

ORDINANCE NO. 4299

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

WHEREAS, the City of Cheyenne Governing Body is the local licensing authority pursuant to Wyo. Stat. § 12-4-101, *et seq.*; and

WHEREAS, the City of Cheyenne Municipal Ordinance No. 4186 prohibits the delivery of alcoholic liquor or malt beverages by a delivery service; and

WHEREAS, pursuant to Wyo. Stat. § 15-1-101(a)(iii) and Wyo. Stat. § 15-1-115(c), the City may pass an emergency ordinance to preserve the public health, safety, or welfare; and

WHEREAS, the State of Wyoming and the City of Cheyenne are currently prohibited from gatherings of more than ten (10) people and are being encouraged to engage in social distancing as a result of the COVID-19 virus; and

WHEREAS, the COVID-19 virus is causing significant economic harm to alcoholic liquor and malt beverage licensees which constitutes an emergency situation; and

WHEREAS, the emergency situation is deemed to be continuing and thus this emergency ordinance shall remain in effect for one hundred eighty (180) days.

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

1. Ordinance No. 4186, Section 5.12.070(B)(3), shall be suspended for one hundred eighty (180) days from the execution of this Ordinance.
2. For purposes of this Ordinance, the following definitions shall apply:
 - a. *Serve*: The act of delivering alcohol to a purchaser or delivery employee or contractor on the licensed premises.
 - b. *Delivery*: The act of providing alcohol to a purchaser.
 - c. *Delivery Service*: A liquor licensee’s process in which their employee or contractor provides alcohol to a purchaser.
 - d. *Delivery Employee*: The licensee’s employee or contractor responsible for delivering alcohol to the purchaser.
3. Retail liquor licensees shall be permitted to provide delivery service for the delivery of alcohol to customers. Microbreweries and wineries shall be permitted to only provide delivery of their manufactured product. Delivery services shall be subject to the following:
 - a. No order shall be received from nor delivery made to a person under twenty-one (21) years of age. Each purchaser shall be required to provided a valid driver’s license or valid government issued identification.

b. No part of a publicly owned sidewalk, highway, street, or alley shall be used for taking orders or conducting sales. No sales shall be made to intoxicated individuals per Cheyenne Municipal Code Section 5.12.160(C).

c. Alcohol shall be delivered to customers only in the original, unopened package.

d. Deliveries shall not be made to or on public property and shall not be delivered outside the City of Cheyenne boundaries unless otherwise allowed by Wyoming Statute, resolution of the Laramie County Commissioners, or order of the Governor of Wyoming.

e. Delivery service employees have completed an alcohol server training program as approved by the Wyoming Liquor Division and pursuant to Cheyenne Municipal Code Section 5.12.090; be a least twenty-one (21) years of age; maintain a valid driver's license; maintain valid vehicle insurance coverage as required by Wyoming Statute; and be an employee or contractor of the licensee.

f. The licensee and/or the delivery service employee shall notify the Cheyenne Police Department of any criminal incident or criminal activity which is observed or occurs as soon as reasonably possible.

g. All sales must occur on the licensee's premise by in-person purchase, online order, order by app, or order by phone. Payment must be received at the time of purchase. Payment may not occur upon delivery.

h. Licensees shall keep a record of each delivery service transaction which shall be made available to the City upon request. The record shall include, at minimum, the name and address of the purchaser, date and time of order, address of delivery, name of delivery employee, and the product purchased and delivered.

i. Deliveries shall only be made to the purchaser.

j. Deliveries shall be prohibited for kegs.

4. All retail liquor licensees, microbreweries, and wineries may establish a delivery service without submitting an amended operational plan, provided that the licensee submits a written notice to the City Clerk of its intent to provide delivery services. Failure to provide notice shall prohibit the licensee from providing delivery services.

5. All retail liquor licensees, microbreweries, and wineries may establish curbside pick-up services at the licensed premise without submitting an amending operational plan.

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

7. Should any portion of this Ordinance be in conflict with any other City of Cheyenne Ordinance, this Ordinance is deemed to control and supersede.

8. This Ordinance shall remain in effect for one hundred eighty (180) days from the date of execution.

9. Pursuant to Wyo. Stat. § 15-1-115(c), this Ordinance shall go into effect immediately.

WHEREUPON, a motion was passed and this Ordinance was declared adopted by three-quarters or more of the City of Cheyenne Governing Body this 13th day of April, 2020.



Marian J. Orr, Mayor

(SEAL)

Attest:



Kristina F. Jones, City Clerk

EFFECTIVE THIS 13th DAY OF April, 2020.