

**PART 3
ALCOHOLIC BEVERAGES**

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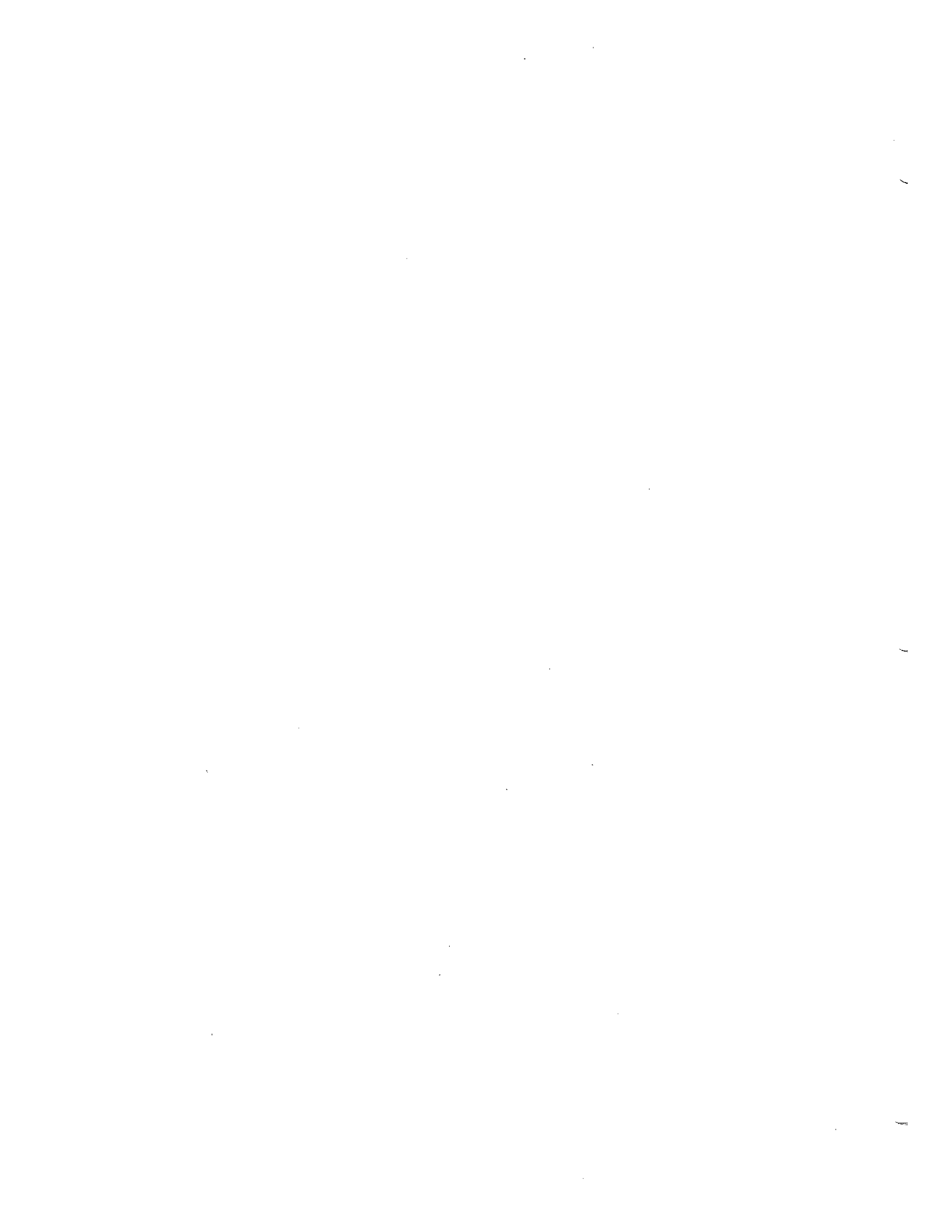
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CHAPTER I

ALCOHOLIC BEVERAGES AND TAX

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SECTION 3-101 DEFINITIONS AND INTERPRETATIONS.

Word, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, Section 501 to 566 of Title 37 of the Oklahoma Statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or constructions.

SECTION 3-102 OCCUPATION TAX LEVIED; LICENSE TO BE ISSUED.

A. An annual occupation tax is hereby levied on persons engaging in the following businesses or occupations within the town in the amounts respectively indicated:

- | | | | |
|----|----------------------|-------------|-----|
| 1. | Brewer | \$1,250.00; | |
| 2. | Distiller | \$3,125.00; | |
| 3. | Winemaker | \$625.00; | |
| 4. | Oklahoma winemaker | \$75.00; | |
| 5. | Rectifier | \$2,500.00; | |
| 6. | Wholesaler | \$2,000.00; | |
| 7. | Class B wholesaler | \$625.00; | and |
| 8. | Retail package store | \$200.00. | |

B. The license fee for brewers and for class B wholesalers shall be reduced by seventy-five percent (75%) if the applicant therefore is also the holder of a license to manufacture or wholesale, as the case may be, any intoxicating beverages as provided by Title 37 of the Oklahoma Statutes.

C. All licenses issued pursuant to this chapter shall expire on June 30 of the year for which issued. The cost of a license of any type or class applied for during the fiscal year shall be a prorata part of the cost of the yearly license, provided that the cost of the license shall be computed on a monthly basis. Any license issued after the fifteenth day of any month shall be charged for on the basis of the first day of the next month.

D. A person desiring to engage in any of the above businesses or occupations within the town shall make application for a license therefore to the town clerk, and pay to the town clerk the above required occupation tax. If the applicant carries on his occupation in more than one location within the town limits, he shall be subject to tax for each location. If the applicant holds a valid state license to engage in the business or occupation within the town issued by the Director of the Oklahoma Alcoholic Beverage Control Board, if the application is in accordance with this chapter, and if the applicant has paid the required town occupation tax, then the town clerk shall issue the license applied for. The license shall be posted in a conspicuous place in the premises wherein the licensee carries on the occupation.

State Law Reference: State license and fees, town not to levy greater fee, 37 O.S. Section 518.

SECTION 3-103 PAYMENT OF TAX AND SECURING OF LICENSE REQUIRED.

It is unlawful for any person to engage in any of the businesses or occupations upon which this chapter levies an occupation tax without having paid the town occupation tax levied by this chapter and without having a valid license from the town clerk provided herein.

SECTION 3-104 TOWN CLERK TO MAKE ANNUAL REPORT.

The town clerk shall make an annual report as of the close of business on June 30 each year to the Oklahoma Alcoholic Beverage Control Board showing the number and class of licenses issued and the amount of money received therefrom.

SECTION 3-105 RETAIL PACKAGE STORES; LOCATION.

A. No retail package store or any other business licensed by this chapter shall be located or operated at any place except at locations permitted by the town's zoning or planning laws.

B. The location of a retail package store is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or a public school. However, if any such church or school shall be established within three hundred (300) feet of any licensed retail premises after such premises have been licensed this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property entrance door of the premises of such package store along the street right-of-way line providing the nearest direct route usually travelled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school. A license shall not be issued for a location on any block where a school or church is located.

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

SECTION 3-106 PREMISES TO BE SEPARATED FOR SALE OF ALCOHOLIC BEVERAGES AND OTHER GOODS.

The premises of a retail package store shall be separated from the premises on which any other goods, wares, or merchandise are sold or services are rendered, by nontransparent walls which may be broken by a passageway to which the public is not admitted for the purpose of selling, reselling, or delivering in connection with the sale of the alcoholic beverages. No person shall take any alcoholic beverage through any passageway described in this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverages.

SECTION 3-107 DAYS AND HOURS OF OPERATION.

It is unlawful for any person holding a license for a retail package store or any employee or agent thereof to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10:00 A.M. and 10:00 P.M. Monday through Saturday; or on the day of any general, primary, runoff primary, or special election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day.

SECTION 3-108 SALE ONLY IN ORIGINAL PACKAGE.

Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises. Alcoholic beverages may be sold only at ordinary room temperatures.

SECTION 3-109 REGULATIONS APPLICABLE TO ALCOHOLIC BEVERAGES.

It is unlawful for any person:

1. Knowingly to sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;
2. Who is under the age of twenty-one (21), to misrepresent his age in writing or by presenting documentation of age for the purpose of inducing any person to sell him alcoholic beverages;
3. To employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages;
4. Who is a licensee or an agent or employee thereof to permit any person under twenty-one (21) years of age to enter into, remain within, or loiter about a licensed premises;
5. Knowingly to sell, deliver, or furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;
6. To open a retail container or consume alcoholic beverages on the premises or a retail package store; or for any operator of a retail package store or any person in charge thereof, to permit any person to open a retail container therein or consume alcoholic beverages therein;

7. To transport in any vehicle upon any street, alley, or other public way within the town any alcoholic beverage except in the original container, which shall not have been opened and the seal of which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle;

8. To drink intoxicating liquor in public or to be intoxicated in a public place; and

9. Who is the operator of a cafe, restaurant, club, or any place of recreation, to permit any person to be drunk or intoxicated in such place of business.

SECTION 3-110 PACKAGE STORE SIGN.

No person owning, operating or maintaining a retail alcoholic beverage package store shall cause or permit it to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store," or any combinations of such words or any of them, and which shall contain no letter or figure more than four (4) inches in height or more than three (3) inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

State Law Reference: Similar provisions, 37 O.S. Section 516.

SECTION 3-111 ADVERTISING.

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by this chapter, the sale of alcoholic beverages within the limits of this town.

SECTION 3-112 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

NONINTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	License fee levied.
Section 3-203	License required.
Section 3-204	Compliance with law; expiration of license.
Section 3-205	Revocation of license.
Section 3-206	Minors not to be employed.
Section 3-207	Intoxicated persons; gambling; disorderly conduct.
Section 3-208	Sale and purchase to or by minors.
Section 3-209	Minors; possession of alcoholic beverages or beer prohibited.
Section 3-210	Drinking in public.
Section 3-211	Hours of sale.
Section 3-212	Penalty.

SECTION 3-201 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" means a person who has not yet attained the age at which a person is permitted to consume nonintoxicating beverages under state law;
2. "Nonintoxicating beverages" means all beverages containing more than one-half of one percent ($\frac{1}{2}$ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight; and
3. "Retail dealer" means any person, firm, corporation, association, or concessionaire who sells, distributes, or dispenses at retail, any nonintoxicating beverage within the corporate limits of the town, without regard as to any place where such beverages may be consumed or used.

State Law Reference: See 37 O.S. Sections 163.1 et seq. for regulations on nonintoxicating beverages.

SECTION 3-202 LICENSE FEE LEVIED.

A. There is hereby levied upon each retail dealer in nonintoxicating beverages for consumption on or off the premises an annual occupation tax of Twenty Dollars (\$20.00), and an annual license fee of Ten Dollars (\$10.00) for sale of nonintoxicating beverages which are in original packages and are not for consumption on the premises.

B. All such municipal license fees taxes shall be paid to the town clerk at the time of issuance of license and in the manner prescribed herein.

C. All license fees levied under the provisions of this chapter shall expire on June 30 of each year. The amount of any license fee levied shall be computed pro rata from the months remaining in the year ending June 30. Such fees paid on or before the 15th day of any month shall be on the basis of the first day of the month and such fees paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

State Law References: State license requirements, cities not to levy more than state license 37 O.S. Section 163.7.

SECTION 3-203 LICENSE REQUIRED.

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute, or dispense any nonintoxicating beverages without having first received a municipal license as herein required.

SECTION 3-204 COMPLIANCE WITH LAW; EXPIRATION OF LICENSE.

No municipal license shall be issued to any retail dealer by the town clerk without a satisfactory showing that the applicant has obtained all state and county permits required by law, and has in all other respects complied with the state and local alcoholic beverage control requirements. No license shall be transferrable.

SECTION 3-205 REVOCAION OF LICENSE.

The town board of trustees shall have power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder.

SECTION 3-206 MINORS NOT TO BE EMPLOYED.

It is unlawful for any owner, manager, or operator of a place where nonintoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food, to employ a minor to work in such place.

SECTION 3-207 INTOXICATED PERSONS; GAMBLING; DISORDERLY CONDUCT.

A. It is unlawful for the owner, manager, or operator of a place where nonintoxicating beverages are sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or loiter therein.

B. It is unlawful for the owner, manager, or operator of such a place to permit therein gambling, betting, operation of a lottery; sale, furnishing, or drinking of intoxicating liquor; disorderly conduct; loud or disturbing language, noise, or music; profane language; or any other violation of the laws of the state or of the ordinances of the town, or for any person to engage in any such activity or conduct in such a place.

C. It is unlawful for the owner, manager, or operator of such a place to permit therein fighting, boxing, wrestling, or other contests of physical strength; or for any person to fight, box, wrestle, or engage in other contests of physical strength in such a place.

SECTION 3-208 SALE AND PURCHASE TO OR BY MINORS.

It is unlawful for any person, firm or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any nonintoxicating beverage; or for any minor to purchase, receive or procure any nonintoxicating beverage.

SECTION 3-209

MINORS; POSSESSION OF ALCOHOLIC BEVERAGES OR BEER PROHIBITED.

It is unlawful and an offense for any minor to be in possession of any nonintoxicating beverages while such person is on any public street, road or highway, or in any public building or place.

SECTION 3-210

DRINKING IN PUBLIC.

It is unlawful for any person, whether a minor or of age, to drink any nonintoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the town. This section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

SECTION 3-211

HOURS OF SALE.

It is unlawful for any person, firm, or corporation to sell nonintoxicating beverages for consumption on the premises to sell the same between the hours of 2:00 A.M. Sunday and 12:00 noon on Sunday; and on other days of the week between the hours of 2:00 A.M. and 7:00 A.M. (Amended 1985)

State Law Reference: Similar provisions, 37 O.S. Section 213.

SECTION 3-212

PENALTY.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in Section 1-108 of this code.

Alcoholic Beverages

CHAPTER 3

NUDITY OR PARTIAL NUDITY

Section 3-301	Nudity prohibited.
Section 3-302	Penalty.

SECTION 3-301 NUDITY PROHIBITED.

No person, owner, operator, partner, manager or person having supervisory control of any establishment that permits any person on the premises who is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals, shall permit nonintoxicating beverages as defined in Section 163.2 of Title 37, Oklahoma Statutes, or intoxicating beverages as defined in Title 37, Oklahoma Statutes, on or about the premises.

(Ord. No. 57, 7/6/93)

SECTION 3-302. PENALTY.

Any person convicted of violating the provisions of this chapter shall be guilty of an offense punishable by a fine of \$100, plus court costs.

(Ord. No. 57, 7/6/93)

PART 3

ALCOHOLIC BEVERAGES

CHAPTER FOUR SOCIAL HOST RESPONSIBILITY: ALCOHOL

SECTION 3-401. PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES.

A. **Definitions.** For purposes of this Ordinance , 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.

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 Town 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)(1) 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 Town 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 Town criminally, civilly, and/or administratively. The Town 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 Town'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.”

