

**CHAPTER 2  
ALCOHOLIC BEVERAGES**

**Article 1. Oklahoma Alcoholic Beverage Control Act.**

**Article 2. Alcoholic or Intoxicating Beverages, Non-Intoxicating Beverages, Miscellaneous Provisions and Penalty.**

**Article 1. Oklahoma Alcoholic Beverage Control Act.**

**Section 2-1. Oklahoma Alcoholic Beverage Control Act Adopted.**

The Oklahoma Alcoholic Beverage Control Act *Title 37A O.S. § 1-101, et seq.* as amended is hereby adopted and incorporated *fully* by reference in this Code of Ordinances for the Town of Mountain Park, Oklahoma; applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

**Section 2-2. Definitions and Interpretations.**

1. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma Alcoholic Beverage Control Act *Title 37A O.S. § 1-101, et seq.*
2. Beverages containing more than three and two-tenths percent (3.2%) alcohol by *volume* are hereby declared to be "intoxicating beverages".
3. Beverages containing more than one-half (½) of one percent (1%) alcohol by volume and not more than three and two-tenths (3.2%) alcohol by *volume*, are hereby declared to be "non-intoxicating beverages".

**Sections 2-3 through 2-9. (Reserved for future use.)**

**Article 2. Alcoholic or Intoxicating Beverages.**

**Section 2-10. Municipal Occupation Tax; License; Reporting.**

1. An annual Municipal Occupation Tax, as shown below, is hereby levied on persons engaging in the following businesses within the Town of Mountain Park, Oklahoma:

a.	Retail Package Store .....	\$300.00
b.	Brewer .....	\$1,250.00
c.	Distiller .....	\$3,125.00
d.	Winemaker .....	\$625.00
e.	Oklahoma Winemaker .....	\$75.00
f.	Rectifier .....	\$3,125.00

g.	Wholesaler .....	\$3,500.00
h.	Class B Wholesaler .....	\$625.00
i.	Mixed Beverage Club .....	\$900.00
j.	Service Organizations Exempt Under § 501(c)(19) of the IRS Code for Mixed Beverage Club .....	\$500.00
k.	Caterer .....	\$900.00
l.	Special Event .....	\$50.00 per day

2. If a Brewer or a Class B Wholesaler also holds a License from the State to manufacture or wholesale any non-intoxicating malt beverage, the Municipal Occupation Tax for such Brewer or Class B Wholesaler shall be reduced by seventy-five percent (75%).
3. It shall be unlawful for any person to engage in any of the businesses listed above without having paid the Municipal Occupation Tax levied by this Article and obtaining a valid License from the Town Clerk-Treasurer. If the applicant holds a valid State License to engage in the business within the Town of Mountain Park, Oklahoma, is operating in compliance with Municipal Ordinances and has paid the required Municipal Occupation Tax, the Town Clerk-Treasurer shall issue the License applied for.
4. All Licenses issued pursuant to this Article shall expire on June 30<sup>th</sup> of the year for which issued. The cost of any type License shall be a pro rata part of the cost of said yearly License, computed on a monthly basis. Licenses issued on or before the 15<sup>th</sup> day of any month shall be charged for on the basis of the 1<sup>st</sup> day of said month; Licenses issued after the 15<sup>th</sup> day of any month shall be charged for on the basis of the 1<sup>st</sup> day of the next month.
5. The Town Clerk-Treasurer shall transmit a report to the State ABLE Commission on June 30<sup>th</sup> of each year, showing the amount of money collected and the number of Municipal Occupation Tax Licenses issued under this Chapter.

**Section 2-11. Retail Package Stores; Location; Hours; Offenses.**

**Section 2-11. Location of Mixed Beverage, Beer, Wine, or Bottle Club Licensees; Hours of Operation; Offenses.**

1. Except as otherwise authorized by the Oklahoma Alcoholic Beverage Contract Act, 37A O.S. § 1-101 et seq., it shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the ABLE commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or a package store, to be located within 300 feet of any public or private school or church property primarily and regularly used for worship services and religious activities.
2. No person shall sell or keep a package store open to sell alcoholic beverage during any day or hour not authorized by the Oklahoma Alcoholic Beverage Contract Act, 37A O.S. § 1-101 et seq.

3. No person shall sell or permit the sale of alcoholic beverages at a grocery store, convenience store or drug store during any day or hour not authorized by the Oklahoma Alcoholic Beverage Contract Act, 37A O.S. § 1-101 et seq.
4. No retail spirits licensee shall sell any alcoholic beverages at any hour other than between the hours of 8:00 a.m. and 12:00 midnight Monday through Saturday, excluding Thanksgiving Day and Christmas Day; provided, however, that the registered electors of county may elect to allow such sales between the hours of 12:00 noon and 12:00 midnight on Sunday.
5. No retail wine or retail beer licensee shall sell any beer or wine at any hour other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.
6. Any person who violate the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00, plus costs and fees.
7. No ABLE Commission licensee shall permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, prostitution activity, or any other criminal conduct to occur on the licensed premises. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 plus costs and fees.

**Section 2-12. Duty of Town Staff to Enforce State Law.**

The Town's police officers and attorney(s) shall diligently enforce all provisions of the Oklahoma Alcoholic Beverage Contract Act, 37A O.S. § 1-101 et seq. Failure to do so may result in the removal of the personnel and additional penalties under state law.

**Section 2-13. Certificate of Compliance.**

1. Applicants shall obtain a certificate of compliance from the Town which shall certify that the existing or proposed place of business complies with Town zoning ordinances, all applicable building codes adopted by the Town and all other Town codes relating to safety or health.
2. A conditional certificate of compliance may be issued for premises proposed for permitted operations for which construction, modification or alteration is not completed. A conditional certificate shall indicate that the proposed premises will comply with Town zoning ordinances, all applicable building codes adopted by the Town and all other Town codes relating to safety or health. The granting of a conditional certificate shall not relieve the applicant of the duty of obtaining a final certificate of compliance after completion of the construction, modification, or alteration. A final certificate of compliance must be obtained within ten (10) days after all final inspections are completed.

3. Application for a certificate of compliance shall be made in writing on forms prescribed by the Town and shall contain information in sufficient detail describing the location and nature of operations to be conducted under the permit.
4. If an Oklahoma Alcoholic Beverage Contract Act, 37A O.S. § 1-101 et seq., permittee fails to maintain compliance with all applicable codes a designee of the Town shall notify the ABLE commission in writing setting forth details of the noncompliance.

**Section 2-14. Sale of Alcoholic Beverages on Public Ways and Property.**

1. It shall be unlawful for any person to sell alcoholic beverages or allow customers to consume alcoholic beverages upon any public property or thoroughfare within the city. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 plus costs and fees. The following sales are not prohibited by this section:
  - a. At events authorized by the specific, written, prior approval of the Town Board of Trustees or its approved designee allowing for the sale and consumption of alcohol at the event when purchased from a licensed operator at the event; provided:
    - i. That at least ten (10) calendar days prior to event, qualified vendors shall provide proof of licensure from the Alcoholic Beverage Laws Enforcement (ABLE) Commission and proof of sales tax permit from the Oklahoma Tax Commission. Vendors shall also apply for any required permits and remit any fees as adopted by the Town; and
    - ii. That the Town Board of Trustees or its approved designee may place any additional reasonable restrictions on vendors, patrons, and attendees of such events.

**Section 2-15. Opening or Consuming Alcoholic Beverages on Licensed or Other Commercial Premises.**

1. No person shall open a retail container or consume an alcoholic beverage on the premises of a package store, grocery store, convenience store or drug store, unless otherwise permitted by law.
2. No person shall consume or possess alcoholic beverages on the licensed premises of a bottle club unless such person possesses a valid membership card for that club issued by the club.
3. No person shall consume wine, beer or spirits in public except on the premises of a licensee of the ABLE commission who is authorized to sell or serve spirits by the individual drink.

4. No ABLE commission licensee shall allow, suffer or permit any retail container to be opened or any alcoholic beverage to be consumed on the licensed premises, unless otherwise permitted by law.
5. No ABLE commission licensee shall keep or knowingly permit any alcoholic beverage to be kept, brought or consumed on the licensed premises which is not allowed to be sold or served on such premises.
6. No ABLE commission licensee shall consume or be under the influence of alcoholic beverages during the hours he is on duty.
7. No person, firm, business, corporation or other entity shall sell, barter, trade, give or otherwise transfer possession of any alcoholic beverage to any person under the legal age permitted to possess or consume such beverages.
8. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00, plus costs and fees.

**Section 2-16. License.**

1. There is hereby levied upon each retail dealer of non-intoxicating beverages for consumption on and off the premises, an annual Municipal License fee of twenty dollars (\$20.00); an annual Municipal License fee of ten dollars (\$10.00) is hereby levied for sale of non-intoxicating beverages or consumption either on or off the premises only.
2. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any non-intoxicating beverages without having first received a Municipal License, as herein required.
3. No Municipal License shall be issued to any retail dealer by the Town Clerk-Treasurer, until the applicant has obtained all required State and County permits, and has, in all other respects, complied with the Oklahoma Alcoholic Beverage Control Act. All such Licenses shall expire on June 30<sup>th</sup> of the year following re-issuance. License fees shall be paid to the Town Clerk-Treasurer and no License shall be transferable.
4. The Town Board of Trustees shall have the power, after public hearing, to revoke any License granted hereunder, for violation of Law or Ordinance by the License holder.
5. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00, plus costs and fees.

**Sections 2-16 through 2-19. (Reserved for future use.)**