

**PART 16  
ALCOHOLIC BEVERAGES**

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**CHAPTER 1 – REGULATION OF SALE**

**Section 16-101 PURPOSE.**

This subchapter is enacted to preserve the public peace, safety, health, and good order thereof and to aid the enforcement of the policy of the state as established by the Oklahoma Alcoholic Beverage Control Act.

*Statutory reference: Alcoholic Beverage Control Act, see 37 O.S. §§ 501 et seq.*

**Section 16-102 DEFINITIONS.**

(A) For the purpose of this Part, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LOW-POINT BEER.** All beverages containing more than one-half of one percent alcohol by volume and not more than three and two-tenths percent alcohol by weight. Wherever the terms *INTOXICATING BEVERAGE*, *NONINTOXICATING ALCOHOLIC BEVERAGE*, *NONINTOXICATING MALT BEVERAGE*, or *BEER* appear in this code of ordinances, such term shall be construed to mean low-point beer.

**MINOR.** A person who has not yet attained the age established by state law at which persons are permitted to consume nonintoxicating beverages.

**PREMISES.** All building and accessory improvements thereto and the parking areas therefor, together with the open or enclosed yard immediately surrounding said buildings and appurtenances if under the direct or indirect control of the retail dealer.

**RETAIL ALCOHOLIC BEVERAGE STORE.** A package store.

**RETAIL DEALER.** Any and all persons, firms, corporations, associations or concessionaires who sell, distribute or dispense any nonintoxicating beverages, as herein defined, within the corporate limits of the Town without regard as to any place where such beverages may be consumed or used.

**WHOLESALE ALCOHOLIC BEVERAGE STORE.** A store operated under the authority of a state wholesaler's license.

**WINERY.** A manufacturing establishment operated under the authority of a state winemaker's license.

(B) All other terms are given the meanings defined in the Oklahoma Alcoholic Beverage Control Act.

(c) Should a term or definition as used herein differ from the Oklahoma Alcoholic Beverage Control Act as amended from time to time, the terms and definitions used the Oklahoma Alcoholic Beverage Control act shall govern.

#### **Section 16-103 SIGNS.**

No person owning, operating or maintaining a retail alcoholic beverage 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 combination of such words or any of them, and which shall contain no letter or figure more than four inches in height or more than three inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

*Statutory reference: Signs, see 37 O.S. § 516*

#### **Section 16-104 SEPARATE PREMISES.**

No person shall maintain, operate, or assist, in any manner, the maintenance or operation of a retail alcoholic beverage store or package store in premises which are not separated from adjoining premises on which any other goods, wares or merchandise are sold or services are rendered by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted.

#### **Section 16-105 PASSAGEWAY.**

No person shall take any alcoholic beverage through any passageway described in § 110.05 of this chapter, for the purpose of delivery thereof in connection with a sale of such beverage.

#### **Section 16-106 SALE IN CONTAINERS.**

(A) No person shall sell or deliver alcoholic beverages at a retail alcoholic beverage store other than:

- (1) In retail containers;
- (2) At ordinary room temperatures;
- (3) In the original package; and
- (4) For consumption off the premises.

(B) No person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer, or permit, any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store.

*Statutory reference: Alcoholic beverage regulations generally, see 37 O.S. § 537*

#### **Section 16-107 NOT TO DRINK ON PREMISES.**

No person shall drink or consume in any manner alcoholic beverages on the premises of a retail alcoholic beverage store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail alcoholic beverage store.

**Section 16-108 SALE ONLY AT RETAIL STORE.**

No person shall sell at retail, and no person shall deliver, in consequence or in completion of such a sale, any alcoholic beverages at any place in the town except at a retail alcoholic beverage store in strict conformity with this subchapter and the laws of the state.

**Section 16-109 CONFORMANCE WITH ZONING ORDINANCE.**

No retail alcoholic beverage store, and no wholesale alcoholic beverage store, warehouse, brewery, distillery, winery or any other place, however described, for the manufacture or production or bottling of alcoholic beverages of any kind shall be located, maintained, or operated by any person, at any place within the boundaries of the town except at a location at which such an establishment is permitted by the zoning ordinance of the town as to retail package stores, and the clear implication of the state law as to the other establishments.

**Section 16-110 LOCATION.**

No person shall own, operate, maintain or be interested in any retail alcoholic beverage store which is located at a place within this town which is forbidden as a location for such store by the laws of the state.

*Statutory reference: Local requirements, see 37 O.S. § 534*

**Section 16-111 FALSE DOCUMENTATION.**

No person under 21 years of age shall misrepresent his age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell him alcoholic beverages.

**Section 16-112 NOT TO SELL TO INTOXICATED PERSON.**

No person, at any place within this Town, shall sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

*Statutory reference: 37 O.S. § 537.A.2)*

**Section 16-113 PERSON UNDER 21 NOT TO BE EMPLOYED.**

No person under the age of 21 years of age shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within this town.

**Section 16-114 NOT TO EMPLOY PERSON UNDER 21.**

No person shall employ or assist or aid in causing the employment of any person under the age of 21 years of age at any place within this town, in the selling, manufacture, distribution or other handling of alcoholic beverages.

**Section 16-115 TIME OF SALE.**

No person shall open for business or keep open for business, or sell or deliver alcoholic beverages to any person at a retail alcoholic beverage store in this Town on any Sunday, New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day, or, while the polls

are open, on the day of any general, primary, runoff primary or special election, whether national, state, county, or town, or on any other day except between the hours of 10:00 a.m. and 9:00 p.m.

**Section 16-116 PERSONS UNDER 21 NOT TO BE PERMITTED TO ENTER.**

No owner or proprietor of a retail alcoholic beverage store in this Town and no person employed therein, shall permit any person under 21 years of age to enter into, to remain within or to loiter about the premises of such retail alcoholic beverage store.

**Section 16-117 PERSONS UNDER 21 NOT TO ENTER.**

No person under the age of 21 years of age shall enter into, remain within or loiter about the premises of any retail alcoholic beverage store within this Town.

**Section 16-118 TIME OF DELIVERY.**

No wholesale dealer in alcoholic beverages, and no officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store in this Town any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veterans Day, on Thanksgiving Day, on Christmas Day, or, while the polls are open, on the day of any general, primary, runoff primary, or special election, whether national, state, county or Town.

**CHAPTER 2 – NONINTOXICATING BEVERAGES**

**Section 16-201 NOT TO SELL TO MINORS.**

It is unlawful for any person to sell or barter to any minor any nonintoxicating beverage.

**Section 16-202 HOURS DURING WHICH SALE IS PROHIBITED.**

It is unlawful for any retail dealer to sell, dispense, or serve any nonintoxicating beverages for consumption on the premises between the hours of 2:00 a.m. and 7:00 a.m. or allow such beverages to be consumed on the premises between the hours of 2:00 a.m. and 7:00 a.m. excepting Saturday nights when such beverages may not be sold, dispensed, served, or consumed on the premises between the hours of 2:00 a.m. and 12:00 noon on Sundays.

**Section 16-203 LICENSE FEE.**

(A) There is hereby levied upon each retail dealer in beverages for consumption on and off the premises, an annual municipal license fee of \$20. There is hereby levied upon each retail dealer in nonintoxicating beverages in original packages and not for consumption on the premises, an annual municipal license fee of \$10.

(B) All such municipal license fees shall be paid to the Town Clerk at the time of issuance and in the manner herein prescribed.

***Statutory reference:*** State license regulations, see 37 O.S. §§ 163.7 et seq.  
Town license fee limitation, see 37 O.S. § 163.10

**Section 16-204 LICENSE REQUIRED.**

It is unlawful for any retail dealer, whether permanent or temporary, at any place within the corporate limits of the Town to sell, distribute or dispense any nonintoxicating beverages without having first applied for and received a municipal license as herein required.

**Section 16-205 COMPLIANCE WITH STATE LAW; NOT TRANSFERABLE.**

No municipal license shall be issued to any retail dealer by the Town Clerk without satisfactory showing that the applicant has obtained all state and county permits required by law, and has in all other respects complied with the laws of the state relating to the sale and distribution of nonintoxicating beverages. All licenses levied herein shall expire on September 30 of the year following issuance. No license shall be transferable.

**Section 16-206 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 permit any minor to loiter or to be or remain in or around such place of business, and it is unlawful for any minor to loiter or to be or remain in or around such place of business.

**Section 16-207 LOCATIONS PROHIBITED.**

(A) The location of any place of business at which nonintoxicating beverages are sold for consumption on the premises is specifically prohibited within 300 feet from any church property primarily and regularly used for worship services and religious activities, or public school or day care facility provided that if any such church, day care facility or school shall be established within 300 feet of any such licensed place of business 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.

(B) **PLACE OF BUSINESS** as herein used shall mean each room, bar or other service unit from which nonintoxicating beverages are sold for consumption on the premises.

(C) The distance indicated in this subchapter shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such place of business along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes 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.

(D) Furthermore, a license for the sale of nonintoxicating beverages for consumption on the premises shall not be issued for a location on any Town block where any school, day care facility or church is located.

(E) Provided, that the above shall not prohibit the future renewal of a nonintoxicating beverage license for consumption on the premises to any license holder for a location that was approved and licensed for the sale of nonintoxicating beverages for consumption on the premises prior to the effective date of this ordinance, so long as such license has been in continuous force and effect.

## **CHAPTER 3 -- ALCOHOLIC BEVERAGE TAX**

### **Section 16-301 OCCUPATION TAX LEVIED.**

(A) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

- (1) Brewer: \$1,250.
- (2) Distiller: \$3,125.
- (3) Winemaker: \$625.
- (4) Oklahoma winemaker: \$75.
- (5) Rectifier: \$3,125.
- (6) Wholesaler: \$3,500.
- (7) Class B wholesaler: \$625.
- (8) Retail package store: \$500.
- (9) Mixed beverage: \$500.
- (10) Caterer: \$700.
- (11) Annual special event: \$55.
- (12) Quarterly special event: \$55.
- (13) Beer and Wine: \$450.
- (14) Hotel beverage: \$900.
- (15) Bottle Club: \$900
- (16) Mixed Beverage/Caterer Combination: \$1,250.

(B) The license fee for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year;

(C) The fees provided for in paragraph A of this section for a brewer license and for a Class B wholesaler license shall be reduced by seventy-five percent (75%) if the applicant therefor is also the holder of a license to manufacture or wholesale any low-point beer as provided for in this title.

***Statutory reference:*** *State alcoholic beverage license fees, see 37 O.S. § 518*  
*Town occupation tax limitation, see 37 O.S. § 554.1*

### **Section 16-302 PAYMENT OF TAX; PRORATION.**

(A) Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the Town Clerk on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before July 1.

(B) The occupation tax subject to this subchapter shall be prorated on a monthly basis for the year in which an occupation begins operations.

(C) Upon payment of the occupation tax, the Town Clerk shall issue a receipt to the state licensee, which the licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

### **Section 16-303 TOWN CLERK TO MAKE REPORT.**

The Town Clerk shall make an annual report to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission, covering the fiscal year, showing the number and class of licensees subject to the occupation tax and the amount of money collected from the tax.  
(37 O.S. § 554.1)

### **Section 16-304 PAYMENT OF TAX REQUIRED.**

Any person who engages in any of the occupations taxed by this subchapter without paying the occupation tax imposed therefor in advance of such operation is guilty of an offense against the Town, and, upon conviction thereof, shall be fined as provided in this chapter.

### **Section 16-305 APPLICATION FOR CERTIFICATE; INVESTIGATIONS.**

(A) Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the Town required by Title 37 of the Oklahoma Statutes shall apply at the office of the Town Clerk by:

- (1) Filing a written application on forms prescribed by that office; and
- (2) Paying a verification and certification fee in the amount of \$25 at the time of filing for an original certificate of compliance.

(B) Upon receipt of an application for a certificate of compliance the Town 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 and other safety codes applicable to it.

(C) The Town shall act on all such applications within ten days after all final inspections are completed.

*Statutory reference: Certificate of compliance, see 37 O.S. § 523*

### **Section 16-306 ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE.**

(A) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to ABLE Commission.

(B) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a certificate of compliance shall be issued to the ABLE Commission.

(C) The above certificates of compliance shall be signed by the Mayor or by the Town Clerk.

(D) The Town shall issue the certificate(s) of compliance within ten days after all final inspections are completed.

## **CHAPTER 4 - PENALTY**

### **Section 16-401 PENALTY.**

Any violation of any provision contained in any Chapter of this Part of the Ordinances of the Town of Verdigris is an offense against the Town and upon conviction of any such offense, the violator shall be

punished by a fine as provided in 1-108 of the Town Code. Each day's violation of this chapter shall constitute a separate offense, but nothing herein contained shall be construed as determining that not more than any one such offense can be committed in any one day by the same person.