ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. All words, terms and phrases used in this chapter and not defined to the contrary herein shall be interpreted and construed in accordance with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Act, codified as 37 O.S. §§ 506 and 521, with the same force and effect as if set forth in full herein and such definitions are hereby made a part hereof by reference.

ABLE commission means the Alcoholic Beverage Laws Enforcement Commission.

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

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 low-point beer as that term is defined herein.

Beer means any beverage containing more than 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 may or may not contain hops of other vegetable products. The term "beer" includes, among other things, beer, ale, stout, lager beer, porter, and other malt or other brewed liquors, but does not include sake, known as Japanese rice wine.

Brewer means any person who produces beer in this state.

Caterer means any person authorized to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food and who is required to have a caterer's license from the state alcoholic beverage laws enforcement commission.

Class B wholesaler means any person doing any such acts or carrying on any such business that would require such person to obtain a Class B wholesaler license from the ABLE commission.

Distiller means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort, or wash, has also in his possession or use a still.

Low-point beer means and includes beverages containing more than 0.05 percent alcohol by volume, and not more than 3.2 percent 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.

Manufacturer means brewer, distiller, winemaker, rectifier, or bottler of any alcoholic beverage and includes any person who prepares for human consumption by the use of raw materials or other ingredients any low-point beer, as defined herein, upon which a license fee and a tax are imposed by any law of this state.

Mixed beverage cooler means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than 0.05 percent of alcohol measured by volume but not more than seven percent.
alcohol by volume at 60 degrees Fahrenheit and which is packaged in a container not larger than 375 milliliters. Such term shall include, but not be limited to, the beverage popularly known as a "wine cooler."

**Mixed beverage establishment** means any place operated by a person authorized to sell alcoholic beverages in retail containers who is the holder of a wholesaler or Class B wholesaler license to sell, offer for sale and possess mixed beverages for on-premises consumption only and who is required to have a mixed beverage license from the state alcoholic beverage laws enforcement commission.

**Mixed beverages** means one or more servings of a beverage composed in whole or part of an intoxicating 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, beer and wine or special event license.

**Officer** means any officer, director, stockholder, owner, manager, or any person who has a financial interest in a state licensee or who directs any policy of a state licensee.

**Oklahoma winemaker** means a business premises in the state licensed pursuant to the Oklahoma Alcoholic Beverage Control Act wherein wine is produced by the licensee who must be a resident of the state. The wine product fermented in said licensed premises shall be of grapes, berries and other fruits and vegetables imported into this state and processed herein or shall be of grapes, berries and other fruits and vegetables grown in the state.

**Owner** means any officer, owner, manager or other person who shall receive any percentage of profits directly from the operation of a tavern or directs any policy of a tavern.

**Rectifier** means any person who rectifies, purifies, or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash, or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying, or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine, or other liquor with any material, manufactures any spurious, imitation, or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials, or any other name.

**Retail container for spirits and wines** means the original package for spirits and wines of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.

**Retail dealer** means any person who sells, distributes or dispenses any low-point beer at retail to the public for consumption or use, whether consumed on the premises or not.

**Retail package store** means a retail store engaged in the sale of intoxicating alcoholic beverages and licensed by the ABLE commission.

**Retailer** means the holder of a package store license.

**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.

**Special event licensee** means any person authorized to sell and distribute mixed beverages for consumption on the premises for which a state license from the ABLE commission has or will be issued for a period not to exceed ten consecutive days.

**Spirits** means any beverage other than wine, beer or light beer, which contains more than one-half of one percent alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution, and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.

**State 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.

**Tavern** means any establishment or business or any area within said establishment or business which has as its main purpose the selling or serving of low-point beer for consumption on the premises.
Wholesaler means any person doing any such acts or carrying on any such business or businesses that would require such person to obtain a wholesaler's license or licenses from the ABLE commission.

Wine means and includes any beverage containing more than 0.05 percent alcohol by volume and not more than 24 percent alcohol by volume at 60 degrees 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.

Winemaker means any person who produces wine.

Sec. 3-2. - Unlawful manufacture, sale, possession, etc., generally.

(a) It shall be unlawful for any person to manufacture, rectify, barter, sell, give away, or otherwise furnish another any intoxicating alcoholic beverage or any low-point beer except as permitted by law.

(b) It shall be unlawful for any person to store, or have in his possession or under his control any intoxicating alcoholic beverage or any low-point beer except as permitted by law.

(c) It shall be unlawful for any person to transport or in any manner convey from place to place any intoxicating alcoholic beverage or low-point beer except as permitted by law.

(d) It shall be unlawful for any person to keep or maintain, aid or abet in keeping or maintaining a place where intoxicating alcoholic beverages or low-point beer are manufactured, sold, bartered, or given away or otherwise furnished in violation of the ordinances of the city or the statutes of the state.

(e) Nothing herein shall prevent the possession and transportation of intoxicating alcoholic beverages for the personal use of the possessor, his family or guests, so long as the state excise tax has been paid thereon, except for beer; nor prevent the making of cider or of wine not to exceed 200 gallons in any one year pursuant to a license first obtained from the Alcoholic Beverage Law Enforcement Commission, if made solely for the use of the maker, his family or guests.

(f) Nothing contained in this section shall be interpreted nor enforced in violation of the provisions of 37 O.S. § 537.

Sec. 3-3. - Maintaining a place where sold contrary to law.

It is unlawful for any person or any agent or employee thereof, to keep, maintain, or aid or abet in keeping or maintaining, a place where alcoholic beverages or low-point beer are manufactured, sold, bartered, given away, or otherwise furnished in violation of law or the ordinances of the city.

Sec. 3-4. - Location of package stores, wholesalers, and mixed beverage establishment.

(a) No retail package store, beer and wine or mixed beverage establishment, wholesale alcoholic beverage store, warehouse, or brewery, distillery; winery or any other place however described, used or maintained for the manufacture, production bottling or sale of alcoholic beverages of any kind shall be located, maintained or operated by any person at any place within the city except at a location at which such an establishment is permitted by the land development code of this city.

(b) No person shall own, operate, maintain or be interested in any retail package store or beer and wine or mixed beverage establishment which is located at a place within the city, which is forbidden as a location for such store by state law.

(Code 1966, § 2-3; Code 1982, § 3-4; Ord. No. 1570, § 1, 7-21-1975; Ord. No. 2196, § 3, 6-10-1985; Ord. No. 2489, §§ 1, 2, 9-19-1994)

State Law reference— Location restrictions, 37 O.S. § 528.2.

Sec. 3-5. - Hours of operation.

(a) No retail package store, or the premises upon which it is located, shall be open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 10:00 a.m. and 9:00 p.m., Monday through Saturday. No sales shall be made nor shall retail package store premises remain open for the purpose of making sales or receiving deliveries of alcoholic beverages on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.

(b) Nothing contained herein shall be enforced nor interpreted in violation of the provisions of 37 O.S. § 537.

(Code 1966, § 2-7; Code 1982, § 3-5; Ord. No. 1570, § 2, 7-21-1975; Ord. No. 2196, § 4, 6-10-1985)

State Law reference— Similar provisions, 37 O.S. § 537 C.3.

Sec. 3-6. - Underage persons not permitted in package stores.

(a) No retail package store owner, operator or employee shall permit any person under 21 years of age to enter into, remain within or loiter upon or about the premises of any retail package store.

(b) No person under 21 years of age shall enter, remain within or loiter upon or about the premises of any retail package store.

(Code 1966, § 2-8(c), (f); Code 1982, § 3-6; Ord. No. 1570, § 2, 7-21-1975; Ord. No. 1730, § 1, 12-19-1977; Ord. No. 1743, § 1, 4-3-1978; Ord. No. 2196, § 5, 6-10-1985)


Sec. 3-7. - Minors not to be employed in selling or handling; exceptions.

No state licensee shall employ any person under 21 years of age in the selling or handling of alcoholic beverages, provided that a beer and wine or mixed beverage establishment, caterer or special event licensee may employ servers who are 18 years of age or older, except in designated bar or lounge
areas. A mixed beverage, beer and wine, caterer, special event or bottle club licensee may employ or hire musical bands who have musicians who are under 21 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 ABLE commission officer 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.


State Law reference— Similar provisions, 37 O.S. § 537 B.2.

Sec. 3-8. - Possession by underage persons in public places.

No person under 21 years of age shall be in possession of any alcoholic beverage or low-point beer while such person is upon any public street, road, thoroughfare, highway, or in any public building or public place within the city.

(Code 1966, § 2-8(g); Code 1982, § 3-8; Ord. No. 1570, § 2, 7-21-1975; Ord. No. 1730, § 1, 12-19-1977; Ord. No. 1776, § 1, 7-17-1978; Ord. No. 1743, § 1, 4-3-1978; Ord. No. 2196, § 6, 6-10-1985)

State Law reference— Similar provisions, 21 O.S. § 1215.

Sec. 3-9. - Underage persons not to misrepresent age in order to buy or gain entry to licensed establishments.

No person under 21 years of age shall misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him alcoholic beverages or to enter or attempt to enter a package store or a separate or enclosed bar area as designated by the state alcoholic beverage laws enforcement commission.


State Law reference— Misrepresentation of age, 21 O.S. § 1518, 37 O.S. § 538 E.

Sec. 3-10—3-11. - Reserved.

Sec. 3-12. - Containers not to be opened or beverages consumed in package store.

(a) No state package store licensee shall suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on his licensed premises.

(b) No person shall drink nor consume in any manner alcoholic beverages on the premises of a retail package store; nor shall any person open or break the seal of an original package or retail container containing alcoholic beverages on such premises.
Sec. 3-13. - Loitering where alcoholic beverages are sold, etc.

It is unlawful for any person to loiter in any place where alcoholic beverages are bartered, sold, given away, or otherwise furnished.

Sec. 3-14. - Public intoxication.

It shall be unlawful for any person to be intoxicated in any public street, alley or other public place.

Sec. 3-15. - Drinking alcoholic beverages in public.

It shall be unlawful for any person to drink alcoholic beverages while in or upon any street, alley or other public place in the city, except that such beverages may be consumed or possessed by persons 21 years of age or older within the boundaries of an area designated as a Business Improvement District (BID) in accordance with section 3-92(c).

Sec. 3-16. - Transportation.

(a) It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley 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 open container be 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 said vehicle while it is in motion.

(b) It shall be unlawful for any person to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any low-point beer or intoxicating 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 open container is 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 person in the vehicle while it is in motion.

State Law reference— Similar provisions, 37 O.S. § 537 C.2.

State Law reference— Prohibiting certain persons to loiter, 37 O.S. § 537 C.7, E.5.

State Law reference— Intoxication in public places, 37 O.S. § 8, 43A O.S. § 3-428.

Sec. 3-17. - Violations.

Except as otherwise provided, a violation of any of the provisions of this chapter by any person, including, but not limited to a person who has supervisory control over the premises of any public place shall be a Class A offense.

Secs. 3-18—3-25. - Reserved.