



## Regular Council Meeting

Tuesday, June 15, 2021 at 7:00 pm

**At 6:45 P.M. on Tuesday, June 15, 2021, the Finance Committee will meet in the City Hall Council Chambers to consider bills to be paid. This meeting is open to the public.**

- 1) Call to order.
  - 2) Pledge of Allegiance.
  - 3) Invocation.
  - 4) Roll call: Ward I: Kyle Larson, Dean Peranteaux  
Ward II: Karla Borders, Kristy K. Salisbury  
Ward III: Mike Bailey, Lindsey Cox
  - 5) Declaration of quorum.
  - 6) Approval of the Agenda.
  - 7) Communication from the Floor – Citizen’s Comments.
  - 8) Consent Agenda:
    - Approval of the Minutes – June 1, 2021 Regular Council Meeting.
    - Approval of the Minutes – June 8, 2021 Special Council Meeting.
    - Approval of the Minutes – June 15, 2021 Finance Committee Meeting.
    - Approval of the Finance Committee Recommendations – June 15, 2021.
    - Approval of the Municipal Court Report for the month of May 2021.
    - Open Container Permit Applications: **Sage Weber**, Retirement Party @ Jaycee Park, June 19, 2021, 5:00 pm – 8:00 pm; and **Carolyn Hunter**, Class Reunion @ Sunset Park, August 6-7, 2021, 4:00 pm – 10:00 pm.
  - 9) Public Hearing & Consideration of Firework Permit Application: Riverton Little League.
  - 10) Consideration of Ordinance No. 21-007, 3<sup>rd</sup> & Final Reading: Riverton Municipal Code Section 15.08.060 ‘Electrical Inspector’ Revision.
  - 11) Consideration of Ordinance No. 21-006, 2<sup>nd</sup> Reading: Riverton Municipal Code Chapter 5.04 Alcoholic Beverages Revision.
  - 12) Consideration of Ordinance No. 21-008, 2<sup>nd</sup> Reading: Amending Title 17 - Commercial C-1 Zoning District.
  - 13) Public Hearing and Consideration of New Restaurant Liquor License: Wyoming Smokehouse, LLC.
  - 14) Bid Award: North 16<sup>th</sup> Street Project.
  - 15) Consideration of Grant Agreement: American Rescue Plan Act of 2021 (ARPA)
- Reports and Comments:
- 16) Council Committee Reports and Council Members’ Roundtable.

“Excellence in Service to the Rendezvous City”

- 17) City Administrator's Report.
- 18) Mayor's Comments.
- 19) Executive Session – if needed.
- 20) Adjourn.

**RIVERTON CITY COUNCIL**  
**Minutes of the**  
**Regular Council Meeting**  
**Held June 1, 2021**  
**7:00 PM**

The regular meeting of the Riverton City Council was held on the above date and time, duly convened by Mayor Richard P. Gard at 7:00 p.m. City Council Members present were Dean Peranteaux, Lindsey Cox, Mike Bailey, Karla Borders, Kyle Larson and Kristy Salisbury. Council Member Bailey led the pledge of allegiance; and Council Member Larson conducted the invocation.

Roll call was conducted. Mayor Gard declared a quorum of the Council.

City Staff present: City Clerk/Human Resource Director Kristin S. Watson, City Administrator Tony Tolstedt, Public Works Director Kyle Butterfield, Chief of Police Eric Murphy, Finance Director Mia Harris, Community Development Director Eric P. Carr, and Administrative Assistant/Deputy City Clerk Megan Sims.

**Approval of the Agenda** – Council Member Borders moved, seconded by Council Member Bailey to approve the agenda as presented. Motion passed unanimously.

**Communication from the Floor/Response to Citizen’s Comments** – None.

**Consent Agenda** – City Clerk/Human Resource Director Kristin S. Watson read the consent agenda items by title only: Approval of the Minutes – May 18, 2021 Regular Council Meeting; Approval of the Minutes – June 1, 2021 Finance Committee Meeting; Approval of the Finance Committee Recommendations – June 1, 2021 claims to be paid in the amount of \$456,664.22, manual checks in the amount of \$2,939.58, and payroll & liabilities for 5/21/2021 in the amount of \$458,475.78 for a total of \$918,079.58; Open Container Permit Application: **Riverton Lions Club**, Annual Club Celebration, June 7, 2021 at Sunset Park, 6:00 pm – 8:00 pm; Replat: Lot 106A, Country Club Villages First Addition, located on Tam O’Shanter, Petitioners: Bill & Georgette Mallon; and Access & Utility Easement located on a parcel of land located in the NW1/4 SW1/4, S12, and NE1/4 SE1/4, S11, T1N, R3E, W.R.M., Petitioners: Richard U. & Dorliss J. Family Trust. Council Member Larson moved, seconded by Council Member Salisbury to approve the consent agenda as presented. Motion passed unanimously.

**Airport Board Appointment: Alternate** – Mayor Gard reported of a vacant seat on the Airport Board as an alternate which he is recommending to fill that seat with community member Jay Reddon. Mr. Reddon will serve the on the board for the remainder of the 2021 term. Council Member Borders moved, seconded Council Member Cox to appoint Jay Reddon as an alternate member to the Airport Board. Motion passed unanimously.

**Ordinance No. 21-005, 3<sup>rd</sup> & Final Reading: Unauthorized Use of a Motor Vehicle** – Clerk/Human Resource Director Kristin S. Watson read Ordinance No. 21-005 by title only. This ordinance will allow the Riverton Police Department to issue citations for unauthorized use of a motor vehicle through the City of Riverton municipal court rather than circuit court. Council Member Bailey moved, seconded by Council Member Peranteaux to adopt Ordinance No. 21-005 on 3<sup>rd</sup> & final reading. Roll call vote was conducted and the motion passed unanimously.

**Ordinance No. 21-007, 2<sup>nd</sup> Reading: Riverton Municipal Code Section 15.08.060 ‘Electrical Inspector’ Revision** – City Clerk/Human Resource Director Kristin S. Watson read Ordinance No. 21-007 by title only. This ordinance amends Section 15.08.060 to provide the ability of the city to employ or contract services for electrical inspections. Council Member Larson moved, seconded by Council Members Borders to adopt Ordinance No. 21-007 on second reading. Motion passed unanimously.

**Plat: Al Baur Addition, Currently Located at 101 East Monroe Ave, Petitioner: Alan Baur** – Community Development Director Eric Carr reported of a request to plat a four-acre parcel to create a five-lot subdivision on the south side of East Monroe Avenue between South 1<sup>st</sup> Street East and South 2<sup>nd</sup> Street East. Staff recommends approval

of the proposed subdivision upon dedication of a right-of-way width of seventy-four feet. Council Member Larson moved, seconded by Council Member Borders to approve the Al Baur Addition to the City of Riverton with the right-of-way width at sixty-nine feet, to include an easement of an additional five feet on the plat. The right-of-way dedication and easement will total seventy-four feet. Motion passed unanimously.

**Public Hearing & Consideration of New Restaurant Liquor License for La Luna, LLC** – City Clerk/Human Resource Director Kristin S. Watson reported of a new restaurant liquor license application received from La Luna, LLC. This is restaurant liquor license will be housed at 711 E Main St. Council Member Bailey moved, seconded by Council Member Cox to open the public hearing. Motion passed unanimously. There being no one to address the Council in regards to the new restaurant liquor license, Council Member Bailey moved, seconded by Council Member Peranteaux to close the public hearing. Motion passed unanimously. Council Member Salisbury moved, seconded by Council Member Borders to approve the new restaurant liquor license for La Luna, LLC, contingent upon the licensee receiving a valid food service permit. Motion passed unanimously.

**Wind River Visitors Council Budget** – Helen Wilson from the Wind River Visitors Council approached the Council to discuss the proposed FY2022 Wind River Visitors Council budget. Ms. Wilson presented the Council with a detailed budget. With further discussion from the Council and Ms. Wilson, Council Member Larson moved, seconded by Council Member Bailey to approve the proposed Wind River Visitors Council Budget. Motion passed unanimously.

**EDGE (half cent tax) Funding Recommendations** – City Administrator Tony Tolstedt presented recommendations on behalf of the EDGE Committee regarding allocations of the half cent tax funding. Mr. Tolstedt reported of the committee receiving seven (7) applications with the following applicants being recommended for funding with the following funding restrictions/terms: Riverton Medical District - \$300,000 per year for two (2) years; and CWC Rocky Mountain Complex - \$155,000 one-time with special contingencies: the applicant must keep the project scope as provided in the funding request and provide the required matching funds. After discussion within the Council, Council Member Salisbury moved, seconded by Council Member Larson to allocate \$440,000 per year for two (2) years to the Riverton Medical District, \$100,000 one-time to CWC Rocky Mountain Complex and have staff prepare funding agreements. Motion passed unanimously.

**Public Hearing and Consideration of Ordinance No. 21-006, 1<sup>st</sup> Reading: Riverton Municipal Code Chapter 5.04 Alcoholic Beverages Revision** – City Clerk/Human Resource Director Kristin S. Watson presented Ordinance No. 21-006 which updates the Riverton Municipal Code with changes that were made during the 2021 Legislative session, as well as clean-up the order and language of the alcoholic beverages chapter. City Clerk/Human Resource Director Kristin S. Watson read Ordinance No. 21-006 by title only. Council Member Larson moved, seconded by Council Member Peranteaux to open the public hearing. Motion passed unanimously. There being no one to address the Council, Council Member Bailey moved, seconded by Council Member Larson to close the public hearing. Motion passed unanimously. Council Member Bailey moved, seconded by Council Member Borders to adopt Ordinance No. 21-006 on first reading. Motion passed unanimously.

**Public Hearing and Consideration of Ordinance No. 21-008, 1<sup>st</sup> Reading: Commercial C-1 Zoning District; allowing dwelling units on a portion of the ground floor** – Community Development Director Eric Carr presented Ordinance No. 21-008 which amends section 17.56.040 to allow a maximum noncommercial use of fifty percent (50%) on the ground floor within Commercial C-1 zoning on the non-street side. City Clerk/Human Resource Director Kristin S. Watson read Ordinance No. 21-008 by title only. Council Member Larson moved, seconded by Council Member Borders to open the public hearing. Motion passed unanimously. There being no one to address the Council, Council Member Bailey moved, seconded by Council Member Larson to close the public hearing. Motion passed unanimously. Council Member Borders moved, seconded by Council Member Peranteaux to adopt Ordinance No. 21-008 on first reading. Motion passed unanimously.

**Resolution No. 1435: Weed & Pest Program Participation** – Public Works Director Kyle Butterfield presented Resolution No. 1435 which establishes and administers a weed and pest control program in the jurisdictional limits of the City of Riverton. City Clerk/Human Resource Director Kristin Watson read Resolution No. 1435 by title only.

Council Member Cox moved, seconded by Council Member Bailey to approve Resolution No. 1435. Motion passed unanimously.

**Resolution No. 1436: Second Amendment Rights** – Mayor Gard presented Resolution No. 1436 which is in support for the rights of citizens to bear arms pursuant to the Second Amendment of the United States Constitution and Article 1, Section 24 of the Constitution of Wyoming. City Clerk/Human Resource Director Kristin Watson read Resolution No. 1436 by title only. Council Member Borders moved, seconded by Council Member Bailey to approve Resolution No. 1436. Motion passed unanimously.

**Wyoming Department of Health Wastewater Sampling Agreement** – Public Works Director Kyle Butterfield reported of the agreement between the City of Riverton and the Wyoming Department of Health (DEH) for the purpose of participating in a SARS-CoV-2 monitoring and wastewater sampling program that is set to expire on June 30, 2021. The agreement presented to the Council will extend the agreement through the end of the calendar year and the agreement states that DEH will pay the city up to \$25,000 for sampling performed at the Wastewater Treatment Plant. Council Member Larson moved, seconded by Council Member Salisbury for the approval of the wastewater sampling and SARS-CoV-2 monitoring contract agreement with the Wyoming Department of Health. Motion passed unanimously.

**Council Committee Reports & Council Members' Roundtable** – Council Member Larson reported on the FCSWDD meeting and the airport enplanements; and Council Member Borders reported on upcoming events that can be viewed on goriverton.com.

**City Administrator's Report** – City Administrator Tony Tolstedt commented on upcoming meetings: Ambassadors, EDGE Committee, Special Council Meeting. Mr. Tolstedt announced the Community Development Director Eric P. Carr has formally submitted his resignation from the City effective June 25<sup>th</sup> and thanked him for his diligent work for the City.

**Mayor's Comments** – Mayor Gard commented the following meetings: Planning Commission, EDGE Committee, REDA meeting; reported of participating in a ride along with Riverton Police Department officers one evening; commented on the Arbor Day Celebration; reported on current legislative happenings; and reported on the airport enplanements.

**Adjourn** – There being no further business to come before the Council, Mayor Gard adjourned the Regular Council meeting at 9:08 p.m. There was no objection from the Council.

CITY OF RIVERTON, WYOMING

---

Richard P. Gard  
Mayor

ATTEST:

---

Kristin S. Watson  
City Clerk/Human Resource Director

Publication Date:

**RIVERTON CITY COUNCIL**  
**Minutes of the**  
**Special Council Meeting**  
**Held June 8, 2021**  
**5:30 PM**

The regular meeting of the Riverton City Council was held on the above date and time, duly convened by Mayor Richard P. Gard at 7:00 p.m. City Council Members present were Dean Peranteaux, Lindsey Cox, Mike Bailey, Karla Borders, Kyle Larson and Kristy Salisbury. Council Member Borders led the pledge of allegiance; and Council Member Bailey conducted the invocation.

Roll call was conducted. Mayor Gard declared a quorum of the Council.

City Staff present: City Clerk/Human Resource Director Kristin S. Watson, City Administrator Tony Tolstedt, Public Works Director Kyle Butterfield, Chief of Police Eric Murphy, Finance Director Mia Harris, and Community Development Director Eric P. Carr.

**Approval of the Agenda** – Council Member Larson moved, seconded by Council Member Borders to approve the agenda as presented. Motion passed unanimously.

**Public Hearing & Consideration of Resolution No. 1437: Adoption of Fiscal Year 21-22 Budget** – City Administrator Tony Tolstedt presented Resolution No. 1437 on the proposed budget for Fiscal Year 2021-2022. City Clerk/Human Resource Director Kristin S. Watson read Resolution No. 1437 by title only. Council Member Larson moved, seconded by Council Member Bailey to open the public hearing for the consideration of Resolution No. 1437. Motion passed unanimously. There being no one to approach the Council regarding Resolution No. 1437, Council Member Bailey moved, seconded by Council Member Peranteaux to close the public hearing. Motion passed unanimously. Council Member Cox moved, seconded by Council Member Borders to approve Resolution No. 1437 for the fiscal year 2022 budget. Motion passed unanimously.

**Adjourn** – There being no further business to come before the Council, Mayor Gard adjourned the Regular Council meeting at 5:38 p.m. There was no objection from the Council.

CITY OF RIVERTON, WYOMING

---

Richard P. Gard  
Mayor

ATTEST:

---

Kristin S. Watson  
City Clerk/Human Resource Director

Publication Date:

**RIVERTON MUNICIPAL COURT  
REPORT**

**CASH RECEIPTING  
APRIL 30 THROUGH MAY 27, 2021**

TOTAL DOCKETS FOR MAY 127									
	TOTAL	ADMIN			CREDIT				TOTAL
DATE	RECVD	FEES	FINES	COSTS	CARD	BOND	VCF	REST	RECVD
4/30-5/6/21	\$ 3,975.50	\$ 645.00	\$ 1,244.00	\$ 30.00	\$ 1,815.00		\$ 50.00	\$ 191.50	\$ 3,975.50
5/7-5/13/21	\$ 2,781.00	\$ 6.00	\$ 1,259.00	\$ 30.00	\$ 1,126.00	\$ 85.00	\$ 25.00	\$ 250.00	\$ 2,781.00
5/14-5/20/21	\$ 1,219.00	\$ 4.00	\$ 513.00	\$ 40.00	\$ 612.00			\$ 50.00	\$ 1,219.00
5/21-5/27/21	\$ 1,208.00	\$ 8.00	\$ 640.00	\$ 10.00	\$ 300.00			\$ 250.00	\$ 1,208.00
									\$ -
<b>SUB TOTAL</b>	<b>\$ 9,183.50</b>	\$ 663.00	\$ 3,656.00	\$ 110.00	\$ 3,853.00	\$ 85.00	\$ 75.00	\$ 741.50	\$ 9,183.50
VCF	\$ 75.00								
REST	\$ 761.50	\$20 PD W/ CC 5/10							
BOND M	\$ 85.00								
OVER PAY									
<b><u>BCK GRNDS</u></b>									
E Shoshone	\$ 180.00								
WRC	\$ 490.00								
<b>TOTAL</b>	<b>\$ 8,932.00</b>								
							JUDGE MCKEE		

**City of Riverton**  
**Open Container Permit Application**



Open Container Permit	\$25.00 Non-Refundable Fee	RMC 5.04.070 Allows alcoholic beverages on City property by permit only
-----------------------	----------------------------	---

SPONSOR OF EVENT: Sage Weber

SPONSOR REPRESENTATIVE: \_\_\_\_\_

ADDRESS: 922 Sierra Drive Riverton, WY 82501 PHONE: 307-217-1264

TYPE OF EVENT: Retirement Party

LOCATION OF EVENT: Jaycee Park

DATE OF EVENT: 06/19/2021

START TIME: 5 PM END TIME: 8 PM

WILL UNDERAGE CHILDREN BE PRESENT?  Y  N  
 If yes, please explain procedures to ensure underage children will not be served alcoholic beverages. \_\_\_\_\_

All attendees will keep alcohol in closed storage and will be diligent to ensure no underage drinking occurs. All are medical professionals who are aware of the risks and have licenses at stake.

**The undersigned applicant agrees to abide by the following rules and regulations set forth by the Riverton City Council:**

- Alcohol Sales is not permitted.
- Providing alcohol to intoxicated persons is not permitted.
- Providing alcohol to underage person(s) is not permitted.
- Taking open containers off of or away from permitted area is prohibited.
- The location shall be left clean and free of debris.
- Open container permits are for no more than two days by any one person or organization in any one calendar year.
- The applicant shall abide by any other rules set forth by the Riverton City Council

Sage Weber  
 Signature of Applicant

-----  
**FOR OFFICE USE ONLY**

Approved/Denied by Council Action on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 City Clerk

Date Paid \_\_\_\_\_

cc: Police Department \_\_\_\_\_  
 Parks Department \_\_\_\_\_

**“Excellence in Service to the Rendezvous City”**





**RIVERTON**  
WYOMING  
**CITY OF RIVERTON**  
EVENT APPLICATION

&  
USE OF PUBLIC SPACE

All applicable fees must be paid at time of submittal and are non-refundable. Please provide two (2) business days for staff approved items and up to three (3) weeks for council approved items (street closures, open container permits, & fireworks permits). Please contact the City Clerk's office at (307) 856-2227 with any questions.

EVENT INFORMATION	
NAME OF APPLICANT/RESPONSIBLE PARTY: <b>Carolyn Hunter</b>	ADDRESS, CITY, STATE, ZIP: 930 Pioneer Ave Riverton, WY 82501
ORGANIZATION (IF APPLICABLE): <b>RHS Class of 1966</b>	
CONTACT PHONE NUMBER: <b>307-850-5502</b>	CONTACT EMAIL ADDRESS:
NAME & PURPOSE OF EVENT: <b>Class Reunion</b>	
LOCATION OF EVENT: <b>Sunset Park</b>	
DATE(S) OF EVENT: <b>8/6/2021 &amp; 8/7/2021</b>	
TIME OF EVENT: FROM <b>4:00</b> PM TO <b>10:00</b> PM	
WILL THE EVENT OCCUPY A PUBLIC AREA? (park, street, etc.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO    IF YES, PLEASE COMPLETE SECTION 1.	WILL THE EVENT HAVE A LOUDSPEAKER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    IF YES, PLEASE COMPLETE SECTION 3.
WILL THE EVENT HAVE ALCOHOL PRESENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO    IF YES, PLEASE COMPLETE SECTION 2.	WILL THE EVENT HAVE FIREWORKS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    IF YES, PLEASE COMPLETE SECTION 4.

*Upon signing any portion of this application, the applicant agrees to follow all rules and regulations set forth by the Riverton City Council and any current orders or directives issued by the Governor.*

*For alcohol related permits, the applicant accepts all responsibility for ensuring that no one under 21 years of age will be allowed access to any alcoholic beverages during the function and assumes responsibility for civil and criminal liability in the event a person under the age of 21 consumes or possesses alcohol at the function.*

FOR OFFICE USE ONLY	
<b>SECTION 1: PUBLIC AREA USE PERMITS</b> <input checked="" type="checkbox"/> PARK RESERVATION    \$30.00 <input type="checkbox"/> STREET OR RIGHT-OF-WAY CLOSURE    \$50.00	
<b>SECTION 2: ALCOHOL PERMITS</b> <input checked="" type="checkbox"/> OPEN CONTAINER*    \$25.00 <input type="checkbox"/> CATERING    \$50.00 <input type="checkbox"/> MALT BEVERAGE    \$50.00 <input type="checkbox"/> MANUFACTURER'S OFF-PREMISE    \$50.00	
<b>SECTION 3: LOUDSPEAKER PERMIT</b> <input type="checkbox"/> LOUDSPEAKER    \$25.00	
<b>SECTION 4: FIREWORKS PERMIT</b> <input type="checkbox"/> FIREWORKS*    \$25.00	
<b>TOTAL PAYMENT:</b>	
<small>*REQUIRES COUNCIL APPROVAL</small>	

SECTION 1: PUBLIC AREA USE PERMITS

TYPES OF PERMITS:

- PARK RESERVATION
- STREET OR RIGHT-OF-WAY CLOSURE

FEE:  
 \$30.00  
 \$50.00

CODE PROVISION:  
 FOR USE OF PARK SHELTER AREA  
 RMC 10.04 TEMPORARY TRAFFIC MODIFICATION

**PARK RESERVATION (SHELTER ONLY):**

SPECIAL REQUESTS (i.e. bounce house, stakes, electricity, etc.)

This only reserves the shelter area and does not guarantee cleanliness of facilities or use of restrooms - please plan accordingly.  
 Alcohol is not permitted without proper permit (see Section 2, if alcohol will be requested).  
 Bounce houses, tents, stakes, etc. must be approved by parks staff.  
 The location shall be left clean and free of debris.

*Carolyn Hunter*  
 Signature of Applicant

FOR OFFICE USE ONLY

DATE PAID: \_\_\_\_\_ AMOUNT PAID: \_\_\_\_\_  SIGN  WEBSITE

APPROVED / DENIED ON: \_\_\_\_\_

City Clerk Signature

OTHER CONDITIONS SET FORTH BY PARKS SUPERVISOR (OR DESIGNEE):

**STREET OR RIGHT-OF-WAY CLOSURE REQUEST:**

LOCATION DESCRIPTION OF DESIRED CLOSURE:

CLOSURE IMPACT (i.e. total closure, partial closure, remain open to traffic) Attach event map and traffic control plan:

EVENT DESCRIPTION:

STREET BARRICADES:

- CITY
- EVENT SPONSOR

PLEASE EXPLAIN BARRICADE TYPE PER TRAFFIC CONTROL PLAN.

PLEASE EXPLAIN HOW YOU WILL NOTIFY NEIGHBORS WHO MAY BE IMPACTED BY THE REQUESTED CLOSURE (i.e. door hangers, letters, in-person request, etc.):

STATE HIGHWAYS REQUIRE ADDITIONAL PERMITTING FROM WYDOT

Signature of Applicant

FOR OFFICE USE ONLY

DATE PAID: \_\_\_\_\_ AMOUNT PAID: \_\_\_\_\_

APPROVED / DENIED ON: \_\_\_\_\_

City Clerk Signature

OTHER CONDITIONS SET FORTH BY CHIEF OF POLICE (OR DESIGNEE):

OTHER CONDITIONS SET FORTH BY PUBLIC WORKS DIRECTOR (OR DESIGNEE):

**SECTION 2: ALCOHOL PERMITS**

TYPES OF PERMITS:	FEE:	CODE PROVISION:
<input checked="" type="checkbox"/> OPEN CONTAINER*	\$25.00	RMC 5.04.070 Allows alcoholic beverages on City property by permit with Council approval only.
<input type="checkbox"/> CATERING	\$50.00	RMC 5.04.230 Allows retail liquor license holders to sell alcohol or malt beverages outside of their licensed building.
<input type="checkbox"/> MALT BEVERAGE	\$50.00	RMC 5.04.100 Allows for the sale of malt liquors only for a picnic, bazaar, fair, rodeo, or similar gathering.
<input type="checkbox"/> MANUFACTURER'S OFF-PREMISE	\$50.00	RMC 5.04.100 Allows for the sale of product at meetings, conventions, private parties, dinners, or similar gatherings.

NUMBER OF PEOPLE IN ATTENDANCE: <b>100</b>	WILL UNDERAGE CHILDREN BE PRESENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	---

IF UNDERAGE CHILDREN WILL BE PRESENT, PLEASE EXPLAIN HOW YOU WILL ENFORCE THE PROHIBITION OF UNDERAGE DRINKING AT YOUR EVENT:

**OPEN CONTAINER PERMIT (OUTSIDE EVENTS ON PUBLIC PROPERTY OR RIGHT-OF-WAY ONLY):**  
 The sale of alcohol is not permitted.  
 Open containers are not allowed outside of the permitted area.  
 The location shall be left clean and free of debris.

*Cassidy Hunter*  
 Signature of Applicant

**\*REQUIRES COUNCIL APPROVAL**

**FOR OFFICE USE ONLY**

DATE PAID: \_\_\_\_\_ PUBLIC HEARING DATE: \_\_\_\_\_ # OF PERMITS APPROVED: \_\_\_\_\_

APPROVED / DENIED BY COUNCIL ACTION ON: \_\_\_\_\_ City Clerk Signature

OTHER CONDITIONS SET FORTH BY RIVERTON CITY COUNCIL:

**CATERING PERMIT (RETAIL LIQUOR LICENSE HOLDER ONLY):**

LIQUOR LICENSE HOLDER:

PLEASE EXPLAIN YOUR SECURITY PLAN:

PLEASE DESCRIBE IN DETAIL HOW THE PERMITTED AREA IN WHICH SALES, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WILL BE RESTRICTED:

PLEASE DESCRIBE YOUR DESIGNATED DRIVER PLAN (i.e. offer free beverages to designated drivers, provide taxis, etc.)

Signature of Applicant

**FOR OFFICE USE ONLY**

DATE PAID: \_\_\_\_\_ AMOUNT PAID: \_\_\_\_\_ # OF PERMITS APPROVED: \_\_\_\_\_

APPROVED / DENIED ON: \_\_\_\_\_ City Clerk Signature

OTHER CONDITIONS SET FORTH BY CHIEF OF POLICE (OR DESIGNEE):

OTHER CONDITIONS SET FORTH BY CITY CLERK (OR DESIGNEE):



## CITY OF RIVERTON

### EVENT APPLICATION

&

### USE OF PUBLIC SPACE

All applicable fees must be paid at time of submittal and are non-refundable. Please provide two (2) business days for staff approved items and up to three (3) weeks for council approved items (street closures, open container permits, & fireworks permits). Please contact the City Clerk's office at (307) 856-2227 with any questions.

EVENT INFORMATION	
NAME OF APPLICANT/RESPONSIBLE PARTY: <i>Lindsay Cox</i>	ADDRESS, CITY, STATE, ZIP: <i>Ron Saban Little League Complex Smith Rd. Riverton</i> <span style="float: right;"><i>1615 Gannett Dr (Pocahontas)</i></span>
ORGANIZATION (IF APPLICABLE): <i>Riverton Little League</i>	
CONTACT PHONE NUMBER: <i>307-851-5469</i>	CONTACT EMAIL ADDRESS: <i>rivertonlittleleague@gmail.com</i>
NAME & PURPOSE OF EVENT: <i>Little League end of season. Championship week</i>	
LOCATION OF EVENT: <i>SEE ABOVE</i>	
DATE(S) OF EVENT: <i>June 23, 2021</i>	
TIME OF EVENT: FROM <i>Dark</i> PM TO <i>10-15 min.</i> PM	
WILL THE EVENT OCCUPY A PUBLIC AREA? (park, street, etc.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE COMPLETE SECTION 1.	WILL THE EVENT HAVE A LOUDSPEAKER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE COMPLETE SECTION 3.
WILL THE EVENT HAVE ALCOHOL PRESENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE COMPLETE SECTION 2.	WILL THE EVENT HAVE FIREWORKS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE COMPLETE SECTION 4.

Upon signing any portion of this application, the applicant agrees to follow all rules and regulations set forth by the Riverton City Council and any current orders or directives issued by the Governor.

For alcohol related permits, the applicant accepts all responsibility for ensuring that no one under 21 years of age will be allowed access to any alcoholic beverages during the function and assumes responsibility for civil and criminal liability in the event a person under the age of 21 consumes or possesses alcohol at the function.

FOR OFFICE USE ONLY	
<b>SECTION 1: PUBLIC AREA USE PERMITS</b>	
<input type="checkbox"/> PARK RESERVATION	\$30.00
<input type="checkbox"/> STREET OR RIGHT-OF-WAY CLOSURE	\$50.00
<b>SECTION 2: ALCOHOL PERMITS</b>	
<input type="checkbox"/> OPEN CONTAINER*	\$25.00
<input type="checkbox"/> CATERING	\$50.00
<input type="checkbox"/> MALT BEVERAGE	\$50.00
<input type="checkbox"/> MANUFACTURER'S OFF-PREMISE	\$50.00
<b>SECTION 3: LOUDSPEAKER PERMIT</b>	
<input type="checkbox"/> LOUDSPEAKER	\$25.00
<b>SECTION 4: FIREWORKS PERMIT</b>	
<input type="checkbox"/> FIREWORKS*	\$25.00
TOTAL PAYMENT:	
*REQUIRES COUNCIL APPROVAL	

**SECTION 3: LOUDSPEAKER PERMIT**

<b>TYPES OF PERMITS:</b>	<b>FEE:</b>	<b>CODE PROVISION:</b>
<input type="checkbox"/> LOUDSPEAKER	\$25.00	RMC 8.16.010 Allows loudspeakers & amplifiers by permit between 8:00 AM and 12:00 AM
<b>LOUDSPEAKER PERMIT:</b>		
PLEASE EXPLAIN THE NATURE OF EQUIPMENT, THE VOLUME OF AMPLIFICATION, AND THE PURPOSE OF THE SOUND:		
Permit only issued for times between 8:00 AM and 12:00 AM. Permit not to exceed four (4) months.		
_____ Signature of Applicant		
<b>FOR OFFICE USE ONLY</b>		
DATE PAID: _____	DATES APPROVED: _____	TIMES APPROVED: _____
APPROVED / DENIED ON: _____ <div style="text-align: right;">_____ Chief of Police Signature</div>		
OTHER CONDITIONS SET FORTH BY CHIEF OF POLICE (OR DESIGNEE):		

SECTION 3: LOUDSPEAKER

**SECTION 4: FIREWORKS PERMIT**

<b>TYPES OF PERMITS:</b>	<b>FEE:</b>	<b>CODE PROVISION:</b>
<input type="checkbox"/> FIREWORKS*	\$25.00	RMC 8.04.010 Allows fireworks displays by permit with Council approval only.
<b>FIREWORKS PERMIT:</b>		
PERSON IN CHARGE OF FIREWORKS DISPLAY OR PYROTECHNIC OPERATIONS:		
<i>Dustin McLaughlin - Flying Phoenix</i>		
LIST TYPES AND CLASS OF FIREWORKS TO BE DISPLAYED:		
EVENT DESCRIPTION (Attach site map):		
<i>Little league end of season. Championship night.</i>		
FIREWORKS DISPLAY MUST FOLLOW PROVISIONS OF THE CURRENT INTERNATIONAL FIRE CODE (IFC) CHAPTER 56, SECTIONS 5608.1-5608.10 AND CHAPTER 4, SECTION 403; AND NFPA 1123 OR NFPA 1126. APPLICANT IS REQUIRED TO ADVERTISE IN LOCAL NEWSPAPER OR MEDIA OUTLETS TO INFORM THE PUBLIC OF THE EVENT(S).		
Attach letter of recommendation from Riverton Volunteer Fire Department Fire Chief. Required attendance at public hearing.		
_____ Signature of Applicant		
<b>FOR OFFICE USE ONLY</b>		
DATE PAID: _____	PUBLIC HEARING DATE: _____	
APPROVED / DENIED BY COUNCIL ACTION ON: _____ <div style="text-align: right;">_____ City Clerk Signature</div>		
OTHER CONDITIONS SET FORTH BY RIVERTON CITY COUNCIL:		

SECTION 4: FIREWORKS

# Riverton Volunteer Fire Department

Assistant Chief- Brennan Sims  
Treasurer/ Fire Captain- Jesse Cassity  
RRT Administrator- Matt Lee

Secretary- Chance Hinkle  
Fire Captain- Jake Blumenshine  
Training Captain- Seth Rohm



Fire Chief - Brian Hutchins

06/02/2021

To Whom it May Concern:

On behalf of the Riverton Volunteer Fire Department I am endorsing the use of fireworks for a display to be held June 23rd 2021 in conjunction with the Riverton Little League fireworks.

The final decision to launch or cancel will be made mutually between the ranking fire officer on scene and a licensed pyrotechnician in the case of unfavorable conditions (for example wind or drought.)

If you have any questions please feel free to contact me directly at (307) 840-0582 or by email [rfdfirefighter51@gmail.com](mailto:rfdfirefighter51@gmail.com)

Thank you,

A handwritten signature in black ink, appearing to read "B. Hutchins", written over a light blue horizontal line.

Brian Hutchins  
Fire Chief

*Protecting Lives and Property*

404 S. Broadway • Riverton, Wyoming 82501 • Ph: (307) 856-8248 • Fx: (307) 857-0860



# Fremont County Wyoming MapServer

Area denoted for fireworks is an approximation for launch operations. Specific location will be determined by Flying Phoenix or contracted company as appropriate depending on conditions.

Fremont County provides this map for display purposes only and invokes its sovereign and governmental immunity in allowing access to or use of this data, and makes no warranties as to the validity, and assumes no liability associated with the use or misuse of this information.



printed 6/8/2021

# CITY COUNCIL STAFF REPORT

**TO:** His Honor the Mayor and Members of the City Council

**FROM:** Eric P. Carr, P.E. – Community Development Director

**THROUGH:** Anthony Tolstedt – City Administrator

**DATE:** June 15, 2021

**SUBJECT:** Proposed Ordinance 21-007, Title 15 – Electrical Inspector

---

**Recommendation:** The City Council approve on third and final reading Ordinance 21-007 amending Section 15.08.060 (A) – Electrical Inspector of the Riverton Municipal Code to denote the city’s ability to employ or contract services for electrical inspections.

---

**Background:** The State of Wyoming grants authority over electrical construction to the Department of Fire Prevention and Electrical Safety in Title 35 – Public Health and Safety, Chapter 9 – Fire Protection; and more specifically, through the State Fire Marshal’s Office. Under Wyoming Statute § 35-9-121 (a), the State Fire Marshal shall:

*“...delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building, existing building standards or electrical safety standards...”*

The City of Riverton has maintained local enforcement authority under this provision since it was made available and performed required electrical inspections in accordance with the National Electrical Code – NFPA 70.

**Discussion:** In early 2021, staff was made aware of a change to Wyoming Statute 35-9-121 by the State Fire Marshal’s Office. Prior to the change, electrical inspections could be performed by individuals in possession of certification through the International Code Council (ICC) and/or the International Association of Electrical Inspectors (IAEI). This section of statute now states electrical inspectors shall not only possess certification through the ICC or the IAEI, they must also obtain licensing through the state as a journeyman or master electrician in order to maintain local enforcement authority. Currently, the City of Riverton does not employ any journeyman or master electricians.

In an effort to meet the requirements of state statute, and maintain local enforcement authority, Ordinance 21-007 is being presented to provide the ability of the city to either, employ or contract electrical inspectors meeting this requirement.

**Budget Impact:** The proposed FY22 budget includes an expense and revenue line item based on historical data for electrical inspections. Costs associated with electrical inspections would be considered pass-through costs and are expected to be on the order of what has been charged historically by the City of Riverton.



**ENROLLED ORDINANCE NO. 21-007**

**AN ORDINANCE AMENDING TITLE 15 “BUILDING CONSTRUCTION”; CHAPTER 15.08 “ELECTRICAL CODE”; ARTICLE III “PERMITS AND INSPECTIONS”; SECTION 15.08.060 “ELECTRICAL INSPECTOR”; SUBSECTION (A) OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:**

**Section 1.**

**Title 15. Chapter 15.08, Section 15.08.060, Subsection (A) is hereby amended to read as follows:**

**Section 15.08.060 Electrical inspector.**

- A. The position of electrical inspector shall be under the direction and supervision of the city community development director **and may either be an employee of the city, or a private individual or entity contracted by the city to perform the duties of electrical inspector. Any electrical inspector working for, or on behalf of the city shall meet the requirements of WY § 35-9-121 (a) (iv).**

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING May 18, 2021

PASSED ON SECOND READING June 1, 2021

PASSED ON THIRD READING \_\_\_\_\_

PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF RIVERTON

By: \_\_\_\_\_  
Richard Gard, Mayor

ATTEST:

\_\_\_\_\_  
Kristin S. Watson

**ATTESTATION**

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance# 21-007 was passed, approved, and adopted by the Governing Body of the City of Riverton on the \_\_\_\_ day of \_\_\_\_\_, 2021. I further certify that the above ordinance ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being \_\_\_\_\_, 2021.

\_\_\_\_\_  
Kristin S. Watson  
City Clerk/Human Resources Director

# CITY COUNCIL ACTION MEMO

**TO:** His Honor the Mayor and Members of the City Council

**FROM:** Kristin Watson, City Clerk/Human Resource Director

**THROUGH:** Tony Tolstedt, City Administrator

**DATE:** June 11, 2021

**SUBJECT:** Ordinance No. 21-006: RMC Chapter 5.04 Alcoholic Beverages

---

**Recommendation:** That Council adopt proposed Ordinance No. 21-006 – RMC Chapter 5.04 Revision on *second* reading.

---

**Background:** Ordinance No. 21-006 proposes revisions to RMC Chapter 5.04 to reflect the liquor code changes that were made during the 2021 Legislative session, as well as clean-up the order and language of the alcoholic beverages chapter. Pursuant to the ongoing legislative actions, the legislature is passing down more and more local responsibility and control.

**Discussion:** During the 2021 legislative session, House Bill 0013 was passed. There are several sections of the bill that will affect the City’s liquor code as detailed below.

**HB0013 Section 1:**

This section separated winery permits and microbrewery permits. Previously in Statute, the code was combined; however, the liquor division requested separation of the two permits, as they are two very separate items. This will affect RMC 5.04.110 & 5.04.120, as proposed. This section also provided a provision for the delivery of alcoholic liquors and malt beverages. This will affect RMC 5.04.120, as proposed.

**HB0013 Section 2:**

This section further defined a licensee by listing every type of license or permit available. It also adds the Special Malt Beverage Permit for public auditoriums, civic centers or events centers, (i.e. fairgrounds, racetrack, community center, etc.) and allows for the licensing authority to determine the licensing fee. This will affect RMC 5.04.110, 5.04.120, and 5.04.130, as proposed. ACTION NEEDED: establish fee for Special Malt Beverage Permit.

This section also updated the definition of a restaurant, which removed the full-service kitchen requirement, which essentially grants the licensing authority the ability to license any type of restaurant. It also removes the dispensing rooms and defines it as an area(s) approved by the licensing authority. This will affect RMC 5.04.010 and 5.04.120, as proposed.

This section also removes the requirement to post notice of application on the premises. This was a Statute that was not included in City code and was not adhered to by licensing authorities throughout the State, so the requirement has been removed.

Furthermore, this section allows for retail liquor license holders to ship 12 cases of wine to any one household per year. This will affect RMC 5.04.120, as proposed.

### HB0013 Section 3:

This section repealed several sections of Statute to include:

- Removing the zoning section on the licensing application.
- Removing the proof of purchase requirement for retail license holders, as the definition of operational negates the need to prove purchases.
- Allowing more than one license in the same applicant name.
- Allowing for a restaurant liquor license to be transferred.
- Removing the definition of room for restaurants; now just defined as dispensing area(s).

In order to account for the legislative changes, as well as provide a more logical order to the Alcoholic Beverages chapter, staff is proposing to repeal Chapter 5.04 and replace with the attached Ordinance No. 21-006. A summary of the changes are below.

- 5.04.010 Definitions
  - Added definition of “Brewery”, “Building”, “Club”, “Licensee”, “Licensing Authority”, “Original Package”, “Resident”, “Restaurant”, “Sell or Sale”, “Wholesaler”, and “Winery”
  - Removed definition of “Room”
- 5.04.030 Sale, etc., to or by persons under the age of twenty-one or intoxicated individual.
  - This section now combines 5.04.030 “Sale, etc., to or by persons under the age of twenty-one years.” & 5.04.040 “Sale, etc., to habitual drunkard.”
- 5.04.050 Possession or consumption of alcohol in public places or on private property.
  - This section now combines 5.04.060 “Possession or consumption of alcohol in public places.” & 5.04.090 “Consumption or display on private property.”
  - Previous section 5.04.080 “Consumption or display in public places.” was the only section that was completely repealed from the Alcoholic Beverages Chapter, as RMC 10.08.010 “Uniform Act Regulating Traffic & Highways” & W.S. 31-5-235 “Consumption and possession of alcoholic beverages in opened containers...” are the laws that the police department would use to cite a violator. The Alcoholic Beverage Chapter is intended to provide guidance for liquor licenses and licensees, not regulate traffic offenses.
- 5.04.100 Liquor License or Permit Required, Term, Transfer – Exception.
  - This section now combines 5.04.130 “Required – Exception.”, 5.04.190 “Contents.”, 5.04.200 “Display.”, & 5.04.210 “Term – Transfer, etc.”

- 5.04.110 Issuance of liquor licenses and permits by category.
  - This section was previously under 5.04.230 and now lists all licensing and permitting categories that the licensing authority is authorized to license. This section now includes the new legislatively established Special Malt Beverage Permit.
- 5.04.120 Liquor license requirements – restrictions by category.
  - This section was previously under 5.04.230 and only included six of the twelve license and permit types.
  - Drive-in areas which were previously under 5.04.110 & 5.04.120 are now included under Retail License.
  - Bar & Grill Licenses which were previously a separate section 5.04.320 are now included.
  - Microbrewery Permits which were previously under several sections 5.04.240 – 310 were removed and mirrored Statute.
  - Malt Beverage Permits were previously a separate section 5.04.100.
  - Open Container Permits were previously a separate section 5.04.070.
  - This section now includes Delivery of Alcohol pursuant to newly established Statute 12-5-601.
- 5.04.130 Fees.
  - This section was previously 5.04.160 and did not define the fees. This section now includes the previously established fees and has two permits that need fees established. This section also includes the general advertising fee of \$75 in addition to the licensing fee. ACTION NEEDED: Establish fees for Winery Permit and Special Malt Beverage Permit.
- 5.04.140 Liquor License Applications generally.
  - Cleaned up this section to mirror Statute and remove the requirement of the applicant providing their social security number and date of birth.
- 5.04.170 Restriction on Issuance.
  - This section was previously 5.04.180. The only verbiage changes were to remove the minimum purchase requirements, and to remove the provision that an applicant could only hold one license.

*Ordinance No. 21-006 was passed on first reading at the June 1, 2021 Regular Council Meeting.*

**Alternatives:** Council may direct staff to modify the proposed ordinances. The Legislative updates reflected in Ordinance No. 21-006 will take effect at the State level on July 1, 2021.

**Budget Impact:** Outside of the publishing costs, there is not a budget impact as a result of adopting this ordinance.

**Council Goals:** This ordinance does not pertain to any specific council goal; however, it supports the ongoing development of Riverton Municipal Code.

PROPOSED ORDINANCE NO. 21-006

AN ORDINANCE AMENDING TITLE 5 “BUSINESS LICENSES AND REGULATIONS”, REPEALING AND REPLACING CHAPTER 5.04 “ALCOHOLIC BEVERAGES”, OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

**Section 1.** 5.04 “Alcoholic beverages.” is hereby replaced to read as follows:

**Chapter 5.04 ALCOHOLIC BEVERAGES**

**5.04.010 Definitions.**

For the purposes of this chapter the words and terms defined in this section have the meaning ascribed to them, unless the context otherwise requires:

“Alcoholic liquor” means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes which contains at least one-half of one percent of alcohol by volume.

“Barrel” is a unit of liquid measure equal to thirty-one (31) U.S. gallons.

“Brewery” means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year of malt beverage.

“Building” means a roofed and walled structure built or set in place for permanent use.

“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 subparagraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;
- c. A hall or building association of a local unit specified in subparagraphs (A) and (B) of this paragraph, 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 (50) 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 (100) 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 (1) year. The club shall have had during this one (1) year period a bona fide membership paying dues of at least twenty-five dollars (\$25.00) 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 division, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division 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 W.S. 12-4-301, shall be in good standing by having paid at least one (1) full year in dues;

- f. Club does not mean college fraternities or labor unions;
- g. A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse.

“Intoxicating liquor,” “alcoholic liquor,” “alcoholic beverage” and “spirituous liquor” are synonymous in meaning and definition.

“Licensee” means a person holding a: retail liquor license; limited retail liquor license; resort liquor license; twenty-four (24) hour malt beverage permit; restaurant liquor license; catering permit; bar and grill liquor license; malt beverage wholesale license; limited transportation liquor license; manufacturer’s license; manufacturer’s satellite permit; winery permit; winery satellite permit; out-of-state shipper’s license; microbrewery permit; or special malt beverage permit issued under W.S. 12-4-504.

“Licensing authority” means the governing body of the City of Riverton, Wyoming, with the responsibility to issue, control, and administer a particular license; or staff designee.

“Malt beverage” means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute thereof, containing at least one-half of one percent of alcohol by volume.

“Microbrewery” means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifty thousand (50,000) barrels per year and not less than fifty (50) barrels per year.

“Operational” means offering alcoholic liquor and/or malt beverages for sale on an ongoing weekly basis to the general public under a license.

“Original package” means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

“Person” means and includes an individual person, partnership, corporation, joint venture, proprietorship, limited liability company and any other entity or organization which is recognized as a person by the law.

“Resident” means a domiciled resident and citizen of Wyoming for a period of not less than one (1) year who has not claimed residency elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this chapter.

“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-premise 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.

“Sell” or “sale” includes offering for sale, trafficking in, bartering, delivering 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 my gift constitutes a sale.

“Wholesaler” means any person except the Wyoming Liquor Division, who sells any alcoholic or malt beverage to a retailer for resale.

“Winery” means a commercial enterprise manufacturing wine in a single location in Wyoming.

#### **5.04.020 Sales establishments generally.**

A. Location. The place in which alcoholic liquors and malt beverages are sold under a liquor license or permit shall be located in the licensed building, at such location upon the premises for which the liquor license or permit is issued as shall be approved by the licensing authority. Alcoholic beverages secured in the licensed building or dispensing area(s) may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the licensing authority. This adjacent area shall not be in another building.

B. Limitation on Items Sold. Only alcoholic liquors and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed building.

C. Gambling. No gambling shall be permitted in a licensed building or dispensing area(s).

D. Inspection. The governing body which issued the license shall as often as may be deemed necessary inspect the licensed building, dispensing area(s) or adjoining area(s) where alcoholic beverages are served to determine whether or not the requirements of this chapter, as amended, and requirements as to sanitation and fire hazards are being complied with.

E. Separation of Facility for On- and Off-Premises Consumption. The retail licensee shall maintain a separate area for the sale of alcoholic liquors and malt beverages for off-premises consumption from the area used to serve customers for on-premises consumption. In such case:

1. The facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption and shall be designed to comply with the provisions of Section 5.04.120;

2. Except as otherwise restricted in Section 5.04.120, the facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two facilities; and

3. No additional fee as described in subsection A of this section shall be assessed against a licensee who separates the licensed building in this manner.

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

1. The establishment is operating a restaurant with a commercial kitchen where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages;

2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of ten p.m.;

3. Limited retail licenses (clubs) are exempt from the age restrictions listed above;



a. Limited retail license holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.

4. Establishments that operate primarily for off-premises sales shall maintain a separate area for the sale of alcoholic or malt beverages.

**5.04.030 Sale, etc., to or by persons under the age of twenty-one years or intoxicated individual.**

A. It is unlawful for any person under the age of twenty-one (21) years to purchase, sell, possess or solicit the purchase or sale of intoxicating or malt liquors in the city.

B. It is unlawful for any person to sell, give or deliver intoxicating or malt liquors to any person under the age of twenty-one (21) years.

C. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in an establishment that is primarily for off-premises sales of alcoholic liquor and/or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

D. It is unlawful for any person regardless of age to sell, give or otherwise deliver any alcoholic or malt beverage to any intoxicated individual.

E. Any person who violates this section shall be deemed guilty of a misdemeanor, punishable by a fine of up to seven hundred fifty dollars (\$750.00), up to six months in jail, or both.

**5.04.040 Hours of sale.**

Except as otherwise restricted by Section 5.04.120, all persons licensed under this chapter shall close the licensed building and cease the sale of both alcoholic liquors and malt beverages promptly at the hour of two a.m. each day, and shall clear the licensed building of all persons other than employees by two-thirty a.m., and shall keep the same closed until six a.m. each day; except, that on Sundays not occurring on December 31, such places may only open the licensed building between the hours of twelve noon and ten p.m., and shall clear the licensed building of all persons other than employees by ten-thirty p.m. Holders of restaurant liquor licenses shall operate the dispensing area(s) with the foregoing hours of operation, and additionally shall cease all sales of alcoholic liquors and malt beverages at the time food sales and services cease. Clubs holding special club licenses are exempt from all provisions concerning hours of operation.

**5.04.050 Possession or consumption of alcohol in public places or on private property.**

A. It is unlawful for any person to consume any alcoholic liquor or malt beverage or to possess an open container of any alcoholic liquor or malt beverage in or upon any property owned by the city, within the city's jurisdiction, or its public streets, alleys, schools and parks without a duly issued permit.

B. It is unlawful for any person to drink, consume or exhibit alcoholic liquors or malt beverages in or upon any property owned by any person other than the city, whether such person is in a private vehicle or not, unless such drinking or exhibition is with the express permission of the owner of the property.

C. "Open container" is any container of alcoholic liquor or malt beverage that is not:

1. In the 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. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Wyoming Statutes Section 12-4-410(e);

2. In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;

3. In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;

4. In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or

5. Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

D. Violation of this section is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six months, or both.

#### **5.04.100 Liquor license or permit required, term, transfer—exception.**

A. It is unlawful for any person to sell, offer for sale, traffic in, barter, deliver for value, exchange for goods, services or patronage, or exchange in any way other than purely gratuitously, any alcoholic or malt beverage in the city without first obtaining a retail liquor license, limited retail (club) license, restaurant license, resort license, bar & grill license, special malt beverage permit, microbrewery permit, winery permit, satellite winery permit, satellite manufacturer's permit, 24 hour catering permit, 24 hour malt beverage permit, or manufacturer's off-premise permit from the licensing authority; provided, however, that this section shall not apply to wholesale sales of malt beverages by persons holding a license therefor issued by the state liquor division.

B. Each liquor license issued by the licensing authority under this article shall be signed by the mayor and attested by the clerk. The following shall be shown in each license: (1) the name of the licensee; (2) a description of the place in which alcoholic or malt beverages may be sold; (3) the date of issuance; (4) the amount of the fee; and (5) that the fee has been paid.

C. Each person holding a license or permit under this article shall display the license or permit in a conspicuous place at the licensed premises.

D. A liquor license issued under this article shall be a personal privilege, good for one year, unless sooner revoked; provided, that the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic or malt beverages under a license, may exercise the privilege of the deceased licensee under such license until the expiration of the same; and provided further, that in the event of a major loss or damage to the licensed premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of even date as the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale made in good faith, may assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may

exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license, and all subject to the approval of the licensing authority.

E. Except as herein provided, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment or execution. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

#### **5.04.110 Issuance of liquor licenses and permits by category.**

A. Liquor licenses and permits issued by the licensing authority shall be categorized as follows:

1. Retail liquor license;
2. Limited retail (club) license;
3. Resort license;
4. Restaurant license;
5. Bar & grill license;
6. Manufacturer's off-premises permit;
7. Microbrewery permit;
8. Winery permit;
9. One-day malt beverage permit;
10. One-day open container permit;
11. One-day Catering permit;
12. Special Malt Beverage Permit.

#### **5.04.120 Liquor license requirements – restrictions by category, delivery.**

A. Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within their respective category:

1. Retail License. Licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption on premise, off premise, or both but not for resale without the express approval from the liquor division.

a. Drive-in Area – Requirements. A drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license from six a.m. each day and shall cease all sales transactions and close the conduct of all business in the drive-in area promptly at the hour of twelve a.m. each day, and shall keep the same closed until six a.m. each day; except, that on Sundays such places may only open the drive-in area between the hours of twelve noon and ten p.m. The licensing authority which issued the retail liquor license shall determine whether traffic conditions; or physical circumstances, hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. Upon approval of the governing body which issued the retail license, a drive-in area adjacent to or contiguous to the

licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages, or other goods as allowed under the following conditions:

- i. 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;
- ii. No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distant from the licensed building;
- iii. The area shall be well-lighted and subject to inspection by the governing body which issued the license at any and all times;
- iv. No walls or screens may be positioned or situated so as to interfere with observing and checking the part of the area used for orders, delivery and payment;
- v. No order shall be accepted from nor delivery made to a person under twenty-one (21) years of age or a person who is visibly intoxicated to any extent, in the area;
- vi. No part of a publicly owned sidewalk, highway, street or alley may be used for taking orders, delivery and payment; and
- vii. 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.

b. Shipping of manufactured wine. A retail liquor licensee may ship not more than a total of twelve cases of manufactured wine directly to any one (1) household in any twelve (12) month period provided the licensee:

- i. Ships the manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;
- ii. Ensures that all shipping containers of manufactured wine shipped pursuant to this subsection are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVER"; and
- iii. Ensures that all of its shipments within the state are made by a licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.

2. Limited Retail (Club) License. The applicant must be a bona fide club as defined by Wyoming Statutes, Section 12-1-101(a)(iii). At least fifty-one (51) percent of the membership of a social club as defined by Wyoming Statutes, Section 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the Wyoming State Liquor Division, indicating a desire to secure a special club license. A club holding a special club 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.

3. Resort License. Applicants must be owners or lessees of a resort complex which has an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land. The complex must include a restaurant and convention facility which facility seats not less than one hundred (100) persons and include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. No resort license may be transferred to another location but license ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the

licensing authority. Resort license shall not sell alcoholic or malt beverages for consumption off the premises.

4. Restaurant License. Applicants must submit a valid food service permit upon application. The applicant must satisfy the licensing authority that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories: (1) food service sales; and (2) alcoholic and malt beverage sales, showing a breakdown of gross sales indicating that not less than sixty (60) percent of gross sales from the preceding twelve (12) months of operation was derived from food services. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in the licensed building areas approved by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted in the dispensing areas, nor shall any person, other than employees over eighteen (18) years of age, be permitted to enter the dispensing areas. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge. A restaurant liquor licensee may permit a patron to remove one (1) 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. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee. Wine which is resealed shall not be deemed an open container.

5. Bar & Grill License. Subject to availability, restaurants, as defined by W.S. 12-1-101(a)(xiv), may be licensed by the licensing authority 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. An applicant for a bar and grill liquor license shall satisfy the licensing authority 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. When renewing a bar and grill liquor license, the licensing authority shall condition renewal upon a requirement that not less than sixty (60) percent of gross sales from the preceding twelve (12) months' operation of a licensed restaurant be derived from food services. Upon application for license renewal, a license holder shall submit an annual report to the licensing authority 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: food service sales; and alcoholic liquor and malt beverage sales. The annual report shall be submitted upon a form approved by the licensing authority. All sales of alcoholic or malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder. Bar and grill liquor licenses shall automatically terminate and revert back to the city if the holder of the license ceases to do business.

6. Manufacture's Off-Premises Permit. Applicants for a manufacturer's off-premises permit shall complete and submit an application no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a manufacturer's license. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only

for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. A manufacturer's off-premises permit shall be issued for one twenty-four (24) hour period. No holder of a manufacturer's license shall receive more than twelve (12) manufacturer's off-premises permits in any one calendar year. The cost of such permits shall be fifty dollars (\$50.00) per twenty-four (24) hour period within city limits and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

7. Microbrewery Permit. The licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premise consumption. The licensing authority will follow the provisions of W.S. 12-4-415.

8. Winery Permit. The licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premise and limited off-premise personal consumption. The licensing authority will follow the provisions of W.S. 12-4-414.

9. One-day Malt Beverage Permit. Applicants for a malt beverage permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any responsible person, organization, or microbrewery for the onsite sale and consumption of malt liquors only at a picnic, bazaar, fair, rodeo, or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt liquors, and no microbrewery holding such permit shall sell any other malt liquors other than their own manufactured product on the premises described on the permit. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquors for more than twelve (12) days by any one person or organization in any one calendar year with the exception of a picnic, bazaar, fair, rodeo, or similar public gathering. The licensing authority may attach rules and regulations and other stipulations they deem appropriate to this permit. The cost of such permit shall be fifty dollars (\$50.00) for any responsible individual, organization, or microbrewery or such amount as the council may set from time to time by resolution.

10. One-day Open Container Permit. A twenty-four (24) hour open container permit may be granted or denied at the sole discretion of the licensing authority without public notice or hearing. The licensing authority may attach rules and regulations, hours, and such other stipulations as they deem appropriate to such permit. The permit shall be issued only for the day or days named therein and it shall not authorize open containers for more than twelve (12) days by any one person or organization in any one calendar year. The cost of such permit shall be twenty-five dollars (\$25.00) or such amount as the council may set from time to time by resolution. Nothing in this section shall be construed to substitute the permit granted herein for retail licenses for resale, permits for resale or similar provisions of this code.

11. One-day Catering Permit. Applicants for a catering permit shall complete and submit an application, no less than forty-eight (48) hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee without public notice or hearing, to any person holding a retail liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises

at meetings, conventions, private parties and dinners or similar gatherings not capable of being held within the licensed premises. The permit holder shall abide by all rules and regulations associated with his/her retail liquor license and shall not be permitted to sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for twenty-four (24) hours and the hours of sale must conform to Section 5.04.050. No retail liquor license holder shall receive more than a total of twenty-four (24) catering permits for sales at the same premises within the normal term of the retail liquor license, April 1st through March 31st of each year. The cost of such permit shall be fifty dollars (\$50.00) for such permits within city limits, and twenty-five dollars (\$25.00) for such permits outside city limits, or such amount as the council may set from time to time by resolution.

12. Special Malt Beverage Permit. The licensing authority may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers, or events centers. The licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The licensing authority may provide additional rules and regulations dependent upon the event.

B. Delivery of alcoholic liquors and malt beverages. Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

1. All sales of alcoholic liquors and malt beverages shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online, or through a mobile application. All deliveries shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licenses premise.

2. No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older.

3. All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed in its original package and unopened; in a plastic bag and heat sealed closed; or in a container that has a breakable seal incorporated in the container cap.

4. Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages.

5. Microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

#### **5.04.130 Fees.**

All licensees shall pay, in advance for such license and advertising cost, the established fees for the liquor licenses and permits that are set herein. The advertising cost for applications requiring public notice shall be \$75 per application, unless determined to be less due to combined advertising opportunities such as renewals. The licensing fees may be adjusted from time to time by resolution of the governing body.

1. Retail liquor license	\$1,500
2. Limited retail (club) license	\$750
3. Resort license	\$500
4. Restaurant license	\$500
5. Bar & grill license	\$1,500
6. Manufacturer's off-premises permit	\$50
7. Microbrewery permit	\$300
8. Winery permit	<u>\$300</u>
9. One-day malt beverage permit	\$50
10. One-day open container permit	\$25
11. One-day Catering permit	\$50
12. Special Malt Beverage Permit	<u>\$500</u>

**5.04.140 Liquor License Applications generally.**

A. Any person desiring a liquor license authorized by this code shall apply to the licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the city clerk and shall contain the following provisions:

1. The location and a description of the licensed building 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 building and premises to be licensed;

2. The age, and residence, and of each applicant and each partner, if the application is made by more than one individual or by a partnership;

3. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under state law and of any conviction for a violation of state law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;

4. If the applicant is a corporation:

a. The name, age, and residence of each officer, director and stockholder holding, either jointly or severally, ten (10) percent or more of the outstanding and issued capital stock of the corporation, and

b. Whether any officer, director or stockholder with ten (10) percent or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section;

5. If the applicant is a limited liability company:

a. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company; and

b. If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided in subsection (A)(3) of this section.



- 6. A statement indicating the financial condition and financial stability of the applicant; and
- B. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he or she signs and verifies the application for the license or permit.
- C. No corporation shall be granted a license 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.
- D. No limited liability company shall be granted a license or permit unless at least one (1) of the officer, managers, or member signs and verifies the application on behalf of the company and also verifies upon their oath that the statements and provisions contained therein are true.
- E. Corporate and limited liability company licensees and permittees shall advise the licensing authority within thirty (30) days in writing of any change in the information in the application required by paragraph 5 or 6 of this section. The licensing authority shall provide the liquor division a copy of the notification of change.
- F. Any person desiring a liquor permit authorized by this code shall apply to the licensing authority. The application shall be made upon a form furnished by the licensing authority. The permit application shall be filed in the office of the city clerk and shall contain the following provisions:

- 1. The name, address and contact information of applicant or the responsible party.
- 2. The location and description of event purpose, date(s) and time(s) of event, and the number of attendees and if minors will be present.
- 3. A detailed explanation of the applicants security plan, how the applicant will enforce the prohibition of underage access and consumption, the restricted permitted area plan, and the designated driver plan.

**5.04.150 Notice of application.**

When an application for a license, renewal, or any transfer of location or ownership thereof has been filed in the office of the city clerk under this article, it shall be the duty of the clerk to publish, once a week for two consecutive weeks, in a newspaper of general circulation in the city. The city clerk shall also post the notice on the city or town’s official website ~~if one exists~~. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing their application, pay an amount sufficient to cover the cost of publishing notice provided for in this section. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A \_\_\_\_\_

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ (name of applicant) filed an application for a \_\_\_\_\_ license, in the office of the Clerk of the City of Riverton for the following described building (insert address)

\_\_\_\_\_

\_\_\_\_\_ and protests, if any there be, against the issuance of such license will be heard at the hours of \_\_\_\_\_M, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the City Hall.

Date \_\_\_\_\_

Signed \_\_\_\_\_

#### **5.04.160 Issuance or denial.**

A. Any license or permit authorized under this code shall not be issued, renewed 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 (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;
3. The number, type and location of existing licenses or premises meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be set or satisfied by the issuance, renewal or transfer of the license or permit; or
5. Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

B. When any application is filed with the licensing authority, the city clerk shall immediately forward a copy of the application to the liquor division. Upon approval or denial of an application, the city clerk shall promptly notify the liquor division.

C. An applicant for a renewal license or permit may appeal to the district court from an adverse decision by the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

#### **5.04.170 Restrictions on issuance.**

A. A license authorized by this code shall not be held by, issued or transferred to:

1. Any person who does not own the licensed building or does not holds a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by subsection (A)(4) of this section;
2. Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within one year after a license or permit has been issued;
3. A retail liquor license shall not be renewed if the licensee did not, during the previous one-year term of the license, meet the definition of operational;
4. A manufacturer of alcoholic beverages or wholesaler of malt beverages;
5. A minor;

6. A college fraternity or organization created by one or more college fraternities;
7. A chamber of commerce;
8. A corporation which is not qualified to do business in Wyoming;
9. An individual who is not a resident;
10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

**5.04.180 Revocation/suspension of a license or permit, violations, and penalties.**

A. If the licensee fails to adhere to the provisions of this chapter or applicable laws of the state, the liquor licensee shall be subject to the provisions herein. To provide for an orderly administration of this chapter, and the maintenance of existing liquor licenses or permits, the city establishes a system for suspension and/or revocation of a liquor license or permit. Violations of this chapter by any licensee or employee or agent of a liquor licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section.

B. All liquor licensees, their agents, and employees must conduct the licensed liquor building and/or premises in compliance with provision of the laws of Wyoming related to liquor and city code related to liquor.

C. Proof of violation of any provisions of this chapter or applicable laws of the state by a licensee or the licensee’s agent or employee is sufficient grounds for suspension or recommendation of revocation of the license and licensees and permittees may be reprimanded or assessed a civil penalty at the discretion of the governing body, as outlined in subsection F.

D. The governing body may impose progressive penalties for multiple violations of any laws, city codes and rules within the preceding three-year period as specified unless mitigating circumstances indicate the penalty should be reduced, or aggravating circumstances indicate the penalty should be increased. The governing body shall consider the licensee’s prior violation history, the licensee’s good faith effort to prevent a violation, and the existence of written policies governing the licensee’s employee conduct as mitigating circumstances before taking an action against a licensee who is not in compliance with the provisions of this chapter.

E. Violation Chart:

	<b>Type of Violation</b>	<b>Code</b>
1.	Making a false statement on a liquor license or one-day liquor permit application	W.S. 12-4-102
2.	Failure to notify city of changes in application information for liquor license within thirty (30) days	W.S. 12-4-102(c)
3.	Sale or transfer of liquor license without permission of the city	RMC 5.04.100(e) W.S. 12-4-601(a)
4.	Failure to post liquor license or one-day liquor permit	RMC 5.04.100(c) W.S. 12-5-702(c)
5.	Open after hours; sales or dispensing after hours	RMC 5.04.040 W.S. 12-5-101

	<b>Type of Violation</b>	<b>Code</b>
6.	Refusal to permit entry or inspection	RMC 5.04.020(d) W.S. 12-5-201(a)
7.	Drive-in area conditions	RMC 5.04.120 W.S. 12-5-301
8.	Sale of alcoholic liquor or malt beverage to underage person	RMC 5.04.030 W.S. 12-6-101
9.	Unauthorized minors in licensed building or dispensing area(s)	RMC 5.04.030(c) W.S. 12-5-201(a)
10.	Gambling or other prohibited acts	RMC 5.04.020(c)
11.	Failing to obtain a limited use permit for sexually oriented events	RMC 9.08.210
12.	Limited retail liquor license: selling alcoholic liquor or malt beverages to non-members unless they are an accompanied guest of a member	W.S. 12-4-301(c)
13.	Failure to pay sales tax	RMC 5.04.180 W.S. 12-7-103
14.	All liquor licenses other than full retail or resort: selling alcoholic liquor or malt beverages for consumption off premises	W.S. 12-4-401; 12-5-201(e)(h)(j)
15.	Sale to an intoxicated person	RMC 5.04.030; 9.08.110 W.S. 12-5-301(v)
16.	Manufacturing, rectifying, or sale of alcoholic beverages without a license or permit	RMC 5.04.100 W.S. 12-8-102
17.	Furnishing to a minor by allowing an employee under the age of eighteen (18) years to serve alcohol to customers	W.S. 12-6-101(a); 12-6-101(e)
18.	Failing to comply with regulations pertaining to out-of-jurisdiction catered events	RMC 5.04.120
19.	Failure to maintain operational status	W.S. 12-4-103 RMC 5.04.170

F. Notification of Liquor Violation.

1. Municipal Court. Not later than thirty (30) days following disposition of a charge which results in a conviction to a liquor licensee, agent, or employee for a liquor violation in municipal court, the court shall report the following information to the city clerk:

- a. The fact that a licensee, permittee, or employees and/or agents of a licensee or permittee have been convicted of a violation of the city code; and
- b. The date of the alleged violation; and

c. Whether the municipal court disposition has been appealed. For purposes of this section, a conviction includes a finding of guilt after trial, a plea of guilty, or a plea of nolo contendere.

2. Notice of Violation to Liquor Licensee. Upon notice to the city clerk of a proof of violation of any one or more violation(s) as outlined in subsection E, the city clerk shall notify the liquor licensee of the violation(s) via regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city. The notice shall include the description of the violation and provide for a reasonable timeframe to mitigate the violation. If the licensee fails to correct the violation within a reasonable timeframe, the clerk shall submit the violation to the governing body and the governing body may hold a hearing as outlined in subsection (F)(3).

3. Notice of Hearing before Governing Body. If the governing body chooses to hold a hearing regarding violation(s), all evidence will be admitted and considered prima facie evidence of the liquor licensee's violation(s). The purpose of the hearing is to allow the liquor licensee the opportunity to offer corrections to the information and action taken by liquor licensee to mitigate the violation(s), and for the governing body to determine whether the liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by regular 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 received proof of violation(s), and that a fine, suspension and/or revocation of the licensee's license is possible; and

b. Summarizing the nature and date(s) of the incidents resulting in the violation(s).

4. Hearing Before Governing Body. The hearing before the governing body shall be conducted under the Wyoming Administrative Procedures Act (Wyoming Statutes Section 16-3-101 et seq.) and rules as adopted from time to time by the governing body.

5. Penalties. Following the hearing described in this section, and based upon the information considered and received at such hearing, the governing body may:

a. Issue a written warning and/or require a mitigation plan of the violation by licensee; or

b. Order a fine and/or suspension of license: The suspension of the liquor license shall remain in effect until the governing body lifts the suspension, a court competent jurisdiction lifts the suspension, or the city clerk receives notice from the State of Wyoming that the sales tax liability has been satisfied. Penalties provided in this section are based on the violations of ordinances outlined in subsection E herein against a liquor licensee within a three-year period beginning each year on the first day of April through the last day of March of the following year. Any convictions of liquor law violations during this period of time involving the same licensed liquor building and/or premises may be used by the governing body to determine a gross violation and suspension or recommend revocation

of a licensee's license. The maximum fine is seven hundred fifty dollars (\$750.00) per occurrence.

6. Revocation. If it appears to the governing body that a liquor license should be revoked, the governing body may authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license. If a license is revoked, except as provided in Wyoming Statutes Section 12-7-201(d) concerning the expiration of a license while a revocation order is under appeal, the liquor licensee of such revoked license shall not be eligible to apply for a new liquor license for a period of twelve (12) months from the date of revocation. In the event a suspension occurs, the clerk shall send by certified mail one copy of the suspension notice to the

last known address of the liquor licensee and to the director of the state department of revenue. Additionally, the clerk shall post one copy of the suspension notice on the liquor license or permitted building or premises. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or trafficking of liquor or malt beverages in unlawful. Further, the licensee shall either remove all of the alcoholic liquor and malt beverages from the licensed building and/or premises or secure the alcoholic liquor and malt beverages in a manner approved in writing by the chief of police or his designee.

7. Appeal. Action by the governing body suspending a liquor license of a licensee shall be subject to review in the district court upon exhaustion of administrative appeals 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 of the appeal.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING \_\_\_\_\_ June 1, 2021 \_\_\_\_\_

PASSED ON SECOND READING \_\_\_\_\_

PASSED ON THIRD READING \_\_\_\_\_

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF RIVERTON, WYOMING

By: \_\_\_\_\_  
Richard P. Gard  
Mayor

ATTEST:

\_\_\_\_\_  
Kristin S. Watson  
City Clerk/Human Resource Director

**ATTESTATION**

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance No. 21-006 was passed, adopted, and approved by the Governing Body of the City of Riverton on the \_\_\_\_ day of \_\_\_\_\_, 2021. I further certify that the above proclamation ran at least once in the Riverton

Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being \_\_\_\_\_.

---

Kristin S. Watson  
City Clerk/Human Resource Director

# CITY COUNCIL STAFF REPORT

**TO:** His Honor the Mayor and Members of the City Council

**FROM:** Eric P. Carr, P.E. – Community Development Director

**THROUGH:** Anthony Tolstedt – City Administrator

**DATE:** June 15, 2021

**SUBJECT:** Proposed Ordinance 21-008 – Chapter 17, C-1 Zoning, Multi-family dwellings on a portion of the ground floor

---

**Recommendation:** The City Council approve, on second reading, Ordinance 21-008 to the Riverton City Council.

---

**Background:** Recently, staff received an inquiry from a prospective developer interested in constructing high-end apartments within an existing Main Street property. This type of use would normally be allowed within the Commercial C-1 zoning district; however, the developer also wanted to utilize a portion of the ground floor for dwelling units, which would not be an allowed use under the current use regulations.

**Discussion:** The intent of disallowing dwelling units on the ground floor of commercially zoned properties is to keep a “Main Street” feel. However, allowing a portion of the ground floor to be utilized for non-commercial activity would still accomplish the original intent of the ordinance. Ordinance 21-008 suggests a maximum non-commercial use of fifty percent (50%) of the ground floor. This is an arbitrarily obtained value and may certainly be adjusted within reason.

The Planning Commission unanimously recommended approval of Ordinance 21-008 at their May 20<sup>th</sup>, 2021 regular meeting. The City Council approved Ordinance 21-008 on first reading at their June 1, 2021 regular meeting.

**Alternatives:**

- Approve with amendments or stipulations.

**Budget Impact:** There is no immediate budget impact resulting from the staff recommendation.



**ENROLLED ORDINANCE NO. 21-008**

**AN ORDINANCE AMENDING TITLE 17 “ZONING”; CHAPTER 17.56 “COMMERCIAL DISTRICT “C-1””; SECTION 17.56.040 “USE REGULATIONS”, SUBSECTION “I.” OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:**

**Section 1.**

**Title 17. Chapter 17.56, Section 17.56.040, Subsection I. is hereby amended to read as follows:**

**Section 17.56.040 Use regulations.**

I. Multiple-family dwellings on **each floor, including fifty percent (50%) maximum of the ground floor on the non-street side.**

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING June 1, 2021

PASSED ON SECOND READING \_\_\_\_\_

PASSED ON THIRD READING \_\_\_\_\_

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

CITY OF RIVERTON

By: \_\_\_\_\_  
Richard Gard, Mayor

ATTEST:

\_\_\_\_\_  
Kristin S. Watson  
City Clerk/Human Resources Director

**ATTESTATION**

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance# 21-008 was passed, approved, and adopted by the Governing Body of the City of Riverton on the \_\_\_ day of \_\_\_\_\_ 2021. I further certify that the above ordinance ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being \_\_\_\_\_, 2021.

---

Kristin S. Watson  
City Clerk/Human Resources Director

# CITY COUNCIL STAFF REPORT

**TO:** His Honor the Mayor and Members of the City Council

**FROM:** Kristin S. Watson, City Clerk/HR

**THROUGH:** Anthony Tolstedt, City Administrator

**DATE:** June 11, 2021

**SUBJECT:** Restaurant Liquor License Application for Wyoming Smokehouse, LLC d/b/a Smokehouse Burgers & Fries

---

**Recommendation:** That Council, by minute action, approve the new Restaurant Liquor License for Wyoming Smokehouse, LLC d/b/a Smokehouse Burgers & Fries.

---

**Background:** Pursuant to statutory requirements (W.S. 12-1-101(a)(xiv)), as well as the Riverton Municipal Code, an applicant may apply for a Restaurant Liquor License with the licensing authority. The applicant must also submit a valid food service permit issued by the State of Wyoming.

**Discussion:** The City of Riverton received a Restaurant Liquor License application from Wyoming Smokehouse, LLC d/b/a Smokehouse Burgers & Fries as follows:

<b>460 Wyoming Smokehouse, LLC</b>	8' X 14' room in NE corner of bldg.
DBA Smokehouse Burgers & Fries	S 60' of Lots 1&2, Block 12, 116 North 6 <sup>th</sup> Street East, Original Town of Riverton, Fremont County, WY, zoned Commercial C-1.

The Wyoming Liquor Division has certified the application as complete, the proper fees have been paid, and proper notice to the public has been advertised. Therefore, staff is recommending the governing body approve the new Restaurant Liquor License for Wyoming Smokehouse, LLC d/b/a Smokehouse Burgers & Fries, as presented.

**Alternative:** Deny the application submitted for a Restaurant Liquor License.

**Budget Impact:** The budget impact with the proposed recommendation is \$444.52 from the prorated application fee, as well as an undetermined amount of sales tax revenue.

**Council Goals:** This item supports Council Goal #6: Promote Economic Development.

# NEW OR TRANSFER LIQUOR LICENSE OR PERMIT APPLICATION

FOR LIQUOR DIVISION USE ONLY			
Customer #:	_____		
Trf from:	_____		
Reviewer:	Initials	Date	
Agent:	_____	/	/
Chief:	_____	/	/

**To be completed by City/County Clerk**

Local License #: 460

License Fees Annual Fee: \$ 500.00 Date filed with clerk: 5 / 21 / 2021

Prorated Fee: \$ -55.48 Advertising Dates: (2 Weeks)

Transfer Fee: \$ \_\_\_\_\_ 5/30/2021 & 6/6/2021

Publishing Fee: \$ 75.00 Hearing Date: 6 / 15 / 2021

Publishing Fee Direct Billed to Applicant:

License Term: 6 / 16 / 2021 Through 3 / 31 / 2022

Month Day Year Month Day Year

**LICENSING AUTHORITY:** Begin publishing promptly. As W.S. 12-4-104(d) specifies: **NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.**

Applicant: Wyoming Smokehouse LLC

Trade/Business Name (dba): Smokehouse Burgers And Fries

Building to be licensed/Building Address: 116 N 6th St E

Number & Street

Riverton WY 82501 Fremont

City State Zip County

Mailing Address: SAME

Number & Street or P.O. Box

City State Zip

Business Telephone Number: (307) 463-2050 Fax Number: ( ) \_\_\_\_\_

E-Mail Address: rick@wyomingSmokehouse.com

Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi)

S 60' of Lots 1 & 2, BLK 12, Original Town of Riverton, Fremont County, Zoned C-1

<p><b>FILING FOR</b></p> <p><input checked="" type="checkbox"/> NEW LICENSE</p> <p><input type="checkbox"/> TRANSFER OF LOCATION</p> <p><input type="checkbox"/> TRANSFER OWNERSHIP</p> <p>FORMERLY HELD BY: _____</p>	<p><b>FILING IN (CHOOSE ONLY ONE)</b></p> <p><input checked="" type="checkbox"/> CITY OF: <u>Riverton</u></p> <p><input type="checkbox"/> COUNTY OF: _____</p> <p><input type="checkbox"/> ASSIGNMENT LETTER ATTACHED</p>	<p><b>FILING AS (CHOOSE ONLY ONE)</b></p> <p><input type="checkbox"/> INDIVIDUAL</p> <p><input type="checkbox"/> PARTNERSHIP</p> <p><input type="checkbox"/> LP/LLP</p> <p><input checked="" type="checkbox"/> LLC</p> <p><input type="checkbox"/> CORPORATION</p> <p><input type="checkbox"/> LTD PARTNERSHIP</p> <p><input type="checkbox"/> ORGANIZATION</p> <p><input type="checkbox"/> OTHER _____</p>
--	---	---

**TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)**

<p>RETAIL LIQUOR LICENSE</p> <p><input type="checkbox"/> ON-PREMISE ONLY (BAR)</p> <p><input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE)</p> <p><input type="checkbox"/> COMBINATION ON/OFF PREMISE (BOTH BAR &amp; PACKAGE STORE)</p>	<p><input checked="" type="checkbox"/> RESTAURANT LIQUOR LICENSE</p> <p><input type="checkbox"/> RESORT LIQUOR LICENSE</p> <p><input type="checkbox"/> BAR AND GRILL</p> <p>LIMITED RETAIL (CLUB)</p> <p><input type="checkbox"/> VETERANS CLUB</p> <p><input type="checkbox"/> FRATERNAL CLUB</p> <p><input type="checkbox"/> GOLF CLUB</p> <p><input type="checkbox"/> SOCIAL CLUB</p>	<p><input type="checkbox"/> MICROBREWERY</p> <p><input type="checkbox"/> WINERY</p> <p><input type="checkbox"/> DISTILLERY SATELLITE</p> <p><input type="checkbox"/> WINERY SATELLITE</p> <p><input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT</p> <p><b>SPECIAL DESIGNATIONS</b></p> <p><input type="checkbox"/> CONVENTION FACILITY</p> <p><input type="checkbox"/> CIVIC CENTER/EVENT CENTER/PUBLIC AUDITORIUM</p> <p><input type="checkbox"/> GOLF CLUB</p> <p><input type="checkbox"/> GUEST RANCH</p> <p><input type="checkbox"/> RESORT</p>
---	--	---

To Assist the Liquor Division with scheduling inspections: **WHEN DO YOU OPERATE?**

FULL TIME (e.g. Jan through Dec)  SEASONAL/PART-TIME  NON-OPERATIONAL/PARKED

(specify months of operation) DAYS OF WEEK (e.g. Mon through Sat) HOURS OF OPERATION (e.g. 10a - 2a)

from Jan to Dec from \_\_\_\_\_ to \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

**ALL APPLICANTS MUST COMPLETE QUESTIONS 1- 6**

1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)

(1) OWN the licensed building?  YES (own)  YES (lease)

(2) LEASE the licensed building? (Lease must be through the term of the liquor license)

If Yes, please submit a copy of the lease and indicate:

(A) When the lease expires, located on page \_\_\_\_\_ paragraph \_\_\_\_\_ of lease.

(B) Where the Sales provision for alcoholic or malt beverages is located, on page \_\_\_\_\_ paragraph \_\_\_\_\_ of lease. **44**

(MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)

2. To operate your liquor business, have you assigned, leased, transferred or contracted with any other person (entity) to operate and assert total or partial control of the license and the licensed building? W.S. 12-4-601 (b)  YES  NO
3. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403
- (a) Hold any interest in the license applied for?  YES  NO
- (b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business?  YES  NO
- (c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs?  YES  NO
- (d) If you answered **YES** to any of the above, explain fully and submit any documents in connection there within:

4. Does the applicant have any interest or intent to acquire an interest in any other liquor license issued by this licensing authority? W.S. 12-4-103 (b)  YES  NO

If "YES", explain: \_\_\_\_\_

5. **If applicant is filing as an Individual, Partnership or Club:** W.S. 12-4-102 (a) (ii) & (iii)

Each individual, partner or club officer must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip <i>DO NOT LIST PO BOXES</i>	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
<i>Fredrick Haworth</i>	<i>07-19 1965</i>	<i>375 State Hwy 133 Riverton, WY 82501</i>	<i>307-709 0321</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

6. **If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership:** W.S. 12-4-102 (a) (iv) & (v)

Each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, **and every officer, and every director** must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip <i>DO NOT LIST PO BOXES</i>	Residence Phone Number	No. of Years in Corp or LLC	% of Corporate Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
<i>Fredrick Haworth</i>	<i>07-19 1965</i>	<i>375 State Hwy 133 Riverton, WY 82501</i>	<i>307-709 0321</i>	<i>6</i>	<i>50%</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<i>MARIE HAWORTH</i>	<i>7-22 1966</i>	<i>375 Hwy 133 RIVERTON, WY 82501</i>	<i>307-709 0386</i>	<i>6</i>	<i>50%</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application)

**7. BAR AND GRILL LICENSE:**

Have you submitted a valid food service permit or application? W.S. 12-4-413 (a)

 YES  NO**8. RESTAURANT LICENSE:**(a) Give a description of the dispensing room(s) and state where it is located in the building. W.S. 12-4-408 (b)  
(e.g. 10 x 12 room in SE corner of building): 8' X 14' Room in NE Corner in Building

(b) Have you submitted a valid food service permit or application? W.S. 12-4-407 (a)

 YES  NO

(c) Have you attached a drawing of the establishment that includes the restaurant dispensing room(s)? W.S. 12-4-410 (f)

 YES  NO**9. RESORT LICENSE:**

Does the resort complex:

(a) Have an actual valuation of at least one million dollars, or have you committed or expended at least one million dollars (\$1,000,000.00) on the complex, excluding the value of the land?  
W.S. 12-4-401(b)(i) YES  NO

(b) Include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii)

 YES  NO(c) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with at least one hundred (100) sleeping rooms?  
W.S. 12-4-401(b)(iii) YES  NO(d) If no on question (c), have a ski resort facility open to the general public in which you have committed or expended at least one million dollars (\$1,000,000.00)?  
W.S. 12-4-401(b)(iv) YES  NO

(e) Are you contracting/leasing the food and beverage services? W.S. 12-4-403(b)

1. If Yes, have you submitted a copy of the food and beverage contract/lease?

 YES  NO**10. MICROBREWERY LICENSE:**

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)

 YES  NO(a) If "YES", please specify type:  RETAIL  RESTAURANT  RESORT  BAR AND GRILL  WINERY(b) Do you self distribute your products? W.S. 12-2-201(a)  
(Requires wholesaler license with the Liquor Division) YES  NO

(c) Do you distribute your products through an existing malt beverage wholesaler?

W.S. 12-2-201(g)(i) (Requires authorization to sell license with the Liquor Division)

 YES  NO**11. WINERY LICENSE:**

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)

 YES  NO(a) If "YES", please specify type:  RETAIL  RESTAURANT  RESORT  BAR AND GRILL  MICROBREWERY**12. LIMITED RETAIL (CLUB) LICENSE:****FRATERNAL CLUBS** W.S. 12-1-101(a)(iii)(B)(a) Has the fraternal organization been actively operating in at least thirty-six (36) states?  YES  NO(b) Has the fraternal organization been actively in existence for at least twenty (20) years?  YES  NO**13. LIMITED RETAIL (CLUB) LICENSE:****VETERANS CLUBS** W.S. 12-1-101(a)(iii)(A):(a) Does the Veteran's organization hold a charter by the Congress of the United States?  YES  NO(b) Is the membership of the Veteran's organization comprised only of Veterans and its duly organized auxiliary?  YES  NO**14. LIMITED RETAIL (CLUB) LICENSE:****GOLF CLUBS** W.S. 12-1-101(a)(iii)(D)/W.S. 12-4-301(e):(a) Do you have more than fifty (50) bona fide members?  YES  NO(b) Do you own, maintain, or operate a bona fide golf course together with clubhouse?  YES  NO(c) Are you a political subdivision of the state that owns, maintains, or operates a golf course?  YES  NO1. Are you contracting/leasing the food and beverage services? W.S. 12-5-201(g)  YES  NO2. If Yes, have you submitted a copy of the food and beverage contract/lease?  YES  NO

15. LIMITED RETAIL (CLUB) LICENSE:

SOCIAL CLUBS W.S. 12-1-101(a)(iii)(E)/W.S. 12-4-301(b):

- (a) Do you have more than one hundred (100) bona fide members who are residents of the county in which the club is located?  YES  NO
- (b) Is the club incorporated and operating solely as a nonprofit organization under the laws of this state?  YES  NO
- (c) Is the club qualified as a tax exempt organization under the Internal Revenue Service?  YES  NO
- (d) Has the club been in continuous operation for a period of not less than one (1) year?  YES  NO
- (e) Has the club received twenty-five dollars (\$25.00) from each bona fide member as recorded by the secretary of the club and are club members at the time of this application in good standing by having paid at least one (1) full year in dues?  YES  NO
- (f) Does the club hold quarterly meetings and have an actively engaged membership carrying out the objectives of the club?  YES  NO
- (g) Have you filed a true copy of your bylaws with this application?  YES  NO
- (h) Has at least fifty one percent (51%) of the membership signed a petition indicating a desire to secure a Limited Retail Liquor License? (Petition Attached)  YES  NO

REQUIRED ATTACHMENTS:

- A statement indicating the financial condition and financial stability of the applicant W.S. 12-4-102 (a) (vi).
- Restaurants: include a drawing of the establishment that includes the dispensing room(s) W.S. 12-4-410 (f).
- n/a* Attach any lease agreements (especially for resort/political subdivisions leasing out food & beverage services) W.S. 12-4-103 (a) (iii)/ W.S. 12-4-403(b)/W.S. 12-4-301(e).
- n/a* If transferring a license from one ownership to another, a form of assignment from the current licensee to the new applicant authorizing the transfer W.S. 12-4-601 (b).

OATH OR VERIFICATION

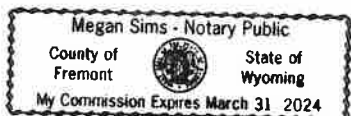
(Requires signatures by ALL Individuals, ALL Partners, ONE (1) LLC Member, or TWO (2) Corporate Officers or Directors except that if all the stock of the corporation is owned by ONE (1) individual then that individual may sign and verify the application upon his oath, or TWO (2) Club Officers.) W.S. 12-4-102(b)

Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

STATE OF WYOMING )  
 ) SS.  
COUNTY OF Fremont )

Signed and sworn to before me on this 20 day of May,  
2021 that the facts alleged in the foregoing instrument are true by the following:

1)	<u><i>James Hancock</i></u> (Signature)	<u>Frederick Hawthorn</u> (Printed Name)	<u>President</u> Title
2)	_____ (Signature)	_____ (Printed Name)	_____ Title
3)	_____ (Signature)	_____ (Printed Name)	_____ Title
4)	_____ (Signature)	_____ (Printed Name)	_____ Title
5)	_____ (Signature)	_____ (Printed Name)	_____ Title
6)	_____ (Signature)	_____ (Printed Name)	_____ Title



Witness my hand and official seal:

Megan Sims  
Signature of Notary Public

(SEAL)

My commission expires: March 31, 2024

# CITY COUNCIL STAFF REPORT

**TO:** His Honor the Mayor and Members of the City Council  
**FROM:** Brendan P. Thoman, City Engineer  
**THROUGH:** Anthony Tolstedt, City Administrator  
**DATE:** June 10, 2021  
**SUBJECT:** North 16<sup>th</sup> Street Improvement Project

---

**Recommendation:** The City Council awards the bid for the North 16th Street Improvement Project in the amount of \$167,053.00 to Dave’s Asphalt Company.

**Background:** The Fix Our Roads Citizens Committee (FORCC) was established as an advisory committee to help guide the use of the 1% monies towards infrastructure improvements for the City of Riverton. On November 9, 2020, FORCC approved a motion to begin to prioritize projects for the 2021 construction season. These projects included East Sunset Engineering (Federal to North 8<sup>th</sup> Street West), Lewis Street and surfacing of North 16<sup>th</sup> Street East. The North 16th Street was officially decided on at the December 14<sup>th</sup> meeting of FORCC.

**Discussion:** North 16th Street, was considered as a small project for 2021 after citizens raised concern regarding the gravel roadway. The design for North 16th Street updates the drainage channel that currently flows across the gravel road and into Woodridge Pond. The designed concrete valley pan is 12 foot in width with gradual slopes in and out causing minimal change in grade and an easy ride for traffic crossing the drainage pan. The design channels drainage flood water from a large area bounded by North Federal Boulevard to the West and East Sunset Drive to the South and directs this storm water down North 16<sup>th</sup> Street, eventually ending up in the pond on the West side of the project. Additional asphalt and curb and gutter was placed into the project in order to facilitate drainage of the area. A fog seal was added as an alternate to the base bid in order to secure a chip seal layer specified for the north end of the project in order to make a temporary travel surface.

Bids for the project were received and opened on June 10th, with the following results:

<b>Contractor Name</b>	<b>Base Bid</b>	<b>Additive Alternate</b>	<b>Total Bid</b>
Dave’s Asphalt Company	\$164,183.00	\$2,870.00	\$167,053.00
71 Construction, Inc.	\$219,261.00	\$5,740.00	\$225,001.00

Staff reviewed each bid to assure they were responsive to bid specifications. Staff recommends the City Council award the North 16th Street Improvement Project, including the additive alternate, to Dave’s Asphalt Company in the amount of \$167,053.00.



**Budget Impact:** The \$167,053.00 will come from the 1% fund. After subtracting existing obligations, the 1% fund has approximately \$1,015,361 available for the 2021 construction projects. If the North 16th Street Improvement Project is awarded, then \$848,308 is available in the fund. The Engineers Estimate for the project was \$298,000.

**Council Goal Impact:** Awarding the North 16th Street Improvement Project serves to accomplish the goal to Maintain & Improve City Infrastructure and address a roadway within city limits that is currently a gravel road.

# CITY COUNCIL STAFF REPORT

**TO:** His Honor the Mayor and Members of the City Council

**FROM:** Mia Harris, Finance Director

**THROUGH:** Tony Tolstedt, City Administrator

**DATE:** June 15, 2021

**SUBJECT:** Grant Agreement – American Rescue Plan Act of 2021 (ARPA)

---

**Recommendation:** That the Council accepts the ARPA 2021 grant award terms and conditions agreement and grant assurances.

---

**Background:** The American Rescue Plan Act of 2021 (ARPA) appropriated \$19.53 billion to States for distribution to tens of thousands of “non-entitlement units of local government” (NEUs). ARPA directs the Department of the Treasury to make payments to each State for distribution to NEUs within the State.

The State Budget Department along with the Governor’s Office will be administering the funds. While the State is responsible for distributing these payments of more than \$130 million to Wyoming’s cities, towns, and counties, the NEUs are the prime recipients of these monies and are solely responsible for appropriately spending and reporting these funds to the Treasury.

Local governments classified as NEUs will receive this funding in two tranches within one year. The State of Wyoming intends to issue the first tranche on June 25, 2021.

**Discussion:** On Tuesday, June 9, 2021, the city staff received a communication from Erica Legerski, Senior Policy Advisor to the Office of Governor Mark Gordon outlining several documents including NEU Award Terms and Conditions, Title VI Assurances, a request for certified budget financials, as well as several other pertinent documents. The grant funding allocations will be based on the annual total budget expenditures of each municipality as of January 27, 2020. For the State to proceed with funding determinations, they must receive the acceptance of the requested information by the governing body of the respective participating municipalities.

The categories of use of the funds have been released in a broad spectrum. Approved uses include:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;

- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and expand access to broadband internet

There will be continued discussion and clarification on the appropriate use of the funding and the city staff will ensure compliance and submit timely reporting according to the terms of the agreement.

**Alternatives:** Decline the funds.

**Budget Impact:** Revenues from ARPA funding are not included in the FY22 budget. The actual budgetary dollars will be determined upon submission of the above-requested documents.

**Council Goal:** #7 Maintain Financial Stability

U.S. DEPARTMENT OF THE TREASURY  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.027
---	--

Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

---

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

---

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY  
CORONAVIRUS LOCAL FISCAL RECOVERY FUND  
AWARD TERMS AND CONDITIONS

1. Use of Funds.
  - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
  - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
  - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
  - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
  - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
  - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
  - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
  - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
  - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury’s implementing regulation at 31 C.F.R. Part 19.
  - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
  - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
  - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
  - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
  - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
  - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
  - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
  - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
  - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
  - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
  - i. A member of Congress or a representative of a committee of Congress;
  - ii. An Inspector General;
  - iii. The Government Accountability Office;
  - iv. A Treasury employee responsible for contract or grant oversight or management;
  - v. An authorized official of the Department of Justice or other law enforcement agency;
  - vi. A court or grand jury; or
  - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.



## **ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS**

### **ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

*The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.*

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

---

Recipient

---

Date

---

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.