

## CHAPTER 2

### ALCOHOLIC BEVERAGES

#### Article 1. Alcoholic Beverages

##### Sec. 2-1. Definitions and Interpretations.

Words, phrases, and terms used in this article shall have the meanings prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act of 1959 (37 O.S. 1971, Sec. 501-566) with the same force and effect as if said definitions were set forth in full in this article, unless the context clearly indicates a different meaning or constructions.

##### Sec. 2-2. Occupation Tax Levied; License to be Issued.

(1) An annual occupation tax is hereby levied on persons engaging in the following businesses or occupations within the town in the amount respectively indicated:

(a)	Brewer.....	\$1,000.00
(b)	Distiller.....	\$2,500.00
©	Winemaker.....	\$500.00
(d)	Oklahoma Winemaker.....	\$50.00
(e)	Rectifier.....	\$2,500.00
(f)	Wholesaler.....	\$2,000.00
(g)	Class B Wholesaler.....	\$1,000.00
(h)	Retail Package Store.....	\$125.00

(2) The above license fee for brewers and for Class B wholesalers shall be reduced by seventy-five per cent (75%) if the applicant therefor is also the holder of a license to manufacture or wholesale, as the case may be, any intoxicating beverages as provided by Title 37, Oklahoma Statutes, 1971.

(3) All licenses issued pursuant to this article shall expire on December 31 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 said yearly license. Provided that the cost of said license shall be computed on a monthly basis. Licenses issued on or before the fifteenth (15th) day of any month shall be charged for on the basis of the first day of the next month.

(4) A person desiring to engage in any of the above businesses or occupations within

the Town shall make application for a license therefor to the Town clerk, and pay to the Town clerk the above required occupation tax. If the applicant holds a vital 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 article, and if the applicant has paid the required Town occupation tax, then the Town clerk shall issue the license applied for.

Sec. 2-3. 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 article levied an occupation tax without having paid the Town occupation tax levied by this article and without having a valid license from the Town clerk provided herein.

Sec. 2-4. Town Clerk to Make Annual Report.

The Town clerk shall make an annual report as of the close of business on December 31 each year to the Oklahoma Alcoholic Beverage Control Board showing the number and class of licenses issued and the amount of money received therefrom.

Sec. 2-5. Retail Package Store: Location.

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; provided that, 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 traveled 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 shall be considered as if it were located on the same side of the street with such church or school. Provided that a license shall not be issued for a location on any block where a school or church is located.

Sec. 2-6. Same: Premises to be Separated.

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 said alcoholic beverages.

Sec. 2-7. Same: 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 9:00 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, Veterans Day, Thanksgiving Day, or Christmas Day.

Sec. 2-8.                    Same: Sale Only in Original Package, etc.

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 room temperature.

Sec. 2-9.                    Miscellaneous Regulations.

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 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 of 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 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.

(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.

Sec. 2-10. Penalty

Any person who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not to exceed one hundred dollars (\$100.00) including costs. Each day upon which a violation continues shall be deemed a separate offense.

**Article 2. Nonintoxicating Beverages**

Sec. 2-11. Definitions.

(1) "Nonintoxicating beverages", as used in this article, means all beverages containing more than one-half of one percent ( $1/2\%$  of  $1\%$ ) alcohol by volume, and not more than three and two tenths per cent ( $3.2\%$ ) alcohol by weight.

(2) "Retail Dealer", as used in this article, 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 regards as to any place where such beverages may be consumed or used.

Sec. 2-12. License Fee Levied.

(1) There is hereby levied upon each retail dealer in nonintoxicating beverages for consumption on and off the premises an annual municipal license fee of \_\_\_\_\_ dollars (\$\_\_\_\_) and an annual license fee of \_\_\_\_\_ dollars (\$\_\_\_\_) for sale of nonintoxicating beverages for consumption off the premises.

(2) All such municipal license fees shall be paid to the Town clerk at the time of issuance of license.

Sec. 2-13. 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.

Sec. 2-14. 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. All such licenses shall expire on December 31. No license shall be transferrable.

Sec. 2-15.                    Revocation of License.

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

Sec. 2-16.                    Hours of Sale.

It is unlawful for any person, firm or corporation to sell nonintoxicating beverages for consumption off the premises between the hours of 12:00 midnight and 7:00 a.m. on the day; or to sell nonintoxicating beverages for consumption on the premises at any time when such sale is prohibited by state law.

Sec. 2-17.                    Persons under 21 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 person under twenty-one (21) years of age to work in such place; or for any person under twenty-one (21) years of age to work in such place.

Sec. 2-18.                    Dancing Prohibited.

It is unlawful for any retail dealer operating a place of business where nonintoxicating beverages are sold for consumption on the premises, or any person in charge of such place, to permit dancing therein; and it is unlawful for any person to dance in such a place.

Sec. 2-19.                    Intoxicated Persons; Gambling; Disorderly Conduct; etc.

(1) 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 beverage to an intoxicated person or to permit an intoxicated person to remain or loiter therein.

(2) 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 place.

(3) 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 place.

Sec. 2-20.                    Minors: Loitering.

It is unlawful for any person, firm or corporation operating or maintaining a place of business where nonintoxicating beverage is sold for consumption on the premises, or any person in charge thereof to allow any minor to loiter; and it is unlawful for any minor to loiter or loaf, or to be or remain in or around such place of business.

Sec. 2-21.                    Minors: Sale and Purchase.

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 intoxicating beverage.

Sec. 2-22.                    Minors: Possession of Alcoholic Beverages or Beer Prohibited.

It shall be unlawful and an offense for any male person under the age of twenty-one (21) years and any female person under the age of eighteen (18) years to be in possession of any alcoholic beverage which contains more than one-half of one percent ( $\frac{1}{2}$  of 1%) of alcohol measured by volume, which includes 3.2% beer, while such person is on any public street, road or highway, or in any public building or place.

Sec. 2-23.                    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; provided this 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.

Sec. 2-24.                    Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined not to exceed one hundred dollars (\$100.00) including costs. Each violation shall constitute a separate offense.