

Chapter 3

ALCOHOLIC BEVERAGES<sup>1</sup>

Art. I	General
Art. II	Occupational Taxes
Art. III	Offenses and Penalties

Editor's Note - Ordinance No. 969, adopted September 25, 2018, repealed former Chapter 3 in its entirety and replaced it with the following code sections.

ARTICLE I. GENERAL

Sec. 3-1. Statute adopted; construction of chapter.

(a) Title 37A of the Oklahoma Statutes, as effective October 1, 2018, or hereafter enacted, is hereby adopted and incorporated in the Code of Ordinances of the City of Pauls Valley, Oklahoma, as if set out at length herein.

(b) All words and phrases used in this and other chapters relating to Alcoholic Beverages, as used herein, shall be construed in conformity with the definitions of the same set forth in said Title 37A.

(Ord. 969, § 1, 11-15-2018)

Sec. 3-2. Reserved

Sec. 3-3. Reserved

Sec. 3-4. Reserved

ARTICLE II. OCCUPATIONAL TAXES

Sec. 3-5. Occupational taxes related to alcoholic beverages; designation of official to issue Certificates of Compliance and Notifications of Non-Compliance.

(a) Prior to the issuance of any certificate of compliance as contemplated by 37 A OKLA. STAT. § 2-142 in conjunction with a license issued or sought to be issued by the ABLE Commission to any applicant therefor, the occupational taxes set forth in this Article shall be levied and collected by the Clerk of the City, or the Clerk's representatives for the applicable license held or being sought by any person engaging in the activities controlled by title 37A of the Oklahoma statutes and this Chapter.

(b) The Code Enforcement Officer, or his designee, is authorized and designated to issue the Certificates of Compliance required by 37A OKLA. STAT. § 2-142(8)(2) and (3) in lieu of the Mayor. The Code Enforcement Officer, or his designee, is further authorized to notify the ABLE Commission in writing of any failure of a licensee to maintain compliance with municipal zoning ordinances and codes as contemplated by 37A OKLA. STAT. § 2-142(E).

(Ord. 969, § 1, 11-15-2018)

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<sup>1</sup>Cross references—Health and sanitation, Ch. 8; licenses and business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; nuisances, Ch. 12; offenses-miscellaneous, Ch. 13; parks and recreation, Ch. 14; taxation, Ch. 17.  
 State constitution reference—Oklahoma Alcoholic Beverage Control Board, etc., Art. 27.  
 State law reference—Intoxicating liquors, 37 O.S.

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Sec. 3-6. **Breweries and Brewpubs; Occupational tax levied; Hours of Operation.**

(a) No person shall operate or maintain a brewery or brewpub within the jurisdiction of the City of Pauls Valley without having previously paid the occupational tax as provided in this Section. Occupational taxes relating to Breweries and Brewpubs (as defined in 37A OKLA. STAT. § 1-103) are as follows:

Brewer, per year: \$1,000.00

Brewer, Oklahoma, per year: \$50.00

Brewpub, per year: \$1,000.00

Brewpub, if licensee also holds a mixed beverage or wine and beer permit, per year: \$50.00

(b) *Hours of operation.* No brewery or brewpub to which the brewery occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A OKLA. STAT. § 1-103(5), on the premises between the hours of 2:00 a.m. and 8:00 a.m.

(Ord. 969, § 1, 11-15-2018)

Sec 3.7 **Sale of Wine, Beer and Mixed Beverage Sales for On-Premises Consumption; Occupational Tax Levied; Hours of Operation; Employment; Certificate of Compliance.**

(a) *Occupational Tax Assessed* No person shall operate or maintain any business serving mixed beverages or beer or wine within the jurisdiction of the City of Pauls Valley without having previously paid the occupational tax as provided in this Section. Occupational taxes relating to the sale of wine, beer and mixed beverages for on -premises consumption (as defined in 37A OKLA. STAT. § 1-103) are as follows:

Mixed beverages, first year: \$1,000.00

Renewals, per year: \$900.00

On-premises beer or wine, first year: \$500.00

Renewals, per year: \$450.00

Mixed beverage/caterer combination: \$1,250.00

Renewals, per year: \$1,250.00

(b) *Mixed beverage/caterer combination license.* A mixed beverage/caterer combination license shall authorize the holder thereof to purchase or sell mixed beverages as specifically provided by law for the holder of a mixed beverage license or a caterer license.

(c) *Hours of operation.* 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

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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 8:00a.m.

(d) *Employment.* No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided:

(1) 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 eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas,

and

(2) 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 eighteen (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.

(e) *Mixed beverage or beer and wine certificate of compliance.* (1) A mixed beverage or beer and wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act. (2) This 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 Zoning Administrator, or his designee. (2) The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Pauls Valley, verified by the Code Enforcement Officer, or his designee. (3) The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Pauls Valley, verified by the Code Enforcement Officer or Fire Chief or a designee thereof. (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Pauls Valley, verified by the Garvin County Health Department Inspector or his designee.

(Ord. 969, § 1, 11-15-2018)

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### Sec. 3-8. Other Sales of Alcoholic Beverages; Occupational Tax Levied

Other than as provided in Sections 3-6 through 3-7, inclusive, of this Article, no person shall sell alcoholic beverages within the jurisdiction of the City of Pauls Valley without having previously paid the occupation tax as provided by this Section for the activities set forth below. Occupational taxes relating to the sale of alcoholic beverages (as defined in 37A OKLA. STAT. § 1-103) other than as provided in Sections 3-6 through 3-7, inclusive, are as follows:

- (1) Distiller, per year: \$35.00
- (2) Retail spirits store \$900.00
- (3) Rectifier, per year \$2,500.00
- (4) Winemaker, per year: \$500.00
- (5) Winemaker, Oklahoma, per year: \$50.00
- (6) Wholesaler and "Wine and Spirits Wholesaler" per year: \$2,000.00
- (7) Wholesaler, class B, and "Beer Distributer," per year: \$500.00
- (8) Retail beer \$500.00
- (9) Retail wine \$1,000.00

(Ord. 969, § 1, 11-15-2018)

## ARTICLE III. OFFENSES AND PENALTIES

### Sec. 3-9 Offenses.

In addition to any offense or prohibited act set forth in Title 37A of the Oklahoma Statutes, as amended from time to time, the following shall constitute an offense:

- (a) *Age misrepresentation.* No person under twenty-one (21) years of age shall misrepresent his age in writing or present any false documentation of age for the purpose of inducing any person to sell or furnish him any alcoholic beverage or for the purpose of gaining entry to any establishment where such person is prohibited under Title 37A of the Oklahoma Statutes or this Ordinance.
- (b) *Drinking intoxicating beverages in a public place.* No person shall drink any alcoholic beverage in any public place nor shall any person be intoxicated in such public place.
- (c) *Entry of minors where alcoholic beverages are sold or consumed.*
  - (1) No person under twenty-one (21) years of age shall enter, attempt to enter, or remain within, any premises which has as its main purpose the sale or serving of alcoholic beverages for consumption on the premises.
  - (2) If a premises contains a separate or enclosed bar area which has as its main purpose the sale or serving of alcoholic beverages for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said area.
  - (3) The provisions of this section shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has another principal purpose other than the sale or serving of alcoholic beverages if the

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persons under twenty-one (21) years of age are not sold or served or do not consume alcoholic beverages anywhere on the premises.

(d) *Possession of alcoholic beverages.* No person under twenty-one (21) years of age shall, in any public or private place, possess, consume or have control over any alcoholic beverage as defined in Section 1- 103(3) of Title 37A of the Oklahoma Statutes.

(e) *Furnishing alcoholic beverages.*

(1) No person shall sell, deliver, give, share, dispense or furnish any alcoholic beverage to any person under the age of twenty-one (21).

(2) It shall be unlawful, within the jurisdiction of the City of Pauls Valley, for any person who holds a license from the ABLE Commission to sell and dispense any alcoholic beverage, to sell, barter, or give away, or to allow or permit any agent, servant or employee of said license holder to sell, barter, or give away to any person under the age of twenty-one (21) any alcoholic beverage.

(f) *Attempts by minors to purchase alcoholic beverages.* It shall be unlawful for any person under twenty-one (21) years of age to attempt to purchase any alcoholic beverage from any establishment selling such beverages.

(Ord. 969, § 1, 11-15-2018)

### Sec. 3-10      **Violations; Maximum Penalties**

(a) The Pauls Valley Police Chief, or his designee, shall, from time to time, prepare a list of proposed fines and penalties related to violations of this Chapter. No fine or penalty of any single violation of this Chapter shall exceed the maximum amount of fine or penalty permitted by the laws of the State of Oklahoma for imposition by a municipality with a current population equal to the current population of the City of Pauls Valley, as determined by the last official census of the City of Pauls Valley. The proposed fines and penalties shall be submitted to the governing body of the City of Pauls Valley from time to time as deemed appropriate by the Chief of Police. Said proposed schedule of fines and penalties shall be considered by the governing body and shall become effective upon adoption by the governing body by Ordinance.

(b) At the Effective Date of this Ordinance, to the extent a new fine and penalty schedule has not be presented and adopted by the governing body of the City, the existing fines and penalties for violations related to alcoholic beverages, as newly defined by Title 37A, shall remain in force and effect until the adoption of such new fine and penalty schedule. To the extent any existing fine or penalty related to alcoholic beverages under the existing fine and penalty schedule is not clearly defined, then the penalty for a violation under this Ordinance shall be the maximum penalty which may be imposed by law by the City of Pauls Valley pursuant to state law.

(Ord. 969, § 1, 11-15-2018)

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