

August 6, 1996

COMMISSIONER PROCEEDINGS
REGULAR MEETING
AUGUST 6, 1996

The Carbon County Board of Commissioners met Tuesday, August 6, 1996 at 9 a.m. in the Commissioner's Meeting Room of the Carbon County Courthouse, 415 West Pine Street, Rawlins, Wyoming. Present were Commissioners Artlin Zeiger, Gary Graalman and Linda Fleming. Commissioner Artlin Zeiger, Chairman.

The following vouchers were reviewed and approved for payment:

AT & T	Various	606.39
AAA Rental	Road & Bridge	300.00
ADV Communication Systems	Fire Department	99.95
Alco	Various	67.63
Allen, Patrick C. MD PC	Coroner	1,630.00
Amerigas Laramie	Road & Bridge	275.20
Aspen Publishers Inc.	Road & Bridge	64.01
Atco International	Road & Bridge	308.40
Attention Center	Sheriff	133.00
Bach Supply	Road & Bridge	370.00
Baggs, Town of	Sheriff	73.50
Bank Card Center	Sheriff	654.77
Bank of Commerce	Public Health	110.00
Bartlett, Sue R.N.	Public Health	230.87
Beaton, Donald E. DDS	Public Health	120.00
Bi-Rite Sporting Goods	Sheriff	14.27
Bi-Rite Professional	Road & Bridge/Sheriff	363.71
Big W Supplies	Custodian	89.10
Brad's Welding & Machine	Road & Bridge	2.94
Brown, Erickson & Hiser	Attorney	81.00
Build Rite Lumber Supply	Road & Bridge/Courthouse	1,097.60
Burke's Conoco	Sheriff	41.10
Busey, Sharalee	Public Health	703.80
Butler, Karen	Public Health	165.59
C & M Auto Parts	Road & Bridge	420.55
Carbon County Fair Association	Extension/Public Health	150.00
Carbon County Senior Services	Senior Services	33,935.00
Carbon County Treasurer	Various	221.34
Carbon Power & Light	Various	1,052.54
Casper Star Tribune	Public Health	150.00
Casper Truck Center, Inc.	Road & Bridge	190.49
Casson, Nick	Emergency Management	128.18
Cedar Street Texaco	Sheriff	8.50
Chandra, V Raja MD	Attorney	954.00
City Directory, Inc.	Treasurer	144.00
City Market, Inc. #12	Various	349.03
Cloud Peak Terminix	Carbon Building	35.00
Comput Ability	Public Health	126.00
Corporate Express	Various	1,028.48
Culverts & Industrial Supplies	Road & Bridge	1,594.35
D & K Sanitation	Various	232.50
D & L Tire Service	Fire Department	770.60
Dalton, Stephen G. DO	Public Health	96.00
Day, Dave	Carbon Building	3,341.00
DEQ/Water Quality Division	Road & Bridge	2,200.00
Diamond Data Inc.	Sheriff	225.00
Dixon, Town of	Senior Services	33.50
Drive Train Industries	Road & Bridge	294.46
Drummond Refrigeration	Road & Bridge/Senior Services	136.00
Dubois Telephone Exchange	Road & Bridge	41.56
E & H Industrial Supply	Fire Department/Road & Bridge	302.56
Eagle of Cody Printing	Treasurer	3,438.60
Eagle Uniform Supply	Road & Bridge/Carbon Building	115.41
Eathorne, Paul	Public Health	600.00
Elk Mountain Ranch Company	Sheriff	1,292.86
Elk Mountain Texaco	Sheriff	70.65
Ericsson Inc	Sheriff	67.35
Evergreen Disposal Services	Senior Services	83.75
Facts And Comparisons	Public Health	185.00
Federal Extradition	Sheriff	1,091.00
Fleming, Linda L.	Commissioners	232.36
Forestry Suppliers Inc.	Fire Department	101.35
France Flying Service	Fire Department	34.82
Freestyle	Sheriff	58.18
Frontier Pharmacy	Sheriff/Public Health	482.82
G. Neil Companies	Road & Bridge	70.84
Gases Plus	Road & Bridge	321.41
Gilley's Sewing	Sheriff	36.50
Gould Publications	Sheriff	317.95
Green County Sheriff's Department	Sheriff	80.00
H & S Ranch Supply	Road & Bridge	36.50
Harpertool	Road & Bridge	114.00
Hasco Industrial Supply	Road & Bridge	79.92
Hitching Post	Treasurer	56.81
Hoke, John L.	Administration/Attorney	1,440.00
Holiday Inn - Riverton	Public Health	94.13

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Home Health Aide Digest	Public Health	40.00
Hopkins Medical Products	Public Health	485.85
Hot Springs REA, Inc.	Senior Services/Road & Bridge	187.69
Hyland Enterprises	Road & Bridge	436.00
IBM Corporation	Data	536.18
I.F.S.T.A. Headquarters	Fire Department	472.95
Insight Direct, Inc.	Administration	45.99
J.H. Kaspar Oil Company	Sheriff/Road & Bridge	4,980.84
Jackalope Printing	Various	556.36
Jack's Body & Fender Repair	Sheriff	771.92
Johnson Controls	Carbon Building	2,445.00
Joint Commission	Grants	205.95
KN Energy, Inc.	Various	629.93
Kar Products	Fire Department	211.28
Kelly Oil Company	Road & Bridge	1,651.44
Kilburn Tire Company	Sheriff/Road & Bridge	1,374.69
Kirsch, A.P., M.D.	Jail	1,235.00
L & L Electric	Various	599.21
L.N. Curtis & Sons	Fire Department	224.66
Laramie Physicans	Public Health	500.00
Lawson Products, Inc.	Road & Bridge	96.48
Lowrance, Judy	Sheriff	57.52
Luallen, Genevieve	Public Health	85.98
Lucent Technologies	Sheriff	51.17
Lundberg, Tamara	Public Health	300.00
McCann, Phyllis C.	Courthouse	1,350.00
McGee-Murphy, Inc.	Fire Department	102.80
McRae Drug	Public Health	44.09
Medela Incorporated	Public Health	108.62
Medicine Bow, Town of	Road & Bridge	91.20
Medina Vacuum Repair Services	Custodian	20.10
Memorial Hospital of Carbon County	Various	717.54
MHL Systems	Road & Bridge	3,375.00
Michie Company, The	Various	487.58
Microtech-Tel	Sheriff	533.77
Montgomery Elevator Company	Carbon Building/Senior Services	636.45
Motel 8 - Laramie	Public Health	29.88
Motorola	Radio Technician	1,280.00
Mountain Fuel Supply Company	Senior Services	28.91
Myers Tire Supply Company	Road & Bridge	139.74
Myron Manufacturing Corporation	Road & Bridge	167.36
National Battery Sales	Road & Bridge	429.65
Neutron Industries, Inc.	Carbon Building	221.73
Newell, Marci	Public Health	37.64
O'Connell, Robert K.	Fire Department	264.50
P.T.I. Communications	Road & Bridge/Sheriff	114.87
Pacific Power & Light Company	Various	3,150.48
Pamida, Inc.	Road & Bridge/Sheriff	81.68
Pantry, The	Planning	47.86
Parkway Plaza	Treasurer	40.00
Parlay International	WIC	2.69
Perkins Oil Company	Road & Bridge	940.94
Perue Printing	Attorney/Elections	5,180.00
Petersen's Service Yard	Fire Department	5.00
Phil's Iron Metal	Sheriff	297.50
Pickett, Thomas Y. & Associates	Assessor	2,000.00
Plainsman Printing	Clerk/Clerk of District Court	147.15
Platte Valley Automotive	Road & Bridge	402.07
Pryor Resources, Inc.	Treasurer	158.00
Quill Corporation	Public Health	28.93
Radio Shack	Public Health	5.49
Rawlins Automotive	Road & Bridge	331.05
Rawlins, City of	Various	1,181.48
Rawlins Diagnostic	Sheriff	62.00
Rawlins Fire Extinguisher	Various	120.50
Rawlins Newspapers, Inc.	Various	2,733.78
Rawlins Optometric	Public Health	167.00
Rawlins Veterinary Clinic	Sheriff	39.22
Reynolds, Douglas A.	Extension	302.50
Riverton Tire & Oil	Road & Bridge	5,913.42
Robert Jack Smith & Associates	Road & Bridge	4.50
Rocky Mountain Information Network	Sheriff	150.00
Saratoga Auto Parts, Inc.	Road & Bridge	216.10
Schulze, Kenneth, M.D.	Public Health	115.00
Secretary of State	Road & Bridge	30.00
Shepard's	Sheriff	66.09
Shively Hardware	Road & Bridge	202.17
Simonsen Mader Tschacker	Administration	120.00
Smith, Stacey	Building & Grounds	940.00
Southwest M.R.O., P.C.	Road & Bridge	25.00
Square Shooters Eating House	Attorney	55.30
State of Wyoming	Elections	21.92
State of Wyoming	Public Health	123.84
Summit Medical Supply	Public Health	166.70
Team Laboratory Chemical	Road & Bridge	50.00
Terry's Towing Service	Grants/Sheriff	7,126.50
Trading Post	Sheriff	16.91
Triangle Sheet Metal	Senior Services	295.62

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True Value of Rawlins	Various	269.84
Varco Incorporated	Sheriff	241.51
U.S. West Communications	Various	4,138.60
Union Telephone Company	Various	736.83
Valley Oil Company	Road & Bridge	347.41
Valley Waste Management	Senior Services	60.00
Van's Wholesale	Custodian	348.90
Viewfinder, The	Sheriff	78.72
Viking Office Products	Various	1,043.25
Washboard, The	Custodian	14.25
Wear Parts	Road & Bridge	487.86
Western States Sheriff's Assoc.	Sheriff	50.00
Western Truck Repair	Road & Bridge	152.34
Western Wy Family Planning	Grants	525.00
Wheatland Fire Equipment	Fire Department	273.16
Wilson, Ruth D.	Extension	81.89
Wilson's Self Service	Sheriff/Road & Bridge	730.31
Wimpenny, Robert G. D.D.S.	Public Health	211.00
Wright Medical Services	Public Health	105.00
Wyeth-Ayerst Lab	Public Health	937.00
Wy D C I	Sheriff	3,500.00
Wy Machinery Company	Road & Bridge	5,694.71
Wy Paper Supply	Sheriff	442.01
Wyoming Search & Rescue	Sheriff	50.00
Wy State Penitentiary	Jail	2,160.25
Wy Treasurer's Association	Treasurer	100.00
Xerox Corporation	Public Health	216.00
Xerox Corporation	Various	646.56
Yampa Valley Electric	Various	999.38
Young, Charles MD	Public Health	128.00
Yost Office Systems	Treasurer/Attorney	218.54
Zeiger, Artlin	Commissioners	165.77
Zep Manufacturing	Custodian	198.94

BONDS

James L. Chant, Jr. Treasurer	Savery Little Snake River Conservancy District July 1, 1996 to July 1, 1997	5,000.00
Thomas H. Hankison Treasurer	Little Snake River Conservation District July 1, 1996 to Indefinite	5,000.00
Alan Lee Superintendent	School District #1, Carbon County June 17, 1996 to June 17, 1997	50,000.00
Diane Palm Treasurer	Town of Elk Mountain, Wyoming July 8, 1996 to July 8, 1997	25,000.00

DAY 'N NIGHT JANITORIAL, CARBON BUILDING

Dave and Tink Day gave a report on the Carbon Building.

ASSET RECORDS - CLERK

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to raise the asset amount to \$1,000.00 for inventory.

LIBRARY BOARD

Carolyn Clay, Sanford Robinson and Joan Evans were in attendance to discuss some budget problems.

EXECUTIVE SESSION

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to go into Executive Session to discuss personnel.

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to come out of Executive Session.

PLANNING - Jim Pedersen

A public hearing was held to hear application #96-06 to rezone the following described property now in RAM Zoning District to RD-2.5 Zoning District. This property is North of Riverside, off Blackhall Road, NW 1/4 SE 1/4 Section 6, Township 14N, Range 83W. A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously approved to rezone this property.

Application #96-07 was also made to the Planning & Zoning Commission of Carbon County, Wyoming to rezone from RAM to RD. This property is on Main Street, Battle Lake Townsite, State Highway 401. The legal description is that portion of Block 7, Townsite of Battle Lake, Section 29, Township 14N, Range 85W. Linda Fleming made a motion, seconded by Gary Graalman and unanimously carried to table this application at this time.

STATEMENT OF INVESTMENT POLICY

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to adopt the following:

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RESOLUTION 1996 - 6A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
CARBON COUNTY, WYOMING ADOPTING A
STATEMENT OF INVESTMENT POLICY

WHEREAS, the Carbon County Commissioners want to safely earn the highest prudent investment income possible; and

WHEREAS, Wyo. Stat. Section 9-4-831(h) requires every political subdivision of the State of Wyoming to adopt a Statement of Investment Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, CARBON COUNTY, WYOMING, that it does hereby adopt the Statement of Investment Policy, attached as Exhibit A and incorporated herein by this reference, and does declare it in effect on July 1, 1996.

Passed this 6th day of August, 1996.

BOARD OF COUNTY COMMISSIONERS,
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman

ATTEST: W.E. HARSHMAN, County Clerk

SEMINOE DAM ROAD

A group was in attendance to update the Commissioners on the problems with the Seminoe Dam Road. Also, in attendance were Pat Persson, Andy Long III and Jay Gould from the Department of Transportation who gave their view of the problems.

ROAD & BRIDGE

Don Neuman gave his administrative report.

LIQUOR RESOLUTION

A motion was made by Gary Graalman, seconded by Linda Fleming and unanimously carried to adopt the following resolution:

RESOLUTION 1996 - 7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, STATE OF WYOMING, PROVIDING FOR THE REGULATION AND CONTROL OF THE SALE, DISTRIBUTION, POSSESSION, AND TRAFFIC OF ALCOHOLIC LIQUOR AND MALT BEVERAGES REFLECTING THE CHANGES OF THE STATE OF WYOMING STATE LIQUOR LICENSE LAWS WHICH OCCURRED AT THE 1996 STATE LEGISLATIVE SESSION.

WHEREAS, the Board of County Commissioners of the County of Carbon intends to provide for the regulation and control of the sale, distribution, possession and traffic of alcoholic liquor and malt beverages; and

WHEREAS, the State of Wyoming has amended the state liquor license laws through the 1996 State Legislature; and

WHEREAS, some of those amendments have an effect on the local licenses being issued by the Board of County Commissioners of the County of Carbon, and the regulation of those licenses; and

WHEREAS, the Board of County Commissioners of the County of Carbon has determined that it is in the best interest of the County to amend the County resolution to reflect the changes in the state law to insure proper compliance by the licensees that hold said liquor licenses;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, that Resolution No. 1996 - 7 be, and the same is hereby created and shall read as follows:

Alcoholic Beverages

Article 1. Definitions and General Provisions

Section 1.10: Definitions. Except as otherwise noted below, definitions used in this chapter shall be found in W.S. 12-1-101:

A. "Clerk" shall mean the County Clerk of the County of Carbon, State of Wyoming.

Section 1.20: Compliance Required.

A. For the protection of the health, safety and welfare of the residents, citizens and guests of Carbon County, it is hereby declared to be in the best interest

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of the County, and the residents, citizens and guests hereof, that the sale, distribution, possession and traffic of alcoholic liquor and malt beverages shall be regulated to the extent that all such activity be, and the same hereby is, prohibited, except as provided in this chapter, and that no sale at retail or possession of such substances shall occur within the jurisdictional limits of the County except as authorized herein and the exceptions provided in Wyo. Stat. 12-1-101, et seq., reserving certain powers to the State of Wyoming. It is the intent of this chapter to comply and coincide with provisions of Wyo. Stat. 12-1-101, et seq., which regulate such substances.

Article II. LICENSE APPLICATION

Section 2.10: Application for Annual License.

A. Any person desiring an annual license as authorized by this chapter shall make application to the County by delivering to the county clerk, on the form prepared by the Attorney General pursuant to Wyo. Stat. 12-4-701 and provided to the applicant by the clerk, a completed, verified and signed form. The license fee, or any other fees related to a license, shall be paid to the clerk at the time the application is filed or the clerk shall not commence processing the application. Renewal of an annual license, application for transfer of ownership and transfer of location shall be made upon the same form and in the same manner. The information contained in the application shall conform to the requirements of Wyo. Stat. 12-4-102.

B. Upon receipt of an application, the clerk shall send one copy of the application to the Wyoming Liquor Commission by certified mail, return receipt requested, and shall promptly prepare a notice of application, place a copy of the notice in a conspicuous place at the location shown in the application and publish the notice in a newspaper of general circulation in the county, once a week for four (4) consecutive weeks. The notice shall comply with the provisions of Wyo. Stat. 12-4-104.

C. On behalf of the licensing authority, the clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various County department representatives as required by the county clerk. Representatives of County departments may enter licensed and permitted premises during regular business hours to make reasonable inspections.

Section 2.20: Restrictions upon Applicants and License.

A. Except as provided in subsection (B), all permits and license recipients must post the license or permit in a conspicuous place within the licensed dispensing room described in the application.

B. Any license issued pursuant to Wyo. Stat. 12-4-103 (a)(iv) shall be held by the clerk in the clerk's office, or other location as designated by the clerk, until the license can be placed in a physically functional building.

Section 2.30: Grounds for Denial of License. A license shall not be issued, renewed or transferred if the Board of County Commissioners finds from evidence presented at the hearing required under Wyo. Stat. 12-4-104, any of the conditions found under Wyo. Stat. 12-4-104 (b), including:

A. The holder of an expired annual license or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyo. Stat. 12-4-104 (c). No other preference rights are authorized or recognized by Carbon County. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.

Section 2.40: Transfer of Annual License. A person seeking to transfer an annual license shall submit a new application form and shall pay to the clerk at the time of such application a non-refundable additional license fee of one hundred dollars (\$100.00). The transfer application shall be set for public hearing and otherwise considered by the Board of County Commissioners in a manner consistent with Wyo. Stat. 12-4-601.

Section 2.50: Terms of Annual License.

A. Annual licenses shall be for a period of not more than one (1) year, expiring each year on December 31. Annual licenses shall be a personal privilege of the licensee.

B. The executor or administrator of the estate of a deceased licensee, when the estate consists in whole or in part of a business selling alcoholic or malt beverages under an annual license issued by the County, may exercise the personal privilege of the deceased licensee under terms of the license until the expiration date of the license. If the license of the deceased licensee has not been transferred prior to the annual expiration date, the Board of County Commissioners shall consider the license of the deceased licensee as an un-issued license.

Section 2.60: Application for Temporary License.

A. Application for any temporary license issued under this chapter shall be made on the form for such provided by the county clerk, which shall contain directions to the prospective licensee to complete the application and return such to the county clerk's office. The clerk shall then notify the Carbon County Sheriff's Office of the issuance of the license. The clerk shall issue the requested license in those cases authorized by this chapter, or where reason for denial is determined by the clerk, deny the issuance of the license. In those instances where consent of the Board of County Commissioners is required, or where the clerk has refused to issue the requested license and

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the applicant has requested an appearance before the Board of County Commissioners, the clerk shall request that the application be placed upon the agenda for Board of County Commissioners' determination.

B. Upon receipt of a completed application containing approval of such form the various County Departments which have been designated as potentially affected by the issuance of the requested license, the clerk shall perform one of the following acts:

1) In the event that the applicant has not requested a street closure, and has requested one or more temporary licenses, none of which do not require action by the Board of County Commissioners pursuant to this chapter, the clerk shall issue the requested license, together with a set of instructions and restrictions on the use of the license.

2) In the event that the applicant has requested a street closure, or if the applicant has requested some other temporary license which requires approval by the Board of County Commissioners before the license is issued, or if the clerk has refused to issue a requested temporary license and the applicant has requested in writing that the application be reviewed by the Board of County Commissioners, the clerk shall take the application and request that such be placed upon the agenda of the Board of County Commissioners for further action.

Section 2.70: Denial of Temporary License. A temporary license shall be denied by the clerk and referred to the Board of County Commissioners for action if one or more of the following facts or circumstances are found to exist:

1) The application is for a location within the County that is not located in a park or other location that has been designated for the use of malt beverages;

2) The application is for use of an outside location in or near a residential area and is requesting a use later than 10:00 p.m.;

3) The circumstances given to the clerk are such as to indicate a significant problem for the residents in the area, or an adjacent area, which problems may include traffic, noise, light, odor or other significant annoyances.

4) The County has received complaints about previous licenses for substantially the same circumstances as are present in the current application.

Article III. LICENSES AND PERMITS

Section 3.10: Annual Licenses

A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following annual licenses pursuant to state law and this chapter:

1) Retail Liquor License, as defined in Wyo. Stat. 12-4-201.

2) Limited Retail Liquor (Special Club) License, as defined in Wyo. Stat. 12-4-301.

3) Retail Malt Beverage Permit, as defined in Wyo. Stat. 12-4-201.

4) Restaurant Liquor License, as defined in Wyo. Stat. 12-4-407.

5) Microbrewery Permit, as defined in Wyo. Stat. 12-4-412.3.

6) Winery Permit, as defined in Wyo. Stat. 12-4-412.

7) Special Malt Beverage Permit for Public Auditoriums, as defined in Wyo. Stat. 12-4-504.

8) Motel/Hotel Minibar License, as defined in Wyo. Stat. 12-5-201 (e).

B. The annual fee for each license shall be payable at the time of application, shall be paid in cash or certified check, and shall be in the full amount as shown for each class of license below:

1) For a Retail Liquor License, the annual fee shall be one thousand dollars (\$1,000.00).

2) For a Limited Retail Liquor (Special Club) License, the annual fee shall be seven hundred fifty dollars (\$750.00).

3) For a Retail Malt Beverage Permit, the annual fee shall be three hundred dollars (\$300.00).

4) For a Restaurant Liquor License, the annual fee shall be five hundred dollars (\$500.00).

5) For Microbrewery Permit, the annual fee shall be five hundred dollars (\$500.00).

6) For a Winery Permit, the annual fee shall be five hundred dollars (\$500.00).

7) For a Special Malt Beverage Permit for Public Auditoriums, as defined in Wyo. Stat. 12-4-504, the annual fee shall be one thousand five hundred dollars (\$1,500.00).

8) For a Motel/Hotel Minibar License, the annual fee shall be one-half ($\frac{1}{2}$) of the fee paid for the original license.

C. No refund of all or any part of any license fee shall be made at any time following the issuance of the license.

D. In addition to paying an application fee at the time of application, the applicant shall also pay a non-refundable publication fee in an amount designated by the county clerk to cover the cost of publishing public hearing notices.

Section 3.20: Temporary Licenses and Permits.

A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following temporary licenses pursuant to state law and this chapter:

1) Malt Beverage Permit, as defined in Wyo. Stat. 12-4-502 (a).

2) Catering Permit, as defined in Wyo. Stat. 12-4-502 (b).

3) Temporary Dispensing Room Permit, as defined in Wyo. Stat. 12-4-504 and 12-5-201 (f), (g), (h), and (j).

4) Extended Club Hours Permit, as defined in Wyo. Stat. 12-5-101 (b).

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5) Street Closure Permit, as defined in Section 3.30 of this resolution.

B. The annual fee for each license shall be payable at the time of application, shall be paid in cash or certified check, and shall be in the full amount as shown for each class of license below:

- 1) For a Malt Beverage Permit the fee shall be ten dollars (\$10.00) per twenty-four (24) hour period.
- 2) For a Catering Permit the fee shall be ten dollars (\$10.00) per twenty-four (24) hour period.
- 3) For a Temporary Dispensing Room Permit the fee shall be ten dollars (\$10.00).
- 4) For an Extended Club Hours Permit there shall be no fee.
- 5) For a Street Closure Permit, as defined in Section 3.30 of this resolution, the fee shall be twenty-five dollars (\$25.00).

C. No refund of all or any part of any temporary license or permit fee shall be made at any time following the issuance of the license.

D. In addition to paying an application fee at the time of application, the applicant shall also pay a non-refundable publication fee in an amount designated by the county clerk to cover the cost of publishing public hearing notices.

E. Upon application in writing to the county clerk and upon approval of the Board of County Commissioners, person holding an operating limited retail (club) or restaurant liquor license who are operating golf clubs may sell and dispense alcoholic beverages within the boundaries of the golf club premises.

Section 3.30: Street Closure Permit.

A. Any responsible person or organization, in conjunction with a public or private gathering, with or without applying for one or more of the permits authorized in this chapter, may apply to the county clerk in writing on the form provided for such a permit for the temporary closure of an area to vehicular traffic within the County. Upon receipt of a completed application, the county clerk shall issue the permit, except in the instances listed in Section 3.30 (B) of this resolution.

B. The county clerk may issue a temporary street closure permit except in those cases where one or more of the following facts are existing:

- 1) The closure will affect a business area during hours when one or more of the businesses will be open.
- 2) The closure will affect a residential area during the hours after 10:00 p.m. with accompanying increased noise from the gathering.
- 3) The closure will affect a collector street within the County, or the only convenient access for emergency vehicles to an area.
- 4) The closure will be in effect for more than six (6) hours.

Article IV. RESTRICTIONS

Section 4:10: Hours of Operation.

A. All licensees and permittees holding an annual or temporary license under this chapter shall be controlled by the schedule of hours set forth in subsection C of this section.

B. The hours of operation for all licensees and permittees shall be as follows:

- 1) On all days a licensee may open the dispensing room no earlier than six o'clock (6:00) a.m. and shall close the dispensing room and cease the sale of alcoholic and malt beverages not later than two o'clock (2:00) a.m. the following day, and the licensee shall clear the dispensing room of all persons other than employees no later than two-thirty o'clock (2:30) a.m.

C. It is unlawful for any person to operate a bottle club in the County. Used herein, "bottle club" is defined as an operation or enterprise in which no alcoholic liquor or malt beverages are sold, but where food, soft drinks and mixes are sold, and the safekeeping of alcoholic liquor and malt beverage is provided for individual club members who bring alcoholic liquor or malt beverages upon the premises for their own use and consumption. Income, profits or fees of the operator of a bottle club are typically derived from sales or furnishing of mixes, ice, food and glasses, or from dues, charges, contributions, membership cards or assessments.

D. Excessive drinking of alcoholic liquor and malt beverages or disorderly conduct in any place licensed under this chapter shall not be permitted by the licensee. In addition to any penalty provided by the code or state law, excessive drinking or disorderly conduct may be cause for the initiation of suspension and/or revocation procedures.

Section 4:20: Drive- Facilities. Upon approval of the original application by the Board of County Commissioners, or the renewal thereof, a drive-in area adjacent to or contiguous with the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic or malt beverages under the terms and conditions found in W.S. 12-5-301.

Article V. Violations.

Section 5.10: Falsification of Application.

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A. It is unlawful for any person or organization to knowingly submit false information or false facts as true, or to submit a fact or piece of information without knowing such to be true or false, on an application for any license or permit authorized by this chapter, and that each application is being submitted shall be sworn to be true to the best of the knowledge by the person submitting such application.

B. If, in the opinion of the County Attorney, a liquor license holder has acted in violation of this section, the County Attorney shall upon action of the licensing authority take action on behalf of the licensing authority pursuant to W.S. 12-7-201 seeking revocation of the license or permit. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of this section.

Section 5.20: Possession by Underage Persons. It is unlawful for any person under the age of twenty-one (21) years to possess, buy, sell, drink, consumer or otherwise solicit the sale or purchase of alcoholic liquor or malt beverages in the County. As used in this section, possession shall also include alcohol which has been consumed and is present within the body at the time of determination.

Section 5.30: Sales to Underage Persons. It is unlawful for any person to sell, give or deliver any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, provided, however, that such prohibition shall not apply to any parent or guardian providing such to his or her child in the confines of their home.

Section 5.40: Use of False Proof of Age or Identity. It is unlawful for any person under the age of twenty-one (21) years to make, use or possess any identification which falsely indicates the person's age as greater than twenty-one (21) years, whether in the person's correct name or not, or attempt to obtain any alcoholic liquor or malt beverage using any false identification.

Section 5.50: Dispensing Room Restrictions.

A. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in the dispensing room or brewing area of any premises licensed or permitted under this chapter to dispense or brew alcoholic liquor or malt beverages, except as provided for in this section.

B. No licensee, permittee or agent, employee or servant to a licensee or permittee shall permit any person under the age of twenty-one (21) years to enter or remain in a dispensing room or brewing area of a licensed premises owned, operated, leased or managed by them.

C. This subsection shall not apply to a licensee's employee under the age of twenty-one (21) years when, in the course of his employment, the employee is in the dispensing room and the dispensing room and the dispensing room or brewing area is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages.

D. This subsection does not apply to a person under the age of twenty-one (21) years if the underage person is in a dining or waiting area within the dispensing room with an adult no later than ten o'clock (10:00) p.m. Used herein, "adult" is defined as a person over the age of twenty-one who is the parent or legal guardian of the person under the age of twenty-one (21), and "dining or waiting area" means specifically delineated area which has been submitted with the licensee's application and has not been approved by the Board of County Commissioners.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 6th day of August, 1996.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF CARBON,
STATE OF WYOMING

BY: ~~-s-~~ Artlin Zeiger, Chairman

ATTEST: ~~-s-~~ W.E. Harshman, County Clerk

ADJOURNMENT

There being no further business, a motion was made by Linda Fleming, seconded by Gary Graalman, and unanimously carried to adjourn.

~~-s-~~ Artlin Zeiger, Chairman

Attest: ~~-s-~~ W.E. Harshman, County Clerk

W.E. Harshman

Artlin Zeiger