





**PART 3**  
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**CHAPTER 3**

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## CHAPTER 1

### ALCOHOLIC BEVERAGES

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#### SECTION 3-101      DEFINITIONS.

A. Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statutes.

B. As used herein:

1. "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission of the state;

2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with acts of Congress and regulations promulgated thereunder;

3. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include nonintoxicating beverages as that term is defined in Sec. 3-201 of this chapter;

4. "Beer" means any beverage containing more than three and two-tenths (3.2) percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. Beer includes, among other things, beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine. Beer may or may not contain hops or other vegetable products;

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5. "Bottle club" means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members or club premises; it includes any association, person, firm or corporation, key club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home;

6. "Caterer license" authorizes the licensee, whose business is to provide food, supplies, and services at a social gathering, to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food;

7. "Licensee" means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises;

8. "Mixed beverage establishment" (Class I and II) means any establishment in a county which has authorized the retail sale of alcoholic beverages by the individual drink to be one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage caterer or special event license; it includes any association, person, firm or corporation key club, bottle club, locker club, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home. A Class I mixed beverage establishment sells alcoholic beverages for consumption on the premises but the sales do not exceed twenty-five percent (25%) of the gross sales of the establishment at that location. A Class II mixed beverage establishment sells alcoholic beverages for consumption on the premises and sales exceed twenty-five percent (25%) of the gross sales of the establishment at that location;

9. "Mixed beverage license" authorizes the licensee to purchase alcoholic beverages in retail containers from the holder of a wholesaler or Class B wholesaler licensee and to sell, offer for sale and possess mixed beverages for on-premises consumption only;

10. "Mixed beverages" means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, or special event license;

11. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, and includes all sales made by any person, whether as principal, proprietor, agent, servant or employee. The term "sale" shall also include the use or consumption of any alcoholic beverage obtained within or imported from without this state upon which the excise tax levied by the laws of the state has not been paid or exempted;

12. "Special event license" authorizes the licensee to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for a period not to exceed ten (10) consecutive days;

13. "Wine" means and includes any beverage containing more than one-half of one percent (0.5%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume

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at sixty degrees (60°) Fahrenheit, obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine. (Prior Code, Sec. 2-2, 2-3, 2-8, as amended)

State Law Reference: Alcoholic Beverage Control Act, 37 O.S. Secs. 501 et seq.; city powers generally as to alcoholic beverages, 37 O.S. Sec. 503.

### SECTION 3-102      AMOUNT OF TAX

A. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of Section 554.1 of Title 37 of the Oklahoma Statutes in the amount as set by the city council by motion or resolution.

B. The occupation tax for a brewer and a class "B" wholesaler shall be reduced by seventy-five percent (75%) if the brewer or class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any nonintoxicating malt beverages as provided in Section 518 of Title 37 of the Oklahoma Statutes.

C. The occupation tax levied herein shall be paid in advance to the city clerk who shall issue a receipt therefor.

D. Upon payment of the occupation tax, the city clerk shall issue a receipt, signed by the city clerk, to the state licensee paying such occupational tax. The city clerk shall also record the name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city for at least five (5) years. Thereafter, upon resolution by the council, it may be destroyed.

E. Any state licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.

F. The occupation tax shall cover only the person paying the tax and no other of a successor thereof, and shall not be refundable.

G. The city clerk shall make and transmit to the ABLE commission an annual report showing the number and class of licenses subject to the tax and the amount of money received therefrom.

H. All sums due from any person by reason of occupation taxes imposed by this chapter and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at the suit of the city, brought against such person in any court of competent jurisdiction. In any suit, in addition to the tax and penalties, the plaintiff shall recover interest, at the rate of ten percent (10%) per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fees, all to be determined by the court. Prosecution for an offense against the city, arising out of the failure to pay a tax levied by this chapter, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as herein provided. (Prior Code Secs. 2-1, 2-3, 2-7)

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State Law Reference: Cities may levy occupation tax not to exceed state fee, 37 O.S. Sec. 554.1; state license fee amounts, 37 O.S. Sec. 518.

Ed. Note: See Fee Schedule for occupational license fees.

### SECTION 3-103 APPLICATION FOR LICENSE, CONDITIONS.

A. Every person desiring to obtain a license as provided for herein shall make application to the city clerk on forms to be provided setting forth the location of the business, the names of all persons interested in the business, together with their addresses; if a corporation, the application shall include the names of the president and managing officer.

B. The city administrator shall conduct an investigation as to whether the applicant meets the conditions of this chapter.

C. No licensee shall be issued a license without satisfactory showing that the applicant has:

1. Satisfied the conditions of this chapter;
2. Obtained all applicable state and county permits or licenses; and
3. Paid the tax as required herein.

D. No license shall be issued or valid unless the licensee meets the requirements of the city's zoning ordinances and regulations.

E. A Class I or II licensee for mixed beverage establishment must comply with the percentage of gross sales as required in this chapter. (Prior Code, Sec. 2-4, 2-5)

### SECTION 3-104 APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE.

A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city required by Title 37 of the Oklahoma Statutes shall apply at the office of the city clerk by:

1. Filing a written application on forms prescribed by that office; and
2. Paying a standard fee in the amount as set by the council for the type of license at the time of filing.

B. Upon receipt of an application for a certificate of compliance, the city administrator shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building or other safety codes applicable to it.

C. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE commission.

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D. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety and health codes, a certificate of compliance shall be issued to the ABLE commission.

E. The above certificates of compliance shall be signed by the city administrator. (Prior Code, Sec. 2-6, 2-46)

### SECTION 3-105 COMPLIANCE WITH STATE AND CITY LAW.

No person shall own, operate or maintain a retail package store or mixed beverage establishment, or produce, manufacture, distribute, rectify, bottle or sell any beer, spirits, wine or other alcoholic beverage, without first obtaining valid licenses issued by the state and the city. (Prior Code, Sec. 2-10)

### SECTION 3-106 SALE TO MINOR PROHIBITED, MINORS PROHIBITED FROM PREMISES.

A. No person shall sell, deliver, furnish or give any alcoholic beverage to any person under the age of twenty-one (21) years, except that this sentence shall not apply to a parent or guardian as regards his child or children.

B. No licensee shall permit any person under twenty-one (21) years of age to enter, remain within or be about the premises of a retail package store or Class II mixed beverage establishment.

C. No person under twenty-one (21) years of age shall enter, remain within or be about the premises of a retail package store or Class II mixed beverage establishment. (Prior Code, Secs. 2-20, 2-21)

### SECTION 3-107 TRANSPORTATION OF INTOXICATING BEVERAGES IN VEHICLES; EXCEPTION.

A. No person shall knowingly transport alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.

B. Subsection A of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion. (Prior Code, Sec. 2-37)

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-108 GENERAL PROHIBITIONS.

A. No person shall:

1. Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;

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2. Except as otherwise permitted in this chapter, drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place; or

3. Open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store; or

4. Possess more than one quart of any alcoholic beverage unless the state tax has been paid thereon, except as may be otherwise provided by law.

### B. No licensee shall:

1. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition; or

2. Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:

a. Deliver more than two (2) drinks to one person at one time;

b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;

c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

d. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;

e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or

f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

### C. No licensee shall:

1. Allow any person on the premises where nonintoxicating or alcoholic beverages are sold or dispensed for consumption on the premises of the licensee where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic area, buttocks or genitalia;

2. Permit any person to perform acts of, or acts which simulate sexual acts;

3. Permit any person to use artificial devices or inanimate objects to depict any lewd activities; or

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4. Permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

D. No licensee shall permit any drink solicitation, or request from a patron to purchase any nonintoxicating or intoxicating alcoholic beverage for consumption on the premises of the licensee, as that term is defined in this chapter. (Prior Code, Sec. 2-22, 2-25 in part)

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-109 CONSUMPTION OF INTOXICATING ALCOHOLIC BEVERAGE IN PUBLIC PLACES.

No person within the city shall drink intoxicating liquor in any public place, unless authorized by the Alcoholic Control Beverage Act, nor shall any person be intoxicated in a public place within the city.

### SECTION 3-110 MISREPRESENTATION OF AGE.

No person shall misrepresent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcoholic beverages.

Cross Reference: Misrepresentation of age by false documents generally, Sec. 10-508; nonintoxicating beverages, see Sec. 3-212 of this code.

### SECTION 3-111 EMPLOYMENT OF PERSONS UNDER AGE OF TWENTY-ONE (21) PROHIBITED.

No licensee shall employ, assist or aid in causing the employment of any person under the age of twenty-one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages. However, a mixed beverage, caterer, or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas. (Prior Code, Sec. 2-17)

### SECTION 3-112 PERSONS UNDER AGE TWENTY-ONE (21) IN POSSESSION OF INTOXICATING BEVERAGES IN PUBLIC PROHIBITED.

No person under age twenty-one (21) years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.

### SECTION 3-113 LOCATION OF RETAIL PACKAGE STORE AND MIXED BEVERAGE ESTABLISHMENTS, EXCEPTIONS.

A. No person shall own, operate, maintain or have any interest in any retail package store which is located at a place in this city which is forbidden as a location for such store by state laws or city ordinances.

B. The location of retail package store or Class I or Class II mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred (300) feet of any licensed premises

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after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually travelled by pedestrians between such points. A retail package store or Class I or Class II mixed beverage establishment shall not be located on any city block where a church or school is located.

C. In addition to other conditions of this section, no Class II mixed beverage establishment shall:

1. Front onto any street other than an expressway or major thoroughfare, or any collector street located within a commercially zoned area;
2. Have vehicular access onto any residential street;
3. Locate in any area other than permitted under the city's zoning ordinances; or
4. Be located in a structure which is closer than one hundred fifty (150) feet from the property line of any other property zoned and used for residential purposes. (Prior Code, Sec. 2-5, in part)

State Law Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2.

### SECTION 3-114 HOURS OF OPERATION.

A. No package store licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour than between the hours of 10:00 A.M. and 9:00 P.M., Monday through Saturday.

B. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink beverage licensee or bottle club between the hours of 2:00 A.M. and 10:00 A.M. No licensee shall permit any person, who has in his possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. No person, having in his possession an open container, having as its contents an intoxicating alcoholic beverage, shall remain in mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing nonintoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

### SECTION 3-115 PACKAGE STORE PREMISES TO BE SEPARATED FROM PREMISES WHERE OTHER BUSINESS CONDUCTED.

No person shall maintain, operate, or assist in any manner in the maintenance or operation of a package store upon premises which are not separated from adjoining premises, on which any other goods, wares or merchandise are sold or services are rendered, by nontransparent walls, broken only, if at all, by a passage to which the public is not admitted. No person shall take any alcoholic beverage through such passageway for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage. (Prior Code, Sec. 2-11)

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**State Law Reference: Similar provisions, 37 O.S. Sec. 534.**

**SECTION 3-116      SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS.**

**A.      No licensee shall engage in retail sale of alcoholic beverages on such days and times as prohibited by the state law.**

**B.      No wholesale dealer in alcoholic beverages shall sell or deliver to any package store and no package store shall sell any amount of spirits or wines on Saturday or Sunday of any week or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day, or at any time while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or city. (Prior Code, Secs. 2-15, 2-16)**

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STATEMENT

FOR THE YEAR ENDED 31st DECEMBER 1964

Particulars	1964	1963
Stock at 1st January	100	100
Production	200	200
Consumption	(150)	(150)
Stock at 31st December	150	150
Production	200	200
Consumption	(150)	(150)
Stock at 31st December	150	150

PROFITABLE

Completion of

the following will be a summary of the main features of the production of the above-mentioned products during the year ended 31st December 1964.

The production of the above-mentioned products during the year ended 31st December 1964 was as follows:

The production of the above-mentioned products during the year ended 31st December 1964 was as follows: (Detailed description of production process and volume)

Production of

The production of the above-mentioned products during the year ended 31st December 1964 was as follows: (Summary of production volume)

PROFITABLE

The production of the above-mentioned products during the year ended 31st December 1964 was as follows: (Final summary of production)

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### CHAPTER 2

#### NONINTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	State licenses.
Section 3-203	Retail dealer's license required; license fees.
Section 3-204	Application for license.
Section 3-205	Minors on premises prohibited, exceptions.
Section 3-206	Sale of nonintoxicating alcoholic beverages to minor prohibited.
Section 3-207	Employment of persons under minimum age; exceptions.
Section 3-208	Sale of nonintoxicating beverages prohibited during certain hours; exceptions.
Section 3-209	Transportation of nonintoxicating beverages in moving vehicle.
Section 3-210	Minors in possession of nonintoxicating alcoholic beverages prohibited while in public.
Section 3-211	Consumption of nonintoxicating alcoholic beverages in public places; penalty; exception.
Section 3-212	Misrepresentation of age by false or altered documentation.
Section 3-213	Inspections.
Section 3-214	Location of retail dealers.
Section 3-215	Class I retail dealer regulations.

#### SECTION 3-201      DEFINITIONS.

As used herein:

1. "Nonintoxicating beverage" means all beverages containing more than one-half of one (0.5) percent alcohol by volume, and not more than three and two-tenths (3.2) percent alcohol by weight;
2. "Minor" means a person who, in accordance with state law, has not yet attained the age at which the consumption of nonintoxicating alcoholic beverages is permitted; and
3. "Retail dealer" (Class I and Class II) means and includes any and all persons who sell, distribute or dispense any nonintoxicating alcoholic beverages at retail to the public for consumption or use, whether consumed on the premises or not. A dealer who is engaged in wholesaling nonintoxicating alcoholic beverages for resale shall not be exempt from the provisions of this chapter if he also sells, distributes or dispenses such beverages direct to the public for consumption or use. A Class I retail dealer sells, distributes or dispenses nonintoxicating alcoholic beverages for consumption on the premises. A Class II retail dealer sells, distributes or dispenses nonintoxicating alcoholic beverages at retail for consumption off the premises.

(Prior Code, Sec. 2-3, 2-27)

State Law Reference:    Manufacture and sale of nonintoxicating beverages, 37 O.S. Secs. 163.1, et seq.

#### SECTION 3-202      STATE LICENSES.

No person shall engage in the business of selling, offering for sale or distributing any nonintoxicating beverages, at retail, for consumption or use, without first having obtained a state

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license to do so, and in cases where such beverages are consumed on the premises, a license as provided by the statutes of the state. (Prior Code, Sec. 2-28)

### SECTION 3-203      RETAIL DEALER'S LICENSE REQUIRED; LICENSE FEES.

A. No person shall sell, distribute or dispense any nonintoxicating beverage at retail to the public without first having obtained a license to do so from the city, and making payment in advance to the city clerk in the amount as provided herein.

B. The annual fee for a license under this chapter shall be Twenty Dollars (\$20.00) for retail dealers selling nonintoxicating beverages for consumption on or off the premises, and Ten Dollars (\$10.00) for retail dealers selling nonintoxicating beverages in original packages and not for consumption on the premises.

C. No license issued hereunder is transferable.

D. Licenses required by this chapter shall be issued by the city clerk upon payment of the required fee and compliance by the applicant with all applicable ordinances of the city, and upon a satisfactory showing that the applicant has obtained such state and county permits as are required by law. (Prior Code, Sec. 2-28)

State Law Reference: State licenses cities not to levy greater than state fee, 37 O.S. Sec. 163.7

### SECTION 3-204      APPLICATION FOR LICENSE.

An applicant for a retail dealer's license or renewal of such license shall deposit the required fee with the city clerk and submit an application on the form provided containing the information required by the city.

### SECTION 3-205      MINORS ON PREMISES PROHIBITED. EXCEPTIONS.

A. It is unlawful for any person who holds a license to sell and dispense nonintoxicating beverages for consumption on the premises, or any agent, servant, or employee of the license holder, to permit any minor to be admitted to or remain in a separate or enclosed bar area of the licensed premises which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises, unless the minor's parent or legal guardian is present. The provisions of this section shall not prohibit minors from being admitted to an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of the beverages are incidental to the main purpose, as long as minors are not sold or served the beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.

B. If the premises of a holder of a license to sell nonintoxicating beverages contains a separate or enclosed bar area which has as its main purpose the sale or serving of nonintoxicating beverages for consumption on the premises, no minor shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit minors from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of the beverages are incidental to the main purpose, if the minors are not sold or served or do not consume nonintoxicating beverages anywhere on the premises; however, the incidental service of food in the bar area shall not exempt

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minors from the provisions of this subsection.

C. A showing by competent testimony that a minor was found upon premises of a retail dealer shall be prima facie evidence of a violation of Subsection B of this section. (Prior Code, Sec. 2-32, 2-33)

State Law Reference: Similar provisions, 37 O.S. Secs. 241, 243, 246.

### SECTION 3-206      SALE OF NONINTOXICATING ALCOHOLIC BEVERAGES TO MINOR PROHIBITED.

It is unlawful for any person, including those who hold a license, to sell and dispense nonintoxicating beverages, or any agent, servant or employee of the license holder, to sell, barter or give to any minor any nonintoxicating beverage. This section shall not apply to a parent as regard his own child or children. (Prior Code, Sec. 2-32)

State Law Reference: Similar provisions, 37 O.S. Sec. 241.

### SECTION 3-207      EMPLOYMENT OF PERSONS UNDER MINIMUM AGE EXCEPTIONS.

A. It is unlawful for any person under the minimum age established by state law to be employed or permitted to work, in any capacity whatsoever, in a place where nonintoxicating beverages are sold or dispensed for consumption on the premises.

B. It is unlawful for any person under the minimum age established by state law to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of nonintoxicating beverages. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of the beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell nonintoxicating beverages for consumption on the premises from the provisions of this subsection.

C. A parent as regards the employment of his own child or children is excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

D. The provisions of Subsection A of this section shall not apply to any business or establishment where sales of the beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment. (Prior Code, Sec. 2-32, as amended; Ord.No. 261, 11/23/87,in part)

State Law Reference: 37 O.S. Secs. 241, 243, 246.

### SECTION 3-208      SALE OF NONINTOXICATING BEVERAGES PROHIBITED DURING CERTAIN HOURS: EXCEPTION.

A. No retail dealer licensed to sell nonintoxicating beverages shall sell such beverages for consumption on the premises between the hours of 2:00 A.M. Sunday morning and 7:00 A.M. Monday morning or between the hours of 2:00 A.M. and 7:00 A.M. on any other day.

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B. No retail dealer of any business selling nonintoxicating beverages, as that term is defined in this chapter, for consumption on the premises, nor any operator, agent, or employee of the retail dealer, shall permit any person, who has in his possession an open container having as its contents a nonintoxicating beverage, to remain in the premises between the hours of 2:15 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays after 7:00 A.M. No person, having in his possession an open container having as its contents a nonintoxicating beverage, shall remain in the premises between the hours of 2:15 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays after the hour of 2:15 A.M. For the purpose of this section, an open container shall mean any receptacle containing nonintoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened. (Prior Code, Sec. 2-30)

State Law Reference: City powers to regulate hours, Sunday hours, 37 O.S. Sec. 213.

### SECTION 3-209      TRANSPORTATION OF NONINTOXICATING BEVERAGES IN MOVING VEHICLE.

No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the city any nonintoxicating beverage except in the original container which shall have not been opened and from which the original cap or seal shall have not been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. (Prior Code, Sec. 2-37)

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-210      MINORS IN POSSESSION OF NONINTOXICATING ALCOHOLIC BEVERAGES PROHIBITED WHILE IN PUBLIC.

No minor shall be in possession of any nonintoxicating beverages or beer while such person is upon any public street, building or place.

### SECTION 3-211      CONSUMPTION OF NONINTOXICATING ALCOHOLIC BEVERAGES IN PUBLIC PLACES; PENALTY; EXCEPTION.

A. No minor shall consume or possess with intent to consume nonintoxicating beverages in any public place.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code, or by appropriate community service not to exceed twenty (20) hours.

C. The provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian; but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense beer as provided for in Section 163.11 and Title 37 of the Oklahoma Statutes.

State Law Reference: Similar provisions, 37 O.S. Sec. 246.

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### SECTION 3-212 MISREPRESENTATION OF AGE BY FALSE OR ALTERED DOCUMENTATION.

No person shall represent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him nonintoxicating beverages.

Cross Reference: Misrepresenting age by false documents generally, Sec. 10-508 of this code; intoxicating beverages, Sec. 3-109 of this code.

### SECTION 3-213 INSPECTIONS.

City officers may make inspections of all places of business where nonintoxicating beverages are sold, distributed, or dispensed at retail, for the purpose of enforcing the laws and for ascertaining whether the operators thereof are complying with the requirements of the law relating to the handling of nonintoxicating beverages. (Prior Code, Sec. 2-34)

### SECTION 3-214 LOCATION OF RETAIL DEALERS.

A. No person shall own, operate, maintain or have any interest in any retail dealer which is located at a place in this city which is forbidden as a location for such store by state laws or city ordinances.

B. The location of a Class I retail dealer is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually travelled by pedestrians between such points. A Class I retail dealer shall not be located on any city block where a church or school is located. (Prior Code, Sec. 2-5, in part)

State Law Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2.

### SECTION 3-215 CLASS I RETAIL DEALER REGULATIONS.

No Class I retail dealer licensee may:

1. Sell or otherwise furnish nonintoxicating alcoholic beverages to intoxicated persons or permit an intoxicated person to remain or be about the premises;
2. Permit on the premises gambling, betting, operating of a lottery;
3. Permit the selling, furnishing or drinking of intoxicating liquor on the premises;
4. Permit disorderly conduct, loud or disturbing language on the premises;

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5. Permit any person to remain on the licensed premises who exposes to public view any portion of his or her pubic hair, anus, vulva, genitals, or female breasts below a point immediately above the top of the areola;

6. Solicit, induce or request a patron or customer to purchase any alcoholic or nonalcoholic beverage for himself or herself or for any other person or employe not a patron; permit any agent, manager, employee, entertainer, barkeeper, host, hostess, waiter, waitress, or any other person receiving any remuneration for services for the establishment to do the same; or knowingly serve a drink procured in violation of this paragraph;

7. Add or permit any person to add any alcohol or any liquors contains alcohol to any nonintoxicating alcoholic beverage which raises the alcohol content above three and two-tenths percent (3.2%);

8. Permit beverages having an alcoholic content greater than three and two-tenths percent (3.2%) to be sold, offered for sale, kept for sale or given away upon its premises, or in any room or other enclosures adjacent or connected thereto for consumption of the premises.

(Prior Code, Sec. 2-31; Ord. No. 261, 11/23/87)

CHAPTER 3

RESTRICTIONS ON GATHERINGS - MINORS CONSUMING ALCOHOLIC BEVERAGES

Section 3-301            Permitting or allowing gatherings where minors are consuming alcoholic beverages.

SECTION 3-301        PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES.

A.    *Definitions.* For purposes of Section 3-301, the following definitions shall apply:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

*Gathering* is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

*Intoxicating Beverage* includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

*Legal Guardian* means

- (1) a person who, by court order, is the guardian of the person of a minor; or
- (2) a public or private agency with whom a minor has been placed by the court.

*Low Point Beer* means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

*Minor* means any person under twenty-one years of age.

*Parent* means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

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**Premises** means any residence or other private property, place, or premises, including any commercial or business premises.

**Response costs** are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to:

- (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);
- (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
- (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
- (4) any other allowable costs related to the enforcement of this Section.

**(B) Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public.** Except as permitted by state law, it is unlawful for any minor to: (1) consume at any public place or any place open to the public any alcoholic beverage; or (2) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

**(C) Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.**

- (a) (1) It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
- (2) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person

taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection(a)(l) of this Section.

(b) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

(c) Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

(d) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

(e) This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

(f) **Penalty.** Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished for violation by fine of Five Hundred Dollars (\$500.00) plus all court costs and statutory penalties.

(g) **Reservation of Legal Options.** Violations of this Section may be prosecuted by the City criminally, civilly, and/or administratively. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section.

(h) **Local Authority.** This Section shall not apply where prohibited or preempted by state or federal law.

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