

ORDINANCE #2211

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING DELIVERY OF ALCOHOLIC BEVERAGES;

WHEREAS, the City of Sheridan Governing Body is the local licensing authority pursuant to W.S. §12-4-101 *et.al.*; and

WHEREAS, the City of Sheridan Municipal Ordinance 4-5(a)(6) prohibits the delivery of alcoholic beverages by a delivery service; and

WHEREAS, pursuant to W.S. §15-1-101(a)(iii) and W.S. §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 City of Sheridan are currently prohibited from gatherings of more than ten (10) people, and people 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 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 until the next regularly scheduled Council meeting.

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

1. Ordinance 4-5(a)(6) shall be suspended until the next regularly scheduled Council meeting or for thirty (30) days, whichever occurs first.
2. For purposes of this Ordinance the following definitions shall apply:
 - a. *Serve*: The act of delivering alcohol to a purchaser or delivery employee on the licensed premise.
 - b. *Delivery*: The act of providing alcohol to a purchaser.
 - c. *Delivery Service*: A Liquor Licensee's process in which their employee provides alcohol to a purchaser.
 - d. *Delivery Employee*: The Licensee's employee responsible for delivering alcohol to the purchaser.
3. Retail Liquor Licensees, Microbreweries, and Wineries shall be permitted to provide delivery services for the delivery of malt beverage or wine to customers. 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 provide 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.
 - c. Malt beverage or wine 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 Sheridan Municipal boundaries unless otherwise allowed by Wyoming Statute, resolution of the Sheridan County Commissioners or Order of the Governor of Wyoming.

e. Delivery service employees shall have completed an alcohol server training program as approved by W.S. § 12-2-402; be at 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 of the Licensee.

f. The Licensee and/or the delivery service employee shall refuse to serve any purchaser who is obviously intoxicated. For the purposes of this section, "obviously intoxicated" shall mean an individual who is inebriated to the extent that the person appears substantially impaired and the impairment is evident by actions such as slurred speech, uncoordinated physical actions or physical dysfunction which would be obvious to a reasonable person.

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

h. 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.

i. 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. Within thirty (30) days after delivery service has terminated, the record shall be delivered to the City for the purpose of the City analyzing and reviewing the date of sale, effect on the community, benefit to license holders and other information which the records may provide.

j. Deliveries shall only be made to the purchaser.

k. Deliveries shall be prohibited for kegs.

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

6. Any violation of the aforementioned requirements, restrictions or procedures by any Licensee or Licensee's employee shall be a misdemeanor with a maximum punishment as defined by Ordinance 9-1. Any conviction of a Licensee or Licensee's employee shall be subject to Ordinance 4-13.

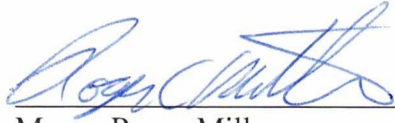
7. Should any portion of this Ordinance be in conflict with any other City of Sheridan Ordinance, this Ordinance is deemed to control and supersede.

8. This Ordinance shall remain in effect until the next regularly scheduled Council Meeting or thirty (30) days from the date of passage, whichever is earliest.

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

WHEREUPON, a motion was passed and this Ordinance and was declared adopted by three-quarters or more of the City Governing Body this 27th day of March, 2020.

CITY OF SHERIDAN, WYOMING



Mayor Roger Miller

ATTEST:



City Clerk

EFFECTIVE THIS 27th DAY OF MARCH, 2020

