

**PART 3**  
**ALCOHOLIC BEVERAGES**

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## CHAPTER 1

## ALCOHOLIC BEVERAGES AND TAX

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SECTION 3-101      DEFINITIONS AND INTERPRETATIONS.

Words, 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 of 1959, 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. (Prior Code, Sec. 2-1)

State Law Reference: See Title 37 of the Oklahoma Statutes for alcoholic beverage laws.

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	\$3,125.00;
6.	Wholesaler	\$2,500.00;
7.	Class B wholesaler	\$625.00;      and
8.	Retail package store	\$25.00.

B. The license fee for brewers and for class B wholesalers shall be reduced by seventy-five per cent (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. License issued on or before the 15th 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 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. (Prior Code, Sec. 2-2; Ord. No. 89-4, 6/28/89)

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

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. (Prior Code, Sec. 2-4)

SECTION 3-105      RETAIL PACKAGE STORES; 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. 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 shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for a location on any block where a school or church is located. (Prior Code, Sec. 2-5)

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. (Prior Code, Sec. 2-6)

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. (Prior Code, Sec. 2-7)

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. (Prior Code, Sec. 2-8)

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 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 opened and the seal of which shall not have been broken, and from which the

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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.

(Prior Code, Sec. 2-9)

### SECTION 3-110      TRANSPORTING IN OPENED CONTAINERS.

It is unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley within the town any alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and 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.

### SECTION 3-111      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. (Prior Code, Sec. 2-10)

## CHAPTER 2

## NONINTOXICATING BEVERAGES

## SECTION:

- 3-201: Definitions
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- 3-213: Dancing Prohibited (Rep. by Ord. 2017-14, 8-8-2017)
- 3-214: Transporting Of Nonintoxicating Beverages Except In Original  
Unopened Container Prohibited; Exception
- 3-215: Penalty

3-201: **DEFINITIONS<sup>1</sup>:** For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

**MINOR:** A person who has not attained the age at which State law allows a person to consume nonintoxicating beverages.

**NONINTOXICATING BEVERAGES:** 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 percent (3.2%) alcohol by weight.

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1. 37 OS § 163.1.

3-201

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**RETAIL DEALER:** 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. (Prior Code § 2-11)

**3-202: LICENSE FEE LEVIED<sup>1</sup>:**

- 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 for consumption off the premises.
- B. All such Municipal license fee taxes shall be paid to the Town Clerk at the time of issuance of license and in the manner prescribed herein. (Prior Code § 2-12)

**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. (Prior Code § 2-13)

**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. All such licenses shall expire on April 30. No license shall be transferrable. (Prior Code § 2-14)

**3-205: REVOCATION OF LICENSE:** The Town Board shall have power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder. (Prior Code § 2-13)

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1. 37 OS § 163.7.

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. (Prior Code § 2-17)

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. (Prior Code § 2-19)

3-208:       **LOITERING BY MINORS:** 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 a place of business. (Prior Code § 2-20)

3-209:       **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. (Prior Code § 2-21)



3-210: **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. (Prior Code § 2-22)

3-211: **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. (Prior Code § 2-23)

3-212: **HOURS OF SALE<sup>1</sup>:** It is unlawful for any person, firm, or corporation to sell nonintoxicating beverages between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) A.M. on any day, or to sell nonintoxicating beverages for consumption on the premises at any time when such sale is prohibited by State law. (Prior Code § 2-16)

3-213: **DANCING PROHIBITED:** (Rep. by Ord. 2017-14, 8-8-2017)

3-214: **TRANSPORTING OF NONINTOXICATING BEVERAGES EXCEPT IN ORIGINAL UNOPENED CONTAINER PROHIBITED; EXCEPTION:** It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any nonintoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have 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 § 2-24)

3-215: **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. (Prior Code § 2-24)

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1. 37 OS § 213.