

Guide to Liquor Licensing



CITY OF CODY
WYOMING

Applicant Packet

City of Cody PO Box 2200 Cody, WY 82414 307-527-7511 Fax 307-527-6532

Updated 5/12

Liquor Licensing Overview

The City of Cody is granted the authority by the State of Wyoming to license and regulate the retail sale of alcoholic and malt beverages.

The application process takes approximately 4-6 weeks to complete. Once an application has been submitted the City must advertise for four (4) consecutive weeks then hold a public hearing. The City Council meets the first and third Tuesday of each month and the public hearing will be scheduled for the first available meeting after the publication requirements have been satisfied.

The term for annual licenses issued by the City of Cody runs from August 1st through July 31st of each year. Annual fees for new licenses issued during this term will be pro-rated from the date of issuance through July 31st.

State statutes governing liquor licenses are available at <http://legisweb.state.wy.us/titles/statutes> under Title 12 Alcoholic Beverages. City Ordinances governing liquor licenses are available online at <http://www.cityofcody-wy.gov> under Title 3 Chapter 2 Alcoholic Beverages. It is the responsibility of all applicants and existing licensees to read and comply with all applicable State Statutes and City Ordinances.

Any violation of Title 12 of the Wyoming State Statutes is sufficient cause for the suspension of a liquor license and in cases of gross violation the revocation of a license.

The City of Cody may suspend any liquor license if the licensee fails to pay sales taxes and the Liquor Division has ceased the sale of alcoholic liquor to the licensee.

For questions regarding the State Statutes for liquor licensing contact:

Wyoming Liquor Division
1520 East 5th Street
Cheyenne, WY 82002-0110
307-777-6449

License Types & Fees

Annual Licenses

Retail License	<p>Allows the sale of alcoholic and malt beverages for consumption on premise, off-premise or both. The number of licenses available is based on population formula. W.S. 12-4-201</p> <p>Annual Fee: \$1,500 2nd Dispensing Room: \$1000</p>
Restaurant License	<p>Allows service bar dispensing of alcoholic and malt beverages to patrons seated in dining areas of full service restaurants for on-premise consumption. The business must operate as a full service restaurant at which waiters or waitresses deliver food and drink offered from a printed menu at tables or booths. The service of only fry orders or such food as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purpose of obtaining a liquor license. Alcohol sales cannot exceed 40% of gross sales. W.S. 12-4-407</p> <p>Annual Fee: \$1000 2nd Dispensing Room: \$666.67</p>
Resort License	<p>Allows the sale of alcoholic and malt beverages for on-premise consumption within the contiguous boundaries of a resort. Resort must have a value of \$1 million (not including land), at least a 100 seat convention facility and a minimum of 100 hotel rooms. W.S. 12-4-401</p> <p>Annual Fee: \$1,000</p>
Club License	<p>Allows clubs such as veterans, fraternal organizations, golf or social clubs to sell alcoholic and malt beverages for on-premise consumption to members and their accompanied guests. W.S. 12-4-301</p> <p>Annual Fee: \$600 2nd Dispensing Room: \$400</p>
Bar & Grill License	<p>Allows a restaurant to have a bar or lounge area in which patrons can consume alcoholic and malt beverages without being served food. Alcohol sales cannot exceed 40% of gross sales and other restrictions applicable to a restaurant liquor license apply. The number of licenses available is based on population formula. W.S. 12-4-413</p> <p>Initial Issuance :\$5000 Annual Fee:\$1,500 2nd Dispensing Room: \$1,000</p>
Microbrewery Permit	<p>Allows brewing of malt beverages for sale on and off premise. Off premise sales are not to exceed 2,000 oz per sale. On-premise sale of other malt beverages may be authorized. Marketing product to wholesalers requires State authorization. May be jointly held with other licenses. W.S. 12-4-412</p> <p>Annual Fee: \$500</p>

Winery Permit Allows fermenting of juices into wines for sale on and off premises. Off-premise sales are limited to 2,028 oz per sale. On-premise sale of other wines may be authorized. May be jointly held with other licenses. W.S. 12-4-412

Annual Fee: \$500

Satellite Winery
Permit

Allows winery permit holder to sell its manufactured wine at up to three (3) satellite locations within Wyoming. W.S. 12-4-412

Annual Fee: \$100

24-Hour Permits

Catering Permit

Allows a retail licensee to sell alcoholic liquor and malt beverages for on-premise consumption at another location. Issuance is limited to no more than 24 times per applicant per calendar year in any one location. A public hearing is not required. W.S. 12-4-502

Per Permit Fee: \$100

Malt Beverage
Permit

Allows a responsible individual or organization to sell malt beverages at a picnic, fair, rodeo, special holiday or similar public gathering. Issuance is limited to no more than twelve (12) times per calendar year per individual or organization at any one location. A public hearing is not required. W.S. 12-4-502

Per Permit Fee: \$30

Temporary
Dispensing Room
Permit

Allows licensees to sell alcoholic or malt beverages in one (1) additional dispensing room in the same building designated by the original license. Issuance is limited to no more than six (6) times per licensee in any one-year period. A public hearing is not required. W.S. 12-5-201

Per Permit Fee: \$100

License Transfers

After a public hearing and upon approval of the City of Cody an annual license or permit may be transferred to a new owner or location. A transfer fee of \$100 and an advertising fee (amount to be determined at time of application) are required for the remaining term of the license or permit. A transferred license or permit expires on the same date as the original license or permit. Restrictions on transfers may apply to certain license types; see State statutes.

License Renewals

- Liquor licenses are valid through July 31st of each year and must be renewed annually.
- Renewal applications will be mailed to license holders prior to the expiration date. To renew an annual license or permit the licensee must submit a completed renewal application and required attachments no later than May 1st of each year.
- The City of Cody verifies receipt of all applicable attachments and reviews the applications for completeness prior to forwarding them to the Liquor Division. Renewal applications are subject to the same advertising and public hearing requirements as new and transfer license applications.
- The public hearing for renewal applications must take place no later than 30 days prior to the expiration date.
- Renewal applications that are not submitted or complete in time to meet the advertising and public hearing requirements will not be renewed and the license will expire.
- The advertising fee must be paid when the renewal application is submitted and the annual license fee must be paid prior to July 31st of each year.

License Changes

You must notify the City if any of the following information pertaining to your license changes:

- Change of company or business name (requires a transfer of ownership application)
- Change of trade name
- Change in partnership members
- Change of location (requires a transfer of location application)
- Change of ownership, board members or stockholders in a corporation
- Change in dispensing room or addition of a second dispensing room (requires prior approval of the Council and an additional fee)
- Change of mailing address or phone number

Application Process (for new, transfer, and renewal applications)

- Step 1** Applicant submits the appropriate liquor license application and required attachments (business plan, lease agreement, drawing of dispensing room, food permit, background disclosure, request for outdoor serving area, etc) to the City of Cody. Any person desiring a liquor license or permit must apply to the City of Cody using a State issued application form. Applicants must provide complete and detailed information about the type of business they plan to operate.
- An advertising fee must be paid at the time the application is submitted. Fee is subject to change based on current advertising rates.
- Step 2** The City of Cody verifies receipt of all applicable attachments such as lease agreements, architects drawings or suitable plans for the dispensing room, financial statements and food service permits. Additionally, the City confirms applications are fully completed and verifies the eligibility of the applicant. A public notice is prepared and published for four (4) consecutive weeks. The public notice must also be posted conspicuously on the building or property to be licensed. Background checks on applicants may be performed.
- Step 3** Once filed, a copy of the application is forwarded to the Liquor Division for review. The Liquor Division will notify the City of any objections to the applications within ten (10) working days of receipt of the applications. If the deficiencies noted in the objection notice are not corrected prior to the hearing date the application will not be approved.
- Step 4** The City of Cody conducts a public hearing to determine if license approval is in the best interest of the public. If the license is approved the license is granted. If an application for a new or transfer license is denied no right of appeal is afforded to the applicant and the process ends. If a renewal application is denied the applicant may appeal to the District Court.

Business Plan Requirement

The City of Cody will require a business plan to be submitted for all new Bar and Grill Licenses and all new or transferring Retail Liquor Licenses. The business plan shall be submitted along with the application for the license. Business plans are written in a variety of formats, and there is no right or wrong way to prepare one. The following list includes an outline of what is typically found in a business plan. The items in **bold** are required to be addressed within your plan. All the other items listed are optional. For additional guidance and examples, please visit www.sba.gov.

1. **Executive Summary:** The executive summary provides a concise overview of the entire business plan, along with a history of your proposed or existing business. Information typically found in an executive summary includes:
 - a. The Mission Statement of your proposed or existing business. The mission statement briefly explains the thrust of your business. It could be two words, two sentences, a paragraph, or even a single image. It should be as direct and focused as possible, and it should leave the reader with a clear picture of what your business is all about.
 - b. Date the business began or date it is planned to begin.
 - c. Names of the founders and the functions they perform.
 - d. Number of employees you currently employ or plan to employ.
 - e. Location of the business and description of the facility.
 - f. Products and services rendered.
 - g. Banking relationships and information regarding current investors.

2. **Market Analysis:** A Market Analysis will illustrate your knowledge about the business you are engaging in. It should include elements of the following areas:
 - a. **Industry Description and Outlook:** describe your industry, trends and characteristics of the industry, and what the projected growth rate is.

 - b. **Identifying Your Target Market:** what market (customers) are you targeting and how many are there to serve in this market? How will you be able to gain their business and why?

 - c. **Competitive Analysis:** Who will be your competition, what are their strengths and weaknesses, what are your strengths and weaknesses, what barriers might hinder you as you are entering the market?

 - d. **Regulatory Restrictions:** Does your proposed business have any regulatory restrictions that you are still working through? If so, what are they, what must be done to meet the requirements and how long will it take?

3. **Company Description:** Include information about the nature of your business and the primary factors that you believe will make your business a success. List the niche you are trying to fill, what products or services you will sell to fill that niche and any other factors that will give your business a competitive advantage.
4. **Organization and Management:** Who will do what in your business? Identify who the personnel will be, or at least what position you will have in the management and operations of the business.
5. **Marketing Strategy:** How will you communicate to your prospective customers about your business? What marketing strategies or resources will you use to promote growth and sustainability of your business?
6. **Pro forma Financials:** Prepare a pro forma income statement, balance sheet or cash flow analysis for your first year in business.

Liquor License Application Addendum
Background Information Disclosure

Please disclose all convictions, guilty pleas and no contest pleas to any and all felonies and alcohol related offense in the past ten years. "Alcohol related offense" includes, but is not limited to the following:

- Driving While Under the Influence of Alcohol (DWUI/ DUI), and related offenses (Operating a vehicle while impaired; being in physical control of a vehicle while impaired or under the influence of alcohol, etc);
- Public Intoxication;
- Selling / Distributing / Furnishing alcohol to underage individuals;
- violations of any laws, regulations or ordinances pertaining to the sale, distribution or furnishing of alcohol.

The following individuals are required to complete this disclosure. If the applicant is a/an:

Individual: each individual on the application

Partnership: each partner

Privately held corporation: each officer, director and stockholder holding either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation

Limited liability company: each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company

Publically traded corporation: the on-site manager or managers. If the application is approved, each time a new manager is hired, that manager shall provide the criminal history information to the City within forty-five (45) days of hire

Non-profit organization: the organization shall be exempt from a criminal history background check. A non-profit organization shall provide documentation of its non-profit status to the City in lieu of providing the criminal history information.

Liquor License Applicant Name: _____

Individual Name: _____

Date: _____

<u>Date</u>	<u>Offense</u>
_____	_____
_____	_____
_____	_____
_____	_____

Signature: _____

Outdoor Serving Area Renewal/Request

Per state statute 12-5-201 (a), “Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located an in an immediately adjacent fenced or enclosed area as approved by the local licensing authority.”

If you currently have an outdoor serving area or would like to request approval of a new outdoor serving area, please complete the following:

Applicant Name: _____

_____ Please renew our outdoor serving area.

_____ I am requesting approval of a new outdoor serving area (not previously approved).

If requesting approval of a new area, or if you have made changes to the current area, please provide a detailed drawing: