duly licensed to sell or dispense alcoholic liquor or malt beverages.
2. "Open container" means any glass, cup, bottle, can or other receptacle used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the city limits shall not be considered open space.

(Ord. 11-05 § 4, 2005; Ord. 30-04 § 1 (part), 2004; Ord. 25-99 § 1, 1999; Ord. 25-86 (part), 1986: prior code § 3-8)

5.08.430 - Evidence of sale—Possession of federal tax stamp.

The possession of any alcoholic beverage, as the same is defined in Section 5.08.010, and the possession of a special tax stamp from the government of the United States authorizing the sale of any alcoholic liquor or malt beverage by a person not licensed under this chapter is prima facie evidence that the person possessing the alcoholic beverage and special tax stamp is selling the alcoholic beverage in violation of this chapter. A certified copy of such special tax stamp verified by the proper authorities shall be admitted in evidence in all respects as the original special tax stamp might be received.

(Ord. 25-86 (part), 1986: prior code § 3-3)

5.08.440 - Evidence of sale—Persons and alcoholic beverages on premises.

The presence of any person in any unlicensed structure, room or place, other than the person maintaining the place, such person having upon any table, bench, bar or other article any container wherein there is any alcoholic liquor or malt beverage and in near proximity to where any such person is standing or sitting is prima facie evidence that the person maintaining the premises is maintaining a nuisance.

(Ord. 25-86 (part), 1986: prior code § 3-5)

5.08.450 - Public intoxication prohibited.

Every person within the limits of the city who is found drunk or in a state of intoxication within the city or who is found drunk or in a state of intoxication in the streets, alleys or other public places within the city, or who is found intruding upon any private premises without the consent of the owner or occupant thereof, or in that condition annoying and frightening passers-by on streets or sidewalks, or sleeping in that condition in any public place within the city, is guilty of a misdemeanor.

(Ord. 25-86 (part), 1986: prior code § 3-2)

5.08.460 - Unlicensed structures declared a nuisance.

Any building, house, structure, room or place, except as such is used exclusively as a dwelling, where alcoholic, spirituous, fermented, malt liquor beverage is offered for sale, exchanged for goods or in

any way delivered otherwise than in consummation of a gift, which house, building, structure, room or place is not licensed under the provisions of this chapter is declared to be a nuisance. It is unlawful to maintain a nuisance as defined herein and any person who maintains such nuisance is guilty of a misdemeanor and may, upon conviction, be punished as provided by Chapter 1.28 of this code or any amendments thereto.

(Ord. 25-86 (part), 1986: prior code § 3-4)


5.08.470 - Beer keg regulations.

- A. All licensees operating within the city who sell keg beer or party balls for consumption off licensed premises shall positively identify the purchaser by name, address, date of birth and other relevant information as prescribed by the police chief/public safety director, and shall require the signing of a receipt by the purchaser in order to allow kegs or party balls to be traced if the contents are used in violation of this chapter. The receipt shall be on a form prescribed by the police chief/public safety director and shall include the name and address of the purchaser and such other information as may be required by the police chief. All receipts shall be kept by the licensee for a period of six months and shall be subject to inspection by the police chief/public safety director or his/her agent when conducting an investigation.
- B. Anyone selling keg beer or party balls for off-premises consumption who fails to require the signing of a receipt at the time of sale is guilty of a misdemeanor. Such person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars for the first conviction of this section. For a second conviction of this section within twelve months, such person shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars.
- C. Any purchaser of keg beer or party balls who knowingly provides false information on the receipt required by subsection A above shall be guilty of a misdemeanor. Such person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars for the first conviction of this section. For a second conviction of this section within twelve months, such person shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars.
- D. As used in this section, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of seven and one-half gallons or more. "Party ball" means any brewery-sealed container of beer having a liquid capacity of five and one-quarter gallons.

(Ord. 22-92, 1992)

February 17, 2017

MEMO TO: V.H. McDonald, City Manager

FROM: Liz Becher, Community Development Director 

SUBJECT: Proposed ordinance amendment to the Old Yellowstone District Form-Based Code as it pertains to off-street parking requirements.

Recommendation:

The Casper Planning and Zoning Commission and the Old Yellowstone District Advisory Committee are requesting that City Council consider a Municipal Code text amendment to Section 17.94.100, pertaining to parking regulations in the Old Yellowstone District (OYD).

Summary:

The Old Yellowstone District Form-Based Code provides the regulatory framework for the redevelopment of a large portion of Casper's urban core, located generally between the "downtown" on the east, and the Platte River Commons on the west. The Form Based Code was the first of its kind for Wyoming, and when it was written it was understood that flexibility would be required, and periodic changes would be necessary because markets change and regulatory concepts must evolve.

The downtown/urban core of most towns and cities consists of a much different development pattern than outlying areas. The downtown is, with few exceptions, the oldest portion of the town/city and was usually designed and constructed prior to modern development considerations favoring automobiles. Downtowns were traditionally constructed at a higher density than the newer, outlying portions of the community, and also consist of a much wider variety of uses, all located in a relatively compact area. As is the case in Casper, downtowns are almost always considered by the community to be a special place, with a unique sense of character. As such, downtown development regulations often must deviate significantly from the development regulations governing the other areas of a town/city to maintain the character of the area, and to ensure that new development is consistent with the old. In Casper, parking regulations are one example.

When a new development is proposed in most areas of Casper it is required to construct and maintain a minimum number of off-street parking spaces. Even prior to 2007, the Casper Municipal Code only required that the area downtown C-3 (Central Business) zoning district provide off-street parking for new developments at a rate of fifty percent (50%) of what was required in the rest of Casper. However, in 2007 the City Council

decided that the downtown parking requirements were still too onerous, and voted to eliminate all minimum off-street parking requirements in the C-3 (Central Business) zoning district, with the exception of residential uses and schools. Many towns and cities across the country have, likewise, eliminated their parking mandates in their downtowns as a way to reinforce the historic building pattern and to encourage dense development and efficient use of downtown land. It can be argued that minimum off-street parking mandates have the negative effect of stifling growth and investment in a downtown because of the scarcity of property available to devote to off-street parking. Unfortunately, when redevelopment in a downtown is proposed, historic structures are too often torn down in order to meet a City's parking mandates. In addition to the loss of historic structures, the downtown also loses its dense, pedestrian-friendly character, resulting in a "gap tooth" development pattern over time, with individual structures being separated by parking lots and driveways (gaps), rather than a historically-accurate pattern of a continuous row of buildings.

When the Old Yellowstone District Form Based Code was developed, it required that all new development provide a minimum number of off-street parking spaces, and also placed a limit on the maximum number of spaces that can be constructed. The maximum parking limitations were in recognition that having too much parking reduces building densities, and eats up too much developable land. Although the minimum/maximum parking requirements in the Old Yellowstone District were an attempted improvement of the City's standard parking requirements at the time, it is staff's opinion that when compared to the parking requirements for the remainder of the downtown, the OYD parking requirements are too restrictive, and may be seen as an impediment to the redevelopment of the area. Staff met with the Old Yellowstone District Advisory Committee and proposed a Municipal Code text amendment that, if approved, would change the OYD parking requirements to mirror the City's current C-3 (Central Business) downtown parking requirements. The Committee, consisting primarily of property owners in the OYD, reviewed the proposal, and supported the text amendment, with one amendment. Although the C-3 (Central Business) zoning district only requires a fraction of a parking space per dwelling unit in the downtown, the Committee voted to increase the required parking well above what is required downtown, for residential uses in the OYD. The proposed text amendment requires one (1) parking space per dwelling unit, but with no maximum restriction on the number that may be provided, if a property owner wishes. In simple terms, if the Old Yellowstone District parking regulations were changed, as proposed, it would mean the elimination of all mandated minimum and maximum off-street parking requirements, with the exception of residential uses and schools.

The proposed code amendment would encourage the movement to a market-based parking approach, whereby property owners would be free to tailor parking to the unique needs of each project, without minimums or maximums imposed by the City. Successful

businesses understand that the market demands parking, and will ensure that it is provided, either on site, or off. In a downtown, dispersed, shared parking lots, scattered throughout the area, is a preferable development pattern as compared to each business being required by the City to provide its own parking lot. If the Old Yellowstone District is to be redeveloped as a continuation and extension of the historic downtown, then logically, it should be developed with similar flexibility in meeting parking needs.

In the downtown, the City is required to take a more hands-on approach to providing public parking, and maintains on-street parking as well as a public parking garage. The City is looking at other long-term parking improvements to satisfy the needs of businesses and residents in both the OYD and the downtown. However, if the OYD requires every business to provide its own parking, then there would be no need for the City to delve into the creation of public parking benefitting the OYD. The current parking requirements place the property owners in the OYD at a significant disadvantage as compared to the downtown, C-3 (Central Business) properties, and oppose the basic premise of the code by encouraging a less dense, less walkable, more auto-oriented pattern of development. With the approval of the proposed change, all OYD property owners would be free to construct parking as they wish, if they wish, with no limitation on the maximum number of spaces. Importantly, OYD property owners would also gain the same flexibility that downtown businesses enjoy, to sell off or develop property that would, under the current requirements, be mandated and set aside for parking. It is the goal of the redevelopment plan to see the area fill in with structures, and develop as densely as possible.

The proposed OYD parking regulations are summarized below. For the purpose of determining the number of parking spaces required, a “dwelling unit” is defined as a complete, independent living, sleeping, eating, cooking, and sanitation facility for one family.

Building Use	Parking Requirements
Residential	1 parking space per dwelling unit.
Residential, condominium	1 parking space per dwelling unit.
Residential, high rise apartments	1 parking space per dwelling unit.

Residential, low/mid-rise apartments	1 parking space per dwelling unit.
Senior Citizen housing	1 parking space per dwelling unit.
Schools, senior high	0.25 parking space per student.
Schools, elementary and middle schools	0.19 parking space per the sum of the number of students plus the number of staff. On-street parking abutting the school grounds and any adjacent park land may be used to meet the off street parking required for the school.

The City's **current** Form Based Code parking regulations are shown below for reference. The proposed text amendment would delete these requirements.

Building Use	Parking Requirements
Bank	Minimum 0.60 spaces per 1,000 square feet.
Commercial Uses, Including Personal Services	Minimum 2.0 – maximum 3.0 parking spaces per 1,000 square feet of gross square feet leasable area. If under 1,000 square feet, a minimum of stalls shall be required.
Gas Station/Convenience	Minimum 1.0 space per 500 feet of gross floor area.
Hotel	Minimum 1.0 parking space per sleeping room, plus 1 space per employee on the smallest shift.
Office	Minimum 2.0 – maximum 2.9 spaces per 1,000 gross square feet building area.
Residential Stacked Flats, Courtyard, Mansion Apartment	Minimum 1.0 – maximum 2.0 parking spaces per dwelling unit.
Residential Tower	Minimum 0.80 – maximum 1.5 parking spaces per dwelling unit with .50 covered.
Residential - Rowhouse	Minimum 1.0 – maximum 2.0 spaces per dwelling unit with 1 covered.

Residential – 2 Flat Tandem	Minimum – maximum 4.0 parking spaces per dwelling unit.
Residential – Village Home	Minimum 1.0 – maximum 3.0 spaces per dwelling unit with 1 covered.
Residential – Senior/Active Adult	Minimum 0.5 – maximum 1.0 space per two sleeping rooms.
Restaurant/Nightclub	Minimum 7.0 – maximum 8.5 parking spaces per 1,000 gross square feet leasable area.

The Planning and Zoning Commission reviewed the proposed text amendment at its December 15, 2016 public hearing. There were no public comments received. The Planning and Zoning Commission voted to unanimously support the proposed text amendment, as presented.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.94.100 OF THE CASPER MUNICIPAL CODE PERTAINING TO PARKING REGULATIONS IN THE OLD YELLOWSTONE DISTRICT AND SOUTH POPLAR STREET CORRIDOR (OYDSPC) FORM-BASED CODE.

WHEREAS, in June of 2008 the City Council adopted Chapter 17.94, the Old Yellowstone District and South Poplar Street Corridor (OYDSPC) Form-Based Code, which provides the regulatory framework for the redevelopment of a large portion of Casper's urban core; and,

WHEREAS, as the City has continually implemented the OYDSPC Form-Based Code since 2008, it has been necessary at times to amend the regulations in order to allow flexibility in design reviews of new and/or potential projects; and,

WHEREAS, the minimum/maximum off-street parking regulations found in the OYDSPC Form-Based Code, found in Section 17.94.100 of the Municipal Code, have become an impediment to the redevelopment of the area, and the City proposes to eliminate the current parking standards and adopt the C-3 (Central Business) zoning district parking standards in the Old Yellowstone District and South Poplar Street Corridor; and,

WHEREAS, both the Planning and Zoning Commission and the Old Yellowstone District and South Poplar Street Corridor Architectural Review Committee have reviewed and approved the proposed amendment to the OYDSPC Form-Based Code; and,

WHEREAS, it is the desire of the governing body of the City of Casper to amend Section 17.94.100 of the Casper Municipal Code pertaining to parking regulations in the OYDSPC (Old Yellowstone District and South Poplar Street Corridor).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

Section 17.94.100 is hereby amended as follows:

17.94.100 Parking regulations.

- A. Off-street Parking Dimensions. Refer to Casper Municipal Code Section 17.12.070.
- B. Specific Requirement. Unless specified, requirements listed represent the ~~maximum~~ MINIMUM number of parking spaces ~~allowed~~ REQUIRED.

Building Use	Parking Requirements
Bank	Minimum 0.60 spaces per 1,000 square feet.
Commercial Uses, Including Personal Services	Minimum 2.0 — maximum 3.0 parking spaces per 1,000 square feet of gross square feet leasable area. If under 1,000 square feet, a minimum of stalls shall be required.
Gas Station/Convenience	Minimum 1.0 space per 500 feet of gross floor area.
Hotel	Minimum 1.0 parking space per sleeping room, plus 1 space per employee on the smallest shift.
Office	Minimum 2.0 — maximum 2.9 spaces per 1,000 gross square feet building area.
Residential Stacked Flats, Courtyard, Mansion Apartment	Minimum 1.0 — maximum 2.0 parking spaces per dwelling unit.
Residential Tower	Minimum 0.80 — maximum 1.5 parking spaces per dwelling unit with .50 covered.
Residential — Rowhouse	Minimum 1.0 — maximum 2.0 spaces per dwelling unit with 1 covered.
Residential — 2 Flat Tandem	Minimum — maximum 4.0 parking spaces per dwelling unit.
Residential — Village Home	Minimum 1.0 — maximum 3.0 spaces per dwelling unit with 1 covered.
Residential — Senior/Active Adult	Minimum 0.5 — maximum 1.0 space per two sleeping rooms.
Restaurant/Nightclub	Minimum 7.0 — maximum 8.5 parking spaces per 1,000 gross square feet leasable area.

Building Use	Parking Requirements
Residential	1 parking space per dwelling unit.
Residential, condominium	1 parking space per dwelling unit.
Residential, high rise apartments	1 parking space per dwelling unit.
Residential, low/mid-rise apartments	1 parking space per dwelling unit.
Senior Citizen housing	1 parking space per dwelling unit.
Schools, senior high	0.25 parking space per student.
Schools, elementary and middle schools	0.19 parking space per the sum of the number of students plus the number of staff. On-street parking abutting the school grounds and any adjacent park land may be used to meet the off street parking required for the school.

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED on 1st reading the ____ day of _____, 2017.

PASSED on 2nd reading the ____ day of _____, 2017.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the day of _____, 2017.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Mayor

February 17, 2017

MEMO TO: V.H. McDonald, City Manager

FROM: Liz Becher, Community Development Director *lp*

SUBJECT: Proposed ordinance amendment to the Old Yellowstone District Form-Based Code pertaining to the goals and intent of the OYD, and the clarification of prohibited uses.

Recommendation:

The Casper Planning and Zoning Commission and the Old Yellowstone District Advisory Committee are requesting that City Council consider a Municipal Code text amendment to Sections 17.94.010 and 17.94.030 of the Form-Based Code, pertaining to the clarification of the goals and intent of the Old Yellowstone District (OYD), and clarification of the list of prohibited uses identified in the Code.

Summary:

The Old Yellowstone District and South Poplar Street Corridor Form-Based Code provides the regulatory framework for the redevelopment of a large portion of Casper's urban core, located generally between the "downtown" on the east, and the Platte River Commons on the west. The Form Based Code was the first of its kind for Wyoming, and when it was written it was understood that flexibility would be required, and periodic changes would be necessary. After almost a decade of working with the Form-Based Code, for the redevelopment of the Old Yellowstone District, staff and the Old Yellowstone District Advisory Committee are actively working to identify amendments to improve, clarify, and streamline the process. One section of the Form-Based Code that is a priority is the list of the prohibited uses in the Old Yellowstone District. When the Code was enacted, all existing businesses became "grandfathered" in the area, and are allowed to be sold, rebuilt, or expanded, into perpetuity, but new businesses that are listed as prohibited uses cannot be established.

The redevelopment of the Old Yellowstone District focuses on creating an extension of the downtown, in form and function, with its own unique character, complementary, but distinct from the downtown. A primary goal of the redevelopment plan for the Old Yellowstone District is a move away from an automobile dominated development pattern, toward a more pedestrian-oriented pattern. In furtherance of this goal, it was necessary to not just define the physical characteristics of future development, but to also prevent types of land uses that would be harmful to the overall goals of the redevelopment plan.

The uses that are listed as “prohibited” in the Old Yellowstone District are permitted as legal and conforming in many other areas of Casper, and are vitally important to the economic well-being of the City. However, the Old Yellowstone District has a vision, and a plan that was developed through years of public input to create a special and unique downtown district. In order to see the vision become reality, it is necessary to preclude certain types of land uses.

Some of the definitions in the “prohibited uses” section of the Form-Based Code have been found to be more subjective than is ideal, and questions of interpretation have been raised over the years. The purpose of the proposed text amendment is to clarify the definitions in order to alleviate any future discrepancies in interpretation. In so doing, staff has also reviewed all the other zoning districts within the City to ascertain any other land uses that would be detrimental to the vision and goals of the redevelopment plan. Six (6) uses that were not previously on the list of prohibited uses are proposed to be added with this text amendment, and if any of those uses exist within the Old Yellowstone District currently, they will also be “grandfathered,” and allowed to remain, to be sold, to be rebuilt, or to expand, as they wish, into perpetuity. As stated previously, the prohibition only affects the introduction of future land uses that do not currently exist in the Old Yellowstone District.

A secondary proposed change, included in the proposed text amendment, is an expansion of the verbiage in Section 17.94.010 regarding the purpose and intent of the Form-Based Code. The Old Yellowstone District Advisory Committee, made up primarily of property owners in the Old Yellowstone District, wished to clarify and expound upon the short purpose statement at the beginning of the Code, to give potential developers a better sense of what the Code is trying to accomplish. The Advisory Committee discussed the need to set a positive tone for the Code, and discuss what is encouraged, rather than diving directly into prohibited uses. The proposed language is a positive affirmation of the intent of the Code and addresses the overarching goals of the Form-Based Code.

The Planning and Zoning Commission reviewed the proposed text amendment at its December 15, 2016 public hearing. There were no public comments received. The Planning and Zoning Commission voted to unanimously support the proposed text amendment, as presented.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17.94.010 AND 17.94.030 OF THE CASPER MUNICIPAL CODE, PERTAINING TO THE OLD YELLOWSTONE DISTRICT AND SOUTH POPLAR STREET CORRIDOR FORM-BASED CODE.

WHEREAS, in June of 2008, the City Council adopted the Form Based Code for the area referred to as the Old Yellowstone District and South Poplar Street Corridor; and,

WHEREAS, the City has identified several areas of the Form Based Code that need clarification; and,

WHEREAS, the Planning and Zoning Commission, the Old Yellowstone District Advisory Committee, and the Architectural Review Committee have recommended approval of the following amendments to the Form Based Code; and,

WHEREAS, it is the desire of the governing body of the City of Casper to amend Sections 17.94.010 and 17.94.030 of the Casper Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

That Section 17.94.010 of the Casper Municipal Code is hereby amended to add the bolded and capitalized text, to read as follows:

17.94.010 - Purpose, intent and using the code.

The Old Yellowstone District and South Poplar Street Corridor form-based code regulating plan is intended to integrate urban design, building form, placement, use and design as a means for implementing the West Central and South Poplar Street Corridor Plan, dated September, 2007, as may be amended from time to time.

THIS FORM BASED CODE IS ALSO INTENDED TO ENCOURAGE LAND USES THAT PROMOTE VIBRANT COMMERCE, SOCIAL INTERACTION, AND A WIDE VARIETY OF HOUSING TYPES, WHERE PEOPLE CAN LIVE, WORK, SHOP AND PLAY, ALL WITHIN PROXIMITY AND WALKING DISTANCE.

THE INTENDED GOAL OF THE FORM BASED CODE IS TO CREATE A COMPLIMENTARY EXTENSION OF THE DOWNTOWN, WITH ITS OWN UNIQUE CHARACTER AND DESIGN, AND TO PROVIDE A FRAMEWORK FOR ACHIEVING THE DESIRED BUILT-FORM CHARACTERISTICS OF A DOWNTOWN, INCLUDING SIMILAR DENSITIES, BUILDING MATERIALS, BUILDING ORIENTATION, BUILDING HEIGHTS, ARCHITECTURE AND A DIVERSIFIED MIX OF COMPLIMENTARY AND INTERRELATED LAND USES.

The form-based code consists of a regulating plan, building envelope standards and design standards.

The code is comprised of five interrelated elements.

1. Zoning district narrative describing purpose, intent, applicability and design.
2. A regulating plan that describes the areas within the development project where specified building types may be located.
3. Building envelope and street standards that describe the allowable height, disposition and use for the specified building types and right-of-way, travel lane, center median, parking, terrace and/or sidewalk and alleyway width for the specified thoroughfares.
4. Design standards for guiding specific aspects of building and site design.
5. The regulating plan and building envelope and street standards apply to new facilities such as buildings, streets, parking lots, etc. The design standards apply to existing and new facilities.
 - A. Design Principles. The code is based on several fundamental design principles:
 1. Mixing of uses vertically within structures and horizontally upon sites allows for greater market flexibility, sharing of support facilities such as parking, reducing the necessity for short vehicle trips while promoting walking and biking and leading to a more sustainable city.
 2. Buildings should be placed close to the sidewalk and street to better define and enliven the public realm and economize resources such as land and utilities.
 3. Building types that support multiple uses and are flexible or adaptable over time are preferable to highly specific, single-use typologies that may more easily become obsolete.
 4. Increased density helps afford increased private and public realm amenities such as brick and stone building exteriors and streetscaping.
 5. A more enhanced public realm with interconnected sidewalks, plazas, landscaped parkways and trails promotes and support social interaction and healthier living.

SECTION 2:

That Section 17.94.030 of the Casper Municipal Code is hereby amended to add the bolded and capitalized text, to remove the strikethrough text, and renumbered alphabetically as necessary, to read as follows:

17.94.030 - Prohibited uses.

A. Prohibited uses in the Old Yellowstone District and South Poplar Street corridor shall include the following:

1. "Agriculture" meaning food animals produced for consumption, pleasure animals raised for recreation, sale barns for the auction of food and/or pleasure animals, large gardens and orchards which produce food for consumption, and large farm equipment offered for sale, service and/or storage;
2. "Animal boarding center/animal shelter" meaning an establishment where animals are admitted solely for the purpose of overnight stays. Outside runs are prohibited. Establishments that provide day services with no overnight stays are permitted. Boarding is allowed only for medical purposes or treatment by licensed animal hospitals or clinics;
3. "Automobile-oriented sales or services," not existing as of the effective date of the Old Yellowstone District and South Poplar Street Corridor form-based zoning ordinance, meaning an area or structure used for the display, sale and/or service of automobiles, including cars, trucks, recreational vehicles, trailers, motorcycles or boats; and includes businesses that sell and/or install automobile accessories. Automobile-oriented sales or services shall include businesses such as vehicle dealerships, **VEHICLE CONSIGNMENT LOTS**, muffler shops, auto-detail shops, engine repair or rebuilding, collision repair, tire sales and service shops, paint shops, undercoating, window and glass replacement and tinting, alignment shops, upholstery shops, oil change and lubrication shops, brake shops, stereo and radio sales and/or installation, dismantling or salvage operations, towing businesses, and businesses that lease or rent vehicles;
4. "Car wash (~~stand-alone~~)" meaning a ~~freestanding~~ structure/**BUSINESS** where motor vehicles are washed, **WHETHER OR NOT IT IS ASSOCIATED WITH OR ACCESSORY TO ANOTHER BUSINESS**. ~~Car washes that are accessory to other principle uses are allowed;~~
5. "Commercial laundries" meaning establishments where clothes and linens can be washed and ironed in bulk quantities, typically for commercial or industrial uses; not for individual patronage, such as laundromats;

XX "CONSTRUCTION/CONTRACTOR SHOPS OR YARDS" MEANING A LOT OR STRUCTURE, THE PRINCIPAL USE OF WHICH IS TO PROVIDE OFFICES, VEHICLE AND EQUIPMENT STORAGE, CONSTRUCTION MATERIAL STORAGE, OR TOOL STORAGE FOR A CONSTRUCTION OR CONTRACTING BUSINESS. EXAMPLES ARE PLUMBING SHOPS, ELECTRICAL SHOPS, EXCAVATING BUSINESSES, MECHANICAL SHOPS, WELDING SHOPS, FABRICATION SHOPS, ELECTRICAL OR PLUMBING SUPPLY SHOPS, OR SIMILAR USES.

XX **“CONVENIENCE ESTABLISHMENT, HIGH VOLUME” MEANING AN ESTABLISHMENT PRIMARILY DESIGNED FOR THE PURPOSE OF PROVIDING LEGALLY STORED VEHICLE ENGINE FUELS, KEROSENE OR MOTOR OIL, AND LUBRICANTS OR GREASE, ON A FULL- OR SELF-SERVICE BASIS TO THE TRAVELING PUBLIC AND/OR COMMERCIAL HAULERS.**

XX **“CONVENIENCE ESTABLISHMENT, MEDIUM VOLUME” MEANING AN ESTABLISHMENT IN WHICH THE PRIMARY BUSINESS IS SELLING GASOLINE/DIESEL FUEL AND GROCERY STORE RELATED PRODUCTS.**

6. "Custodial care facility" meaning a public or privately operated facility providing custodial care for persons residing by court placement, or being held or detained awaiting trial or court placement, including, without limitation, correctional and post-correctional facilities, adult and/or juvenile detention facilities, reentry centers and correctional transitional housing. A custodial care facility shall not include "group homes," as defined in the municipal code;

7. "Emergency shelter" meaning a nonprofit facility that provides long-term or short-term living accommodations and/or care for individuals and families who have been displaced from their homes. "Care" is defined as room and board, and/or the provision of a program for counseling, therapy or social services;

8. "Heavy industrial" meaning facilities which conduct and support manufacturing, fabrication, storage of bulk materials, including both solid and liquid fuels, industrial painting, and storage of heavy equipment, **ASPHALT PLANTS, CONCRETE PLANTS, GYPSUM MANUFACTURING, REFINERIES, ROCK QUARRYING AND CRUSHING, BRICK/MASONRY YARDS, BULK PLANTS, FABRICATION PLANTS, FOUNDRY, FACTORIES OR MANUFACTURING PLANTS;**

9. "Industrial food or food processing facility" meaning an establishment where food goods or animals are processed into meat or food products, and includes slaughter, skinning, butchering, packaging, and freezing of the meat for commercial sale;

10. "Lumber yards/builder's supply yards" meaning a business operation that ~~solely~~ operates as a distribution or wholesale operation for the construction industry; ~~no retail component exists.~~ **IN WHICH** The physical yard is a storage location for storing lumber and construction materials;

11. "Manufactured home (mobile) park" meaning a parcel, or contiguous parcels of land, divided into spaces for rent or lease on which a manufactured home is to be permanently affixed;

XX **“MANUFACTURED/MODULAR STRUCTURE SALES” MEANING A BUSINESS WHICH SELLS, DISPLAYS MANUFACTURES OR STORES MANUFACTURED OR MODULAR STRUCTURES.**

12. "Motels" meaning a building, or series of connected rental units, providing a dwelling unit or overnight lodging for compensation. The physical structure has individual exterior entrances into each dwelling unit, with no common inside corridor;
 13. "Off-premises signs" as defined in Section 17.08.010 of this code, not existing as of the effective date of the form-based zoning ordinance, meaning outdoor signs that are used to advertise the sale of goods and services, and/or promote social, commercial, political or religious messages;
 14. "Pawn shop" meaning a commercial establishment where persons deposit goods, merchandise or other personal property in exchange for a monetary loan, or other compensation, and giving the creditor the right to sell the property if the debt is not paid;
 15. "Recreational overnight park/recreational vehicle (RV) sales, service and storage lot" meaning a parcel of land intended for occupancy by recreational vehicles for transient dwelling purposes; and a parcel, or parcels, of land on which recreational vehicles will be displayed for sale, stored for service, or housed for seasonal use;
 16. "Recycling center" meaning a structure or storage area whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap aluminum, paper, plastic and glass;
- XX "SALVAGE YARD OR WRECKING YARD" MEANING AN ESTABLISHMENT OR LOCATION WHICH IS MAINTAINED OR USED FOR STORAGE, KEEPING, BUYING, OR SELLING OF WRECKED, SCRAPPED OR DISMANTLED MOTOR VEHICLES OR PARTS THEREOF, OR ANY VEHICLE STORAGE AREA IN WHICH ANY VEHICLE IS STORED FOR MORE THAN THIRTY (30) DAYS, REGARDLESS OF WHETHER SAID VEHICLE IS AWAITING REPAIR.**
17. "Sexually-oriented businesses" as defined in Chapter 9.24 of this code;
- XX "STORE, WHOLESALE" MEANS AN ESTABLISHMENT DEVOTED TO THE WHOLESALING OF GOODS AND GENERALLY INCLUDES LARGE AREAS DEVOTED TO STORAGE OR WAREHOUSING.**
18. "Thrift shops" meaning commercial establishments which sell, trade, or dispense donated merchandise. "Consignment shops," meaning commercial establishments which pay a customer a percentage of sales on their consigned merchandise once it is sold, are permitted;
 19. "Tower" meaning any ground, roof, or otherwise mounted pole, spire, structure or combination thereof that is fifteen feet or greater in height above the ground, including supporting lines, cables, wires, braces, masts or other structures, for the purpose of mounting an antenna, meteorological device, or cellular apparatus aboveground;

20. "Transportation depot" meaning a facility specifically designated for the storage, transfer, or boarding and unloading of material or persons such as a bus station, railroad station, etc. Transit stations for the local, public bus service are excluded;
21. "Truck/car stops" meaning establishments primarily designed for the purpose of providing stored vehicle engine fuels, kerosene or motor oil, and lubricants or grease, on a full- or self-service basis to semi-trucks, which may include similar services for automobile/truck stop facilities, restaurant facilities, and/or overnight sleeping facilities;
22. "Utility service center" meaning a facility, and/or lot, owned by a private or public entity which engages in the supply and distribution of water, gas, electrical, sewer, and communications products, and includes installation, repair and storage facilities;
23. "Warehouses, indoor and outdoor storage" meaning ~~single-use~~ facilities where goods, wares, and/or merchandise are deposited for storage or securing. In the case of "automobile services," vehicles awaiting repair or service are excluded, **PROVIDED NO VEHICLE AWAITING REPAIR OR SERVICE SHALL BE STORED ON A SITE FOR MORE THAN THIRTY (30) DAYS.**

SECTION 3:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED ON 1st reading the _____ day of _____, 201__,

PASSED ON 2nd reading the _____ day of _____, 201__,

PASSED, APPROVED, and ADOPTED on 3rd and final reading the _____ day of _____, 201__.

APPROVED AS TO FORM:

ATTEST:

Tracey L. Belser
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation:

Mayor

February 5, 2017

MEMO TO: Honorable Mayor Humphrey
Vice-president Pacheco
Casper City Council

FROM: V.H. McDonald, City Manager

SUBJECT: Initial Directions for Preparation of the FY 2018 Budget

Recommendation:

That the City of Casper Council provide an initial direction in the preparation of fiscal year 2018 budget.

Summary:

As reflected in the City of Casper 2017 Adopted Budget, staff developed and recommended a 10-year General Fund plan to address the current economic downturn. The plan, referred to as the Glide Path Plan (Plan), laid out the use of the General Fund reserves for a 10-year period with certain revenue and expenditure assumptions. The Plan also identified annual General Fund cost reductions through the ten year period. The underlying intent of the Plan is, if economic conditions persist, to provide a gradual reduction of costs and correlated services if necessary. Fortunately, the City Council maintained General Fund Reserves at the Reserve Policy level of fifty percent of General Fund annual operating expenditures that afforded a gradual and managed change of services.

Please note that the Plan concerns only the General Fund and the other City funds dependent upon the General Fund for financial support. This is because of the General Fund's dependency upon revenues, including General Sales Tax, Property Tax and Shared Mineral Taxes, all of which are set by State statute. Those other funds include Leisure Enterprise Funds, Internal Services Funds, the Perpetual Care Fund, and certain other funds including Public Safety Communication Center and Metro Animal Control funds.

The Glide Path is intended to be a benchmark plan for comparison of the actual level of reserves to the Glide Path, both monthly and annually. The eventual target of the Plan is for General Fund Reserves to be spent down to two months of operating expenses. The

actual level of General Fund reserves as compared to the Plan is dependent upon Council budget policy in the upcoming years and the future economic conditions.

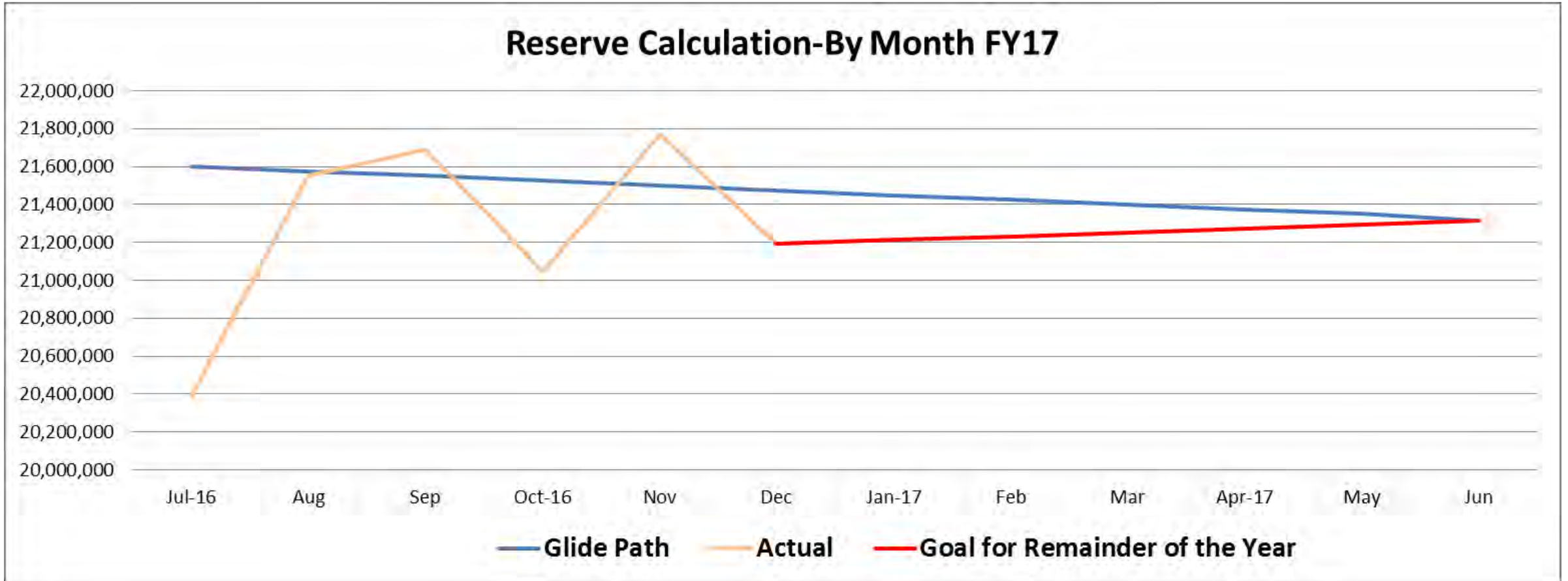
There are several budget issues that need to be considered in preparation of the FY 2018 Budget, including:

- Offset of the \$1 million dollar one-time accumulated special electric franchise revenue used to prepare the FY 2017 Budget
 - Approximately \$500,000 of sustainable budget reductions have been identified to offset the \$1 million dollars.
- Various potential cost drivers that may increase the General Fund cost base by approximately \$500,000 annually.
- The realistic staffing levels that are needed for operations
 - The Plan identifies annual cost reductions over the ten year period. For planning purposes, those annual reduction amounts are portrayed as the number of positions needed to be reduced to meet the annual reduction, using the average position cost. However, there is a practical staffing level floor that is required.

Additionally, actions by the Wyoming Legislature may have significant fiscal impacts to the City. Most notable is continuation of the Above-the-Cap, or Direct Distribution, funding. The Legislature continued providing the funding source for the 2017-2018 Biennium from the State's savings accounts. For FY 2017 the entire amount of this funding was allocated to operations, rather than to capital, due to the significant decrease in sales tax revenue. Loss of this funding source would have a significant impact on the community service.

Staff would be appreciative for any initial and general directions the City Council may be able to provide for the preparation of the FY 2018 Budget taking into consideration all fiscal issues influencing the City of Casper. Direction is being sought to either attempt to stay on the Plan, or to accelerate or decelerate depletion of General Fund reserves to the two-month level.

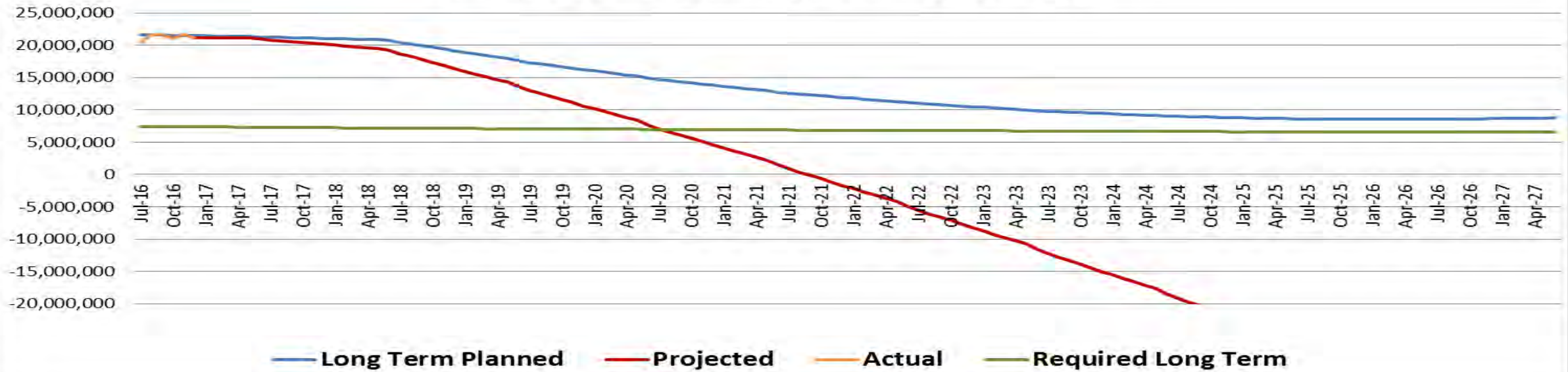
City of Casper Glide Path



- A one-time transfer of \$1M has been transferred to the General Fund for FY17.
- \$985K of potential savings have been identified.
- \$481K of potential savings could be considered sustainable in future years.

City of Casper Glide Path

Reserve Calculation-By Month FY17-FY27



Annual Expense Reduction Required to Stay on Glide Path

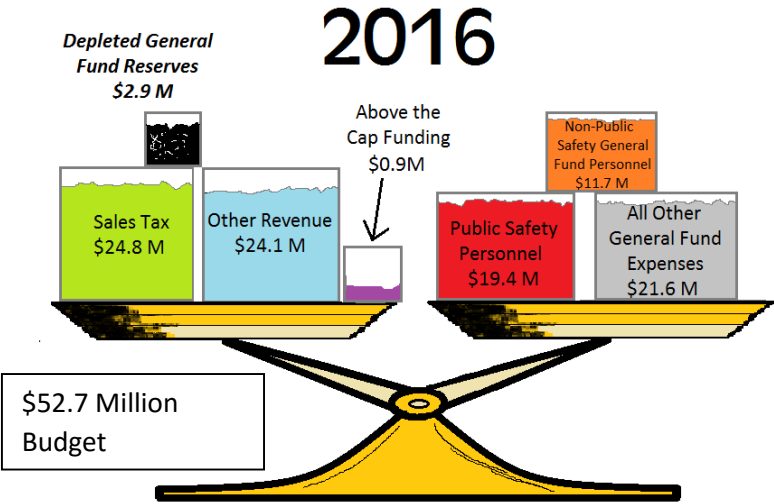


City of Casper-Usage of Above the Cap Revenues

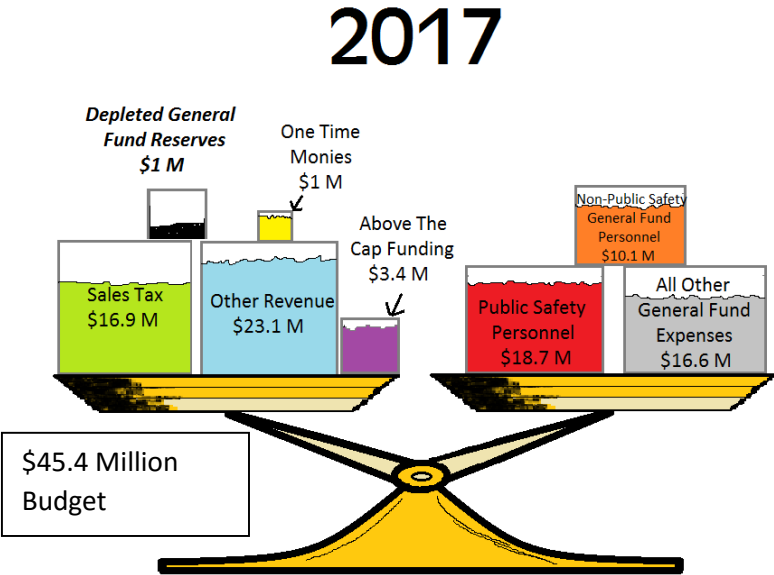
General Fund Revenues	FY16 Actual	Used for:		FY17 Budget	Used for:		FY18 Budget-Possible Cost Drivers
		Operations	Capital		Operations	Capital	
Sales Taxes	\$ 17,509,578	\$ 17,509,578		\$ 16,900,000	\$ 16,900,000		Body Cameras for Police Department *
Property Taxes	4,165,557	4,165,557		4,100,000	4,100,000		Status of GIS funding
Mineral Taxes	4,132,608	4,132,608		4,124,681	4,124,681		Health Insurance Increase
Mineral Above the Cap	4,454,441	944,703	3,509,738	3,351,243	3,351,243		Subsidy Reduction at Events Center via contract with Spectra
Other Taxes	8,713,975	8,713,975		7,152,191	7,152,191		Hogadon Summer Use
User Fees	4,499,087	4,499,087		3,742,056	3,742,056		Operating Cost for Hogadon Lodge
Other	3,187,571	3,187,571		3,805,161	3,805,161		
Transfers In	214,740	214,740		1,214,740	1,214,740		
Total	\$ 46,877,557	\$ 43,367,819	\$ 3,509,738	\$ 44,390,072	\$ 44,390,072	\$ -	* Policy Dependent

General Fund Expenses	FY16 Actual		FY17 Budget			
Personnel	\$ 29,326,221	\$ 29,326,221		\$ 28,788,275	\$ 28,788,275	
Contractual	6,863,847	6,863,847		6,944,730	6,944,730	
Material and Supplies	2,055,860	2,055,860		1,607,660	1,607,660	
Other	1,704,594	1,704,594		1,671,140	1,671,140	
Capital	182,908	182,908		165,836	165,836	
Transfers Out	13,323,819	9,814,081	3,509,738	6,167,428	6,167,428	
Total	\$ 53,457,249	\$ 49,947,511	\$ 3,509,738	\$ 45,345,069	\$ 45,345,069	\$ -
Net Impact	\$ (6,579,692)	\$ (6,579,692)	\$ -	\$ (954,997)	\$ (954,997)	\$ -

City of Casper Budget Reduction Fact Sheet



- REVENUE STATUS:
 - General Fund Revenues decreased \$9.0 million (17%).
 - Budgeted Sales Tax fell \$7.9 million (32%).
 - Above-the-Cap/Supplemental Funding of \$3.4 million now funds operations instead of approximately 80% funding capital projects as done in prior years.
 - \$1 million of accumulated special franchise fee was transferred to General Fund.



- EXPENSE REDUCTIONS: Cut \$7.3 million or 14% of the General Fund. Efforts continue to identify more cuts.
 - Non Public Safety personnel lowered 14% to keep Public Safety (Police, Fire, Building Inspection, Code Compliance, Animal Control Support, Public Safety Communication Center Support) reductions to 4%.
 - General Fund Dependent personnel cut by 40 or 9% (50 positions cut citywide). This started at 428 and is now 388.
 - Current plan is to utilize approximately 77% of reserves, leaving a two month operating reserve.
- RESERVES:
 - \$3.9 Million of General Fund reserves have been used in last two years. More likely to be used in FY18 if funding sources decline.