

Chapter 3

ALCOHOLIC BEVERAGES¹

- Art. I. In General, §§ 3-1-3-15
Art. II. Intoxicating Beverages, §§ 3-16-3-35
Art. III. Private Clubs, §§ 3-36-3-50

ARTICLE I. IN GENERAL

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

(a) Title 37 of the Oklahoma Statutes, as now 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 the use of alcoholic beverages, and not defined herein, shall be construed in conformity with the definitions of the same set forth in said Title 37.

(Code 1977, §§ 2-1, 2-2; Ord. No. 783, § 1, 4-21-87; Ord. No. 883, § 1, 11-14-00)

Sec. 3-2. Nonintoxicating beverages—Generally.

(Code 1977, §§ 2-16, 2-18, 2-19, 2-21, 15-12; Ord. No. 763, 7-16-85; Repealed: Ord. 883, § 2, 11-14-00)

State law references—Transporting nonintoxicating beverages, 37 O.S. §§ 163.15, 163.18; hours of sale, 37 O.S. § 213.

Editor's Note—Ord. No. 883, § 2, provides that this section was repealed with the intent that the applicable provisions of Title 37 of the Oklahoma Statutes (as adopted by Code § 3-1, shall apply in lieu of the repealed sections.

Sec. 3-3. Reserved.

Editor's note—Ord. No. 822, § 1, adopted Dec. 1, 1992, repealed former section 3-3 in its entirety. Former section 3-3 pertained to alcoholic beverage regulations relating to minors and derived from the Code of 1977.

Sec. 3-4. Same—License requirement; fee.

(a) Retail dealers, as defined by 37 O.S. § 163.2, engaged in selling low-point beer, as defined by 37 O.S. § 163.2, shall obtain an annual license as authorized by 37 O.S. § 163.10. Such a license shall be obtained by filing for such license at the office of the City Clerk. Each such license shall be effective for the calendar year.

(b) Fees for licenses required by subsection (a) above, shall be ten dollars (\$10.00) for retail dealers selling said beverages in original packages and not for consumption on premises, and twenty dollars (\$20.00) from retail dealers selling said beverages for consumption on or off the premises and shall be collected by the city clerk at the time of issuance of each yearly license.

(c) A partial fee of five dollars (\$5.00) shall be charged for any part of a year that a permit is required by subsection (b) hereof, for retail dealers selling such beverages not for consumption on premises. A partial fee of ten dollars (\$10.00) shall be charged for any part of a year that a permit is required by subsection (b) hereof for retail dealers selling such beverages for consumption on or off premises.

(Ord. No. 805, §§ 1-3, 7-17-90; Ord. No. 883, § 3, 11-14-00.)

Editor's note—Ord. No. 805, §§ 1-3, adopted July 17, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 3-4.

¹Cross 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.

ALCOHOLIC BEVERAGES

(c) *No operation until tax has been paid.* No person or entity operating in any of the occupations upon which the occupation tax provided for in this section is imposed shall do business or offer to do business in this city until the occupation tax levied by this article has been paid in full to the city clerk and receipt issued therefor.

(d) *Tax to be paid to city clerk; records; tax receipt.* All occupation taxes herein provided shall be paid in advance to the city clerk, who shall issue a receipt therefor. The city clerk shall record the name of such licensee and the address where he engaged in his occupation. Such records shall be duly filed and kept in the permanent files of the city for at least five (5) years. Thereafter, upon resolution by the council, such records may be destroyed. Every person receiving such a receipt from the clerk shall post it in a conspicuous place in the premises wherein he carries on his occupation.

(Code 1977, §§ 2-3, 2-4, 2-6; Ord. No. 783, § 1, 4-21-87; Ord. No. 916, § 1, 10-24-06)

Cross references—Finance department, § 2-36; taxation, Ch. 17.

State constitution reference—Municipal occupation tax, Art. 27, § 9.

State law reference—Occupation taxes, 37 O.S. § 518.

Sec. 3-17. Expiration, proration of tax.

(a) All occupation taxes levied under the provisions of this article expire on June 30th of each year.

(b) The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending June 30th following. Such taxes paid on or before the fifteenth day of any month shall be on the basis of the first day of the month, and such taxes paid after the fifteenth day of any month shall be on the basis of the first day of the next succeeding month.

(Code 1977, § 2-5)

State law reference—Expiration date of licenses and permits, 37 O.S. § 520.

Sec. 3-18. Annual report of licenses and revenue.

The city clerk shall make and transmit to the Oklahoma Alcoholic Beverage Control Board an annual report, covering the fiscal year, showing the number and class of licenses issued under this chapter and the amount of money received therefrom.

(Code 1977, § 2-7)

Cross reference—Licenses and business regulations, Ch. 9.

State law reference—Similar provisions, 37 O.S. § 518.

Sec. 3-19. Days and hours of operation.

(a) No retail package store shall be open for the purpose of selling any alcoholic beverage at any hour other than between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday.

(b) No sales shall be made, or retail package store be allowed to remain open for the purpose of doing business, making sales or receiving deliveries of alcoholic liquors, on the day of any general, primary, runoff primary or special election, while the polls are open, whether on a national, state, county or city election, or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans' Day, Thanksgiving Day or Christmas Day.

(Code 1977, § 2-8)

State law reference—Similar provisions, 37 O.S. § 537.

ALCOHOLIC BEVERAGES

Sec. 3-39. Inspection; enforcement of article.

The police and fire departments shall inspect all private clubs regularly to enforce all of the terms of this article and report any violations to the license review board.

(Code 1977, § 2-50)

Sec. 3-40. Classes of clubs.

(a) *Class A.* Class A private clubs shall include private clubs maintained, supported and controlled by nationally recognized lodges, fraternal societies or veterans' organizations, for their members only.

(b) *Class B.* Class B private clubs shall include restaurants open to the general public but maintaining a private room opening into the restaurant, which private room is used as a private club.

(c) *Class C.* Class C private clubs shall include any other private club other than Class A, B or D.

(d) *Class D.* Class D private clubs shall include only hotels or motels having twenty (20) or more guest rooms.

(Code 1977, § 2-29; Ord. No. 783, § 1, 4-21-87)

Sec. 3-41. License review board generally.

(a) A license review board is hereby established to review and pass upon qualifications of applicants for licenses, or licensees, as provided herein. Said board shall issue licenses to applicants qualified under this article and hear complaints and determine revocations of licenses in proper cases. No license shall be issued by said board until the application shall have been on file with the city clerk at least ten (10) days.

(b) Said board shall be composed of the members of the city council. The members shall elect a chairman of said board and the city clerk shall be secretary. In the event of the absence of either the chairman or secretary at any meeting of the board, the members present may elect a member as temporary chairman or secretary. A simple majority of the members of said board present at any meeting shall be required for any action. Three (3) members shall constitute a quorum. (Code 1977, §§ 2-30, 2-31)

Cross references—Administration, Ch. 2; boards and commissions, §§ 2-21 et seq.

Sec. 3-42. License—Generally.

(a) *Required.* No person shall maintain or operate any private club in the city without first paying in advance to the city clerk the license fee hereinafter prescribed and, by presenting the receipt for the sale to the clerk, making application for a license therefor on forms provided by the city and receiving a license from the clerk, after approval of the license review board.

(b) *Application generally.* In addition to the receipt from the clerk, any applicant for a license having a private club shall file with the clerk:

(1) True copies of the articles of association and bylaws, if the applicant is an association;

(2) A list of the officers, directors, owners and manager of the club and any stockholders who receive a financial return on their stock, which copies shall be filed in duplicate.

If any changes occur in the aforesaid officers, directors, stockholders, owners or managers at any time during the calendar year after which the license is issued, such changes shall be filed with the city clerk in duplicate forms provided, within one week after such changes. Upon receipt of the original copy of changes, the clerk shall forward one copy to the chief of police, who shall cause a check to be made of any criminal record of any person named therein and shall promptly cause an investigation to be made of the manner in which the applicant proposes to operate the private club, and report in writing thereafter to the clerk as to his findings.

(c) *Issuance; expiration; prorated fees.* All licenses issued pursuant to this article shall expire on the last day of June of each year. License fees shall be prorated in the following manner: Applicants who file more than six (6) months prior to the last day of June of any year shall pay the license fee in full; applicants who file less than six (6)

ALCOHOLIC BEVERAGES

Sec. 3-43. Same-Class B or C.

(a) Applicants for Class B or Class C licenses shall be either Oklahoma corporations or associations, with written articles of association and bylaws which provide for regular election of officers or directors.

(b) No person shall be eligible for election or to serve or act in any Class B or Class C private club as an officer, director, stockholder or owner, nor direct any policy thereof, who has not been a continuous resident in good faith of the state for one year and a continuous resident in good faith of the county for six (6) months. No person shall be eligible to election or to serve or act in any private club as an officer, director, stockholder, owner or manager, nor direct any policy thereof, who has been convicted of any felony or of violation of the gambling or prohibitory laws of any state of the United States, including those heretofore in effect; provided that any person holding such a position in any private club operating at the time of the enactment of this article shall not be subject to this section as to the position he holds at that time.

(Code 1977, §§ 2-34, 2-35)

State law reference—Grounds for refusal of state intoxicating liquor license, 37 O.S. § 527.

Sec. 3-44. Location.

No new license shall be issued where the entrance to the club is closer than three hundred (300) feet to a church, school, beer tavern or retail liquor building, except that a license that was not in compliance with the provisions of this article, in effect at the time of the issuance of the license, may continue to hold and renew the license so long as the annual license tax or fee is paid as is otherwise provided; provided that this section shall not prohibit the revocation of the license. The distance referred to herein shall be measured from the part of the church, school, beer tavern or retail liquor building nearest the public entrance of the premises of the applicant for private club license, and shall proceed in the most direct route between said places, deviating only around the permanent buildings.

(Code 1977, § 2-47; Ord. No. 713, § 1, 7-1-80)

Sec. 3-45. Hours of operation.

The room(s) used as a private club shall be closed and vacated by members and guests each day from 2:00 a.m., to 10:00 a.m. During the hours that a private club must remain closed, no members, guests or other persons other than regular employees may be or remain therein, and the use by anyone of the premises or facilities of the private club for the drinking of alcoholic beverages during such hours when a private club must remain closed is prohibited.

(Code 1977, § 2-49; Ord. No. 783, § 1, 4-21-87)

State law reference—Hours of operation of private clubs, 37 O.S. §§ 8.1, 592, 599.

Sec. 3-46. General regulations for operation.

It shall constitute an offense, punishable as provided in this Code, and be grounds for the revocation or suspension of a license issued hereunder, for any private club, or operator, partner, manager, person having supervisory control thereof or employee, to do or permit to be done any of the following:

- (1) Violate any of the provisions of this article;
- (2) Violate any of the statutes of this state pertaining to alcoholic beverages;
- (3) Violate any of the regulations promulgated by the Oklahoma Alcoholic Beverage Control Board;
- (4) Serve to or allow any intoxicated person to consume any alcoholic beverage on the premises so licensed;
- (5) Allow any incompetent or mentally deranged person to be served or consume any alcoholic beverages on the premises;
- (6) Permit any intoxicated person to be or remain on the licensed premises.

(Code 1977, § 2-55)

ALCOHOLIC BEVERAGES

- (c) *Club owner's duties regarding entertainers.*
- (1) The club owner shall, in writing, submit the names of all minor entertainers and the accompanying parent or guardian of each such minor with the police department prior to any performance by a minor in a private club; and
 - (2) If any private club owner fails to supply said names to the police department, he shall be guilty of a misdemeanor and upon conviction, in addition to any fine and costs of suit, there shall be a mandatory suspension of his private club license for not less than five (5) days.
- (d) *Restricted premises.* No person under the age of twenty-one (21) years shall:
- (1) Be on or about that part of the premises of any private club where any nonintoxicating or intoxicating alcoholic beverages are served;
 - (2) Be permitted in or on that part of the premises subject to the control of any private club where persons are permitted to drink alcoholic or intoxicating beverages, except as provided herein; and
 - (3) If the premises of a licensee of the Alcoholic Beverage Laws Enforcement Commission contains a separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution, for consideration, of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short order foods are made available therein, no person under twenty-one (21) years of age shall be admitted to such area. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or mixing or serving of said beverages, in which sales or serving of said beverages are incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages. The ABLE (Alcoholic Beverage Laws Enforcement) Commission shall have the authority to designate the portions of the premises of a licensee where persons under twenty-one (21) years of age shall not be admitted pursuant to this section.

(Code 1977, § 2-42; Ord. No. 713, § 1, 7-1-80; Ord. No. 783, § 1, 4-21-87)