

**RESOLUTION GIVING PUBLIC NOTICE OF LARAMIE COUNTY'S
INTENT TO ENACT RULES ADOPTING HOURS OF OPERATION FOR
ALCOHOL SALES PURSUANT TO W.S. §16-3-103(b)**

WHEREAS, W.S. §16-3-103(b) authorizes the Board of Laramie County Commissioners to adopt emergency rules in advance of the provision of notice and opportunity to be heard by the public pursuant to W.S. § 16-3-103(a) (2011); and

WHEREAS in 2017, the Wyoming State Legislature made multiple changes to W.S. 12-1-101 et seq. regarding the sale of alcoholic beverages, and;

WHEREAS among the changes made was the vacation of the statutory provisions in W.S. 12-5-101 setting hours of operation for the sale of alcoholic beverages, and

WHEREAS prior to the changes, W.S. 12-5-101 mandated as follows:

(a) All licensees may, with the approval of the local licensing authority, open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 a.m.

(b) Clubs holding liquor licenses may be exempt from the hours of operation specified in subsection (a) of this section by local ordinance or regulation of the appropriate licensing authority.

(c) The hours of operation designated in subsection (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 a.m.

WHEREAS, Wyoming Legislature eliminated all of the above language and replaced it with one sentence. Therefore, as of July 1, 2017, W.S. 12-5-101 mandated as follows:

(d) Local licensing authorities may set hours of operation for alcohol sales provided that the hours of operation are uniformly applied to establishments similarly situated.

WHEREAS in the absence of immediate action by the Laramie County commissioners, as of July 1, 2017, the Laramie County Board of Commissioners on June 20, 2017, adopted emergency rules establishing hours of operation for alcohol sales in unincorporated Laramie County, and adopted identical emergency rules on September 5, 2017.

THE BOARD OF LARAMIE COUNTY COMMISSIONERS HEREBY FINDS: That the absence of regulated hours of operation for the sales of alcoholic beverages in Laramie County would have a negative impact on the health and general welfare of the citizens of Laramie County and action to prevent such an outcome is therefore of immediate and significant concern.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that notice is hereby given to the public that Laramie County proposes to adopt Laramie County Alcohol Sales Hours of Operation Regulations as set forth below and that all interested persons may submit written comments to the Laramie County Clerk, 309 W 20th St, PO Box 608, Cheyenne, WY 82003, no later than 12:00 p.m. on Dec. 4, 2017; that there shall be a public hearing on this proposed rule on Dec. 5, 2017, at 3:30 p.m. in the Laramie County Commissioners meeting room on the third floor of the Old County Courthouse, 310 W 19th St, Cheyenne, WY; and that this notice shall be published once in a newspaper of general circulation as soon as practicably possible.

Proposed Rule:

Pursuant to W.S. 12-5-101, effective beginning at midnight, 12:00 a.m., on December 6, 2017, the following is adopted and will be effective as the Laramie County Alcohol Sales Hours of Operation Regulation:

Licensees, as defined by W.S. 12-1-101(a)(vii), in unincorporated Laramie County may begin alcoholic or malt beverage sales in the licensed building at 6:00 a.m. and shall close and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the licensed building of all persons other than employees by 2:30 a.m.

PRESENTED, READ AND ADOPTED this _____ day of _____ 2017.


BOARD OF LARAMIE COUNTY COMMISSIONERS

Troy Thompson, Chairman

ATTEST:

Debra Lee, Laramie County Clerk

REVIEWED AND APPROVED AS TO FORM:



Mark T. Voss, Laramie County Attorney