

PART II - CODE OF ORDINANCES  
Chapter 4 ALCOHOLIC BEVERAGES

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## Chapter 4 ALCOHOLIC BEVERAGES

### ***ARTICLE I. IN GENERAL<sup>1</sup>***

#### **Sec. 4-1 Definitions.**

All terms and definitions set forth in 37A O.S. § 1-103 of the Oklahoma Alcoholic Beverage Control Act are incorporated by reference as if set fully forth in its entirety herein. For the purpose of this chapter, each word, term, and phrase shall have the same meaning as provided in 37A O.S. § 1-103 and shall be construed in conformity as the word, term, and/or phrase is used in the Oklahoma Alcoholic Beverage Control Act as amended.

(Ord. No. 148-092718, § 1, 9-27-2018)

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<sup>1</sup>Editor's note(s)—Ord. No. 148-092718, § 1, adopted September 27, 2018, repealed the former art. I, §§ 4-1—4-7 and 4-33—4-58, and enacted a new art. I as set out herein. The former art. I pertained to similar subject matter and derived from the prior Code; the Code of 1984; and Ord. No. 28-061603. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 4-1—4-6.

**Sec. 4-2. Occupational tax levy.**

- (a) There is hereby levied and assessed an annual occupational tax on every business or occupation relating to alcoholic beverages pursuant to the provisions of 37A O.S. § 4-104 in the amount set forth in the master fee schedule. Notwithstanding any other provision of this chapter, the occupational tax for those service organizations which are exempt under section 501(c)(19), (8), or (10) of the Internal Revenue Code shall be \$500.00 as provided in 37A O.S. § 2-101(C)(1).
- (b) The occupational tax shall be paid in advance annually, on or before June 30, to the city clerk, who shall issue a receipt therefor. The tax shall be prorated on a monthly basis for the year in which an occupation begins operations.
- (c) Upon payment of the occupational 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 years.
- (d) Any state licensee shall post its tax receipt in a conspicuous place on the premises wherein the occupation is conducted.
- (e) The occupational tax shall cover only the person paying the tax and no other of a successor thereof, and shall not be refundable.
- (f) 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.
- (g) All sums due from any person by reason of occupational 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 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.

(Ord. No. 148-092718, § 1, 9-27-2018)

State law reference(s)—Cities may levy occupation tax not to exceed state fee, 37A O.S. § 4-104; state license fee amounts, 37A O.S. § 2-101.

**Sec. 4-3. Fee schedules for licenses and permits and occupational taxes.**

- (a) The fee schedule, hereinafter set forth, shall be levied and collected by the clerk, or the clerk's representatives, for the applicable license, fees, permits, or occupation tax levies, prior to the issuance of any such license permit or conducting of the business of serving alcoholic beverages.
- (b) Occupational taxes relating to the sale of alcoholic beverages are set forth as follows:

1	Brewer - yearly	\$750.00
2	Brewer, Oklahoma - yearly	\$50.00
3	Brewpub - yearly	\$1,000.00
4	Brewpub, if licensee also holds a mixed beverage or wine and beer permit - yearly	\$500.00

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5	Certificate of compliance application	\$25.00
6	Distiller - yearly	\$3,125.00
7	Mixed beverages - first year	\$500.00
8	Mixed beverages - renewal	\$400.00
9	Mixed beverages/caterer combo - initial	\$750.00
10	Mixed beverages/caterer combo - renewal	\$750.00
11	On premises beer or wine - initial	\$125.00
12	On premises beer or wine - renewal	\$100.00
13	Rectifier - yearly	\$2,500.00
14	Retail beer	\$100.00
15	Retail spirits store	\$500.00
16	Retail wine	\$500.00
17	Special event	\$50.00
18	Winemaker - yearly	\$500.00
19	Winemaker, Oklahoma - yearly	\$50.00
20	Wholesaler/wine and spirits	\$2,000.00
21	Wholesaler/class B beer distributor	\$50.00

(Ord. No. 148-092718, § 1, 9-27-2018)

**Sec. 4-4. Application for license, conditions.**

- (a) Every person required to pay an occupational tax shall make application to the city clerk on forms to be provided setting forth the location of the business, the names of all persons with any ownership interest in the business, together with their addresses; and other pertinent information; if a corporation, the application shall include the names of the president and managing officer.
- (b) 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, including permits required from the state tax commission; and
  - (3) Paid the tax or taxes as required herein.
- (c) No license shall be issued or valid unless the applicant licensee meets the requirements of the city's zoning ordinances and regulations.

(Ord. No. 148-092718, § 1, 9-27-2018)

**Sec. 4-5. Certificates of compliance, conditions.**

- (a) Every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act shall apply for a certificate of compliance with the zoning, fire, health, and safety codes of the city as required by title 37A O.S., by making an application for such certificate at the office of the city clerk by:
  - (1) Filing a written application on forms prescribed by that office; and
  - (2) Paying a verification and certification fee at the time of filing in the amount as set in the fee schedule.

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- (3) Upon receipt of an application for a certificate of compliance, the city clerk 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.
  - (b) The application for certificate shall be reviewed and approved by the following city departments:
    - (1) The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the code enforcer or his/her designee.
    - (2) The applicant's proposed site and structure must comply with all building codes as required by this Code, verified by the code enforcer or his/her designee.
    - (3) The applicant's proposed site, structure, and location must comply with all fire code requirements required by this Code, verified by the fire chief for the city or his/her designee.
    - (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by this Code, verified by the code enforcer or his/her designee.
  - (c) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning, fire, safety, and health codes/ordinances, a certificate of zoning compliance shall be issued to the ABLE commission.
  - (d) Such applications shall be acted upon within 20 days of receipt thereof, and if approved, the certificate of compliance shall be signed by the mayor or duly designated representative.
- (Ord. No. 148-092718, § 1, 9-27-2018)

**Sec. 4-6. General prohibitions.**

- (a) No person shall own or operate a brewpub, retail spirits store, package store, mixed beverage establishment, bottle club, or produce, manufacture, distribute, rectify, distill, bottle, or sell (either retail or wholesale) any beer, spirits, wine, mixed beverages, or other alcoholic beverage, without having previously paid the applicable occupational tax and/or license fee provided for in this chapter and first obtaining all required license(s) issued by the ABLE commission and the city.
- (b) No person shall act as a brewer, distiller, winemaker, retailer, wholesaler, rectifier, retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, wine and spirits wholesaler, or beer distributor, or otherwise sell, serve, mix, dispense, or allow consumption of beer, wine, spirits, mixed beverages, or other alcoholic beverages without having previously paid the applicable occupational tax and/or license fee provided for in this chapter and first obtaining all required license(s) issued by the ABLE commission and the city.
- (c) No brewery or brewpub to which the brewery or brewpub occupational tax is applicable, nor any agent, servant, or employee of such establishment, shall sell, dispense, serve, or allow to be consumed any beer on the premises between the hours of 2:00 a.m. and 8:00 a.m.
- (d) No establishment to which the mixed beverage or on premises beer and wine occupational tax is applicable, nor any agent, servant or employee of such establishment, shall sell, dispense, serve or allow to be consumed any mixed beverages, beer, or wine on the premises between the hours of 2:00 a.m. and 8:00 a.m.
- (e) Retail spirits stores will be permitted to remain open and operational from 8:00 a.m. through midnight.
- (f) A retail wine or retail beer establishment may offer wine or beer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

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- (g) No person shall employ any person under 18 years of age in the selling of beer or wine or employ any person under 21 years of age in the selling of spirits, provided that: (i) a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least 18 years of age, except persons under 21 years of age may not serve in designated bar or lounge areas, and (ii) a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under 18 years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.
- (h) No wholesale dealer in alcoholic beverages shall sell or deliver to any retail spirits store any alcoholic beverages on Sundays, New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day.
- (i) No person shall erect or maintain any sign designating a retail spirits store unless they comply with the city sign code, codified in chapter 22 of this Code.
- (j) Except as otherwise provided by state law, no person shall sell, deliver, furnish, or give any alcoholic beverage to any person under the age of 21 years.
- (k) No licensee shall permit any person under 21 years of age to enter, remain within, or be about the premises of a retail package store or mixed beverage establishment, except as otherwise may be provided by state law.
- (l) No person under 21 years of age shall enter, remain within or be about the premises of a retail package store or mixed beverage establishment, except as otherwise may be provided by state law.
- (m) 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. This subsection (m) 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.
- (n) No person shall purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE commission.
- (o) Except as otherwise permitted in this chapter, no person shall 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.
- (p) No person shall open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store.
- (q) No licensee shall give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition.
- (r) No licensee shall 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 or permit any person to perform acts of, or acts which simulate sexual acts, or permit any person to use artificial devices or inanimate objects to depict any lewd activities, or permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this paragraph.

- (s) No person within the city shall drink intoxicating beverage 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.
- (t) 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.

(Ord. No. 148-092718, § 1, 9-27-2018)

**Secs. 4-7—4-30. Reserved.**

***ARTICLE II. SOCIAL HOST PROHIBITION<sup>2</sup>***

**Sec. 4-31. Definitions.**

For purposes of this chapter, the following definitions shall apply:

*Gathering.* 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.

*Legal guardian.* A person who, by court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by the court.

*Minor.* Any person less than 21 years of age.

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

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

*Response costs.* 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.

(Ord. No. 148-092718, § 1, 9-27-2018)

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<sup>2</sup>Editor's note(s)—Ord. No. 148-092718, § 1, adopted November 27, 2018, repealed the former art. II, §§ 4-90—4-99, and enacted a new art. II as set out herein. The former art. II pertained to nonintoxicating beverages and derived from the prior Code and the Code of 1984. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 4-31—4-34.

**Sec. 4-32. Consumption of alcohol, wine, or beer by minor in public place, place open to public, or place not open to public prohibited.**

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, wine, or beer; or
- (2) Consume at any place not open to the public any alcoholic beverage, wine, or beer, unless in connection with the consumption of the alcoholic beverage, wine or beer, that minor is being supervised by his or her parent or legal guardian.

(Ord. No. 148-092718, § 1, 9-27-2018)

**Sec. 4-33. Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages, wine, or beer prohibited.**

- (a) 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, wine, or beer by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages, wine, or beer 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 beverage, wine, or beer while at the gathering; and supervising the activities of minors at the gathering.
- (b) 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, wine, or beer, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage, wine, or beer, or reasonably should have known that a minor consumed an alcoholic beverage, wine, or beer had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage, wine, or beer by a minor as set forth in subsection (a) of this section.
- (c) This section shall not apply to conduct involving the use of alcoholic beverages, wine, or beer that occurs exclusively between a minor and the minor's parent or legal guardian.
- (d) Nothing in this section shall be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol, wine, or beer 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, wine, or beer will be held responsible in the same manner as a non-family gathering.
- (e) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol, wine, or beer. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol, wine, or beer will be held responsible in the same manner as a nonreligious gathering.

(Ord. No. 148-092718, § 1, 9-27-2018)

**Sec. 4-34. Penalty.**

Any person who shall violate the provisions of this division shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished with fine of not more than \$500.00, plus all court costs and statutory penalties. Violations of this division may be prosecuted by the city criminally, civilly, or through both

processes. 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 division, 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 division.

(Ord. No. 148-092718, § 1, 9-27-2018)

**Secs. 4-35—4-60. Reserved.**

### ***ARTICLE III. RESERVED<sup>3</sup>***

**Secs. 4-61—4-160. Reserved.**

### ***ARTICLE IV. SPECIAL EVENTS***

**Sec. 4-161. Tabouli Festival and Western Heritage Days.**

The Tabouli Festival and Western Heritage Days are special events. The organizers of these events may sell beer and wine, so long as the sales are in compliance with state statutes and the rules of the ABLE commission, and as approved by the chief of police.

(Ord. No. 147-051018, § 1, 5-10-2018; Ord. No. 170-081522, §§ I, II, 8-15-2022)

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<sup>3</sup>Editor's note(s)—Ord. No. 148-092718, § 1, adopted September 27, 2018, repealed art. III, which pertained to private clubs and derived from the prior Code and the Code of 1984.