

## Chapter 6

# ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES\*

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**ARTICLE I. IN GENERAL****Sec. 6-1. Public drinking and intoxication.**

(a) It is unlawful for any person who is drunk or in a state of intoxication to appear or be upon or in any street, alley, place of business or other public place in the city. It is unlawful for any person to drink any intoxicating or non-intoxicating beverage as defined by 37 O.S. § 163.1 upon any street, alley, parking lot, public facility, public recreation area, public park or other public way or place, or in any place of business in which the consumption of such beverages is not authorized by law. The City of McAlester, however, will permit the sale and consumption of intoxicating and non-intoxicating beverages inside the facility only of the McAlester Regional Exposition Building.

(b) The City of McAlester does not sell or market alcohol in any form on city-owned or operated properties.

(Code 1974, § 3-22; Ord. No. 1868 § 1(18-31), 8-13-91; Ord. No. 2129, § 1, 4-10-01; Ord. No. 2485, § 1, 12-19-13)

**Cross references**—Offenses against public peace and order, § 82-161 et seq.; offenses against public morals, § 82-191 et seq.; parks and recreation, ch. 86; streets, sidewalks and other public places, ch. 94.

**State law references**—Public drinking and intoxication, 37 O.S. § 8; public drinking of alcoholic beverages and intoxication, 37 O.S. § 537(A)(8).

**Sec. 6-2. Permitting intoxicated persons in restaurants, places of recreation, etc.**

No person operating a cafe, restaurant, club or any place of recreation within this city, and no employee engaged in connection with the operation of such a cafe, restaurant, club or place of recreation, shall permit any person to be drunk or intoxicated in such place of business.

(Code 1974, § 3-23)

**State law reference**—Similar provisions, 37 O.S., § 537(H).

**Secs. 6-3—6-25. Reserved.****ARTICLE II. ALCOHOLIC BEVERAGES\*****DIVISION 1. GENERALLY****Sec. 6-26. Definitions.**

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

*Generally.* All words, phrases and terms used in this article and not defined in this section shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act (37 O.S. § 502 et seq.), with the same force and effect as if set forth in full herein, and such definitions are made a part hereof by reference.

*Alcoholic beverage* means beverages controlled by the state alcoholic beverage control board.

*Package store* means a retail alcoholic beverage store.

*State licensee* means any person, partnership, firm, corporation or association who holds a license issued by authority of the Oklahoma Alcoholic Beverage Control Act (37 O.S. § 502 et seq.), 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.

(Code 1974, § 3-1)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 6-27. Unlawful manufacture, sale, possession, etc., generally.**

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

**\*Cross references**—Businesses, ch. 22; transportation of alcoholic beverages in open containers, § 102-16.

**State law references**—Oklahoma Alcoholic Beverage Control Act, 37 O.S. § 502 et seq.; local regulation of alcoholic beverages, 37 O.S. § 503.

(b) It shall be unlawful for any person to have in his possession or under his control any alcoholic beverage, or to transport or in any manner convey from place to place within the city any such beverage, except as permitted by law.

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

(d) All places where alcoholic beverages are manufactured, sold, bartered or given away in violation of state law or the ordinances of the city are hereby declared to be public nuisances subject to abatement under the provisions of chapter 46, article II of this Code.  
(Code 1974, § 3-2)

**State law reference**—Similar provisions, 37 O.S. §§ 505, 537(A)(5), 537(B)(1).

**Sec. 6-28. Package stores, wholesalers, etc., must comply with zoning ordinance.**

No package store, wholesale alcoholic beverage store, warehouse, 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 boundaries of the city, except at a location at which such an establishment is permitted by the zoning ordinance of the city.  
(Code 1974, § 3-8)

**State law reference**—Zoning regulation of alcoholic beverages authorized, 37 O.S. § 518.2.

**Sec. 6-29. Advertising of sale.**

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by law, the sale of alcoholic beverages within the limits of this city.  
(Code 1974, § 3-12)

**State law reference**—Similar provisions, 37 O.S. § 516.

**Sec. 6-30. Sale or delivery to minors.**

No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the city, to any person who is under 21 years of age.  
(Code 1974, § 3-19)

**State law reference**—Similar provisions, 37 O.S. § 537(A)(1).

**Sec. 6-31. Employment of minors.**

(a) No person under the age of 21 years shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within this city, and no person shall employ or assist or aid in causing the employment of any person under the age of 21 years at any place within this city in the selling, manufacture, distribution or other handling of alcoholic beverages.

(b) Notwithstanding the provisions of subsection (a) of this section a mixed beverage, caterer, special event or bottle club licensee may employ servers who are 18 years of age or older, except in designated bar or lounge areas, and subsection (a) does not prevent persons 18 years or older from being so employed.  
(Code 1974, § 3-17)

**State law reference**—Similar provisions, 37 O.S. § 537(B)(2).

**Sec. 6-32. Misrepresentation of age by minors.**

Any person under 21 years of age who 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 issue him a bottle club membership card, or who enters or attempts to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission, shall be guilty of a misdemeanor.  
(Code 1974, § 3-20)

**State law reference**—Similar provisions, 37 O.S. § 538(E).

**Sec. 6-33. Sale, delivery to intoxicated, insane or mentally deficient person.**

No person, at any place within this city, shall sell, deliver or knowingly furnish any alcoholic

beverage to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

(Code 1974, § 3-21)

State law reference-Similar provisions, 37 O.S. § 537(A)(2).

Sec. 6-34. Permitting or allowing gatherings where minors are consuming alcoholic beverages.

(a) *Definitions.* For purposes of section 6-34, the following definitions shall apply:

*"Alcohol"* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*"Alcoholic beverage"* includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

*"Gathering"* is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

*"Intoxicating beverage"* includes beverages containing more than three and two-tenths percent alcohol by weight.

*"Legal guardian"* means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

*"Low point beer"* means and includes beverages containing more than one-half of one percent alcohol by volume, and not more than three and two-tenths 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.

*"Minor"* means any person under 21 years of age.

*"Parent"* means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

*"Premises"* means any residence or other private property, place, or premises, including any commercial or business premises.

*"Response costs"* are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such responses; (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this section.

(b) *Consumption of alcohol by minor in public place, place open to public, or place not open to public.* Except as permitted by state law, it is unlawful for any minor to:

- (1) Consume at any public place or any place open to the public alcoholic beverage; or
- (2) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

(c) *Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages prohibited.*

- (1) a. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by

any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

- b. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (I)a. of this section.
- (2) This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
- (3) Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.
- (4) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious

gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

- (5) This section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.
- (6) Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation with a fine of \$500.00.
- (7) Reservation of legal options violations of this section may be prosecuted by the City of McAlester criminally and/or civilly, provided by the Municipal Code. The city may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the city's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.
- (8) Local authority. This section shall not apply where prohibited or preempted by state or federal law.

(Ord. No. 2256, § 1,6-12-07)

Secs. 6-35-6-45. Reserved.

## DIVISION 2. PACKAGE STORES

## Sec. 6-46. Permitted sales.

No person shall sell or deliver alcoholic beverages at a package store other than:

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

(Code 1974, § 3-10)

State law reference-Similar provisions, 37 O.S. § 534.

## Sec. 6-47. Sales on credit.

(a) No package store licensee shall sell any alcoholic beverage on credit; provided that acceptance by a retail liquor store of a cash or debit card, or a nationally recognized credit card, in lieu of actual cash payment does not constitute the extension of credit.

(b) As used in this section:

- (1) *Cash or debit card* means any instrument or device whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility.
- (2) *Nationally recognized credit card* means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over 100 merchants.

(Code 1974, § 3-6)

State law reference-Similar provisions, 37 O.S. § 537(C)(5).

## Sec. 6-48. Offering prizes, gifts, other inducements.

No package store licensee shall offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverages, except that goods or merchandise

included by the manufacturer in packaging with alcoholic beverages shall not be included in this prohibition, but no wholesaler or package store shall sell any alcoholic beverage prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold.

(Code 1974, § 3-7)

State law reference-Similar provisions, 37 O.S. § 537(C)(6).

## Sec. 6-49. Location shall comply with state law.

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

(Code 1974, § 3-9)

## Sec. 6-50. Premises must be separated from premises where other business conducted.

(a) No person shall maintain or operate, or assist in any manner in the maintenance or operation of a package store on premises which are not separated from adjoining premises, in 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.

(b) No person shall take any alcoholic beverage through any passageway described in subsection (a) for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

(Code 1974, § 3-11)

State law reference-Similar provisions, 37 O.S. § 534.

## Sec. 6-51. Signs.

No person owning, operating or maintaining a package store shall cause or permit such store 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.

(Code 1974, § 3-13)

State law reference-Similar provisions, 37 O.S. § 516.

Sec. 6-52. Operation prohibited on certain days, during certain hours.

No person shall open for business or keep open for business, or sell or deliver alcoholic beverages to any person at a package store in this city 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 city, or on any other day except between the hours of 10:00 a.m. and 9:00 p.m.

(Code 1974, § 3-14)

State law reference-Similar provisions, 37 O.S. § 537(C)(3).

Sec. 6-53. Sale or delivery to package stores prohibited on certain days.

No wholesale dealer in alcoholic beverages, and no officer, agent or employee of such a dealer, shall sell or deliver to any package store in this city any amount of spirits or wines on Saturday or Sunday of any week, on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.

(Code 1974, § 3-15)

State law reference-Similar provisions, 37 O.S. § 537(D).

Sec. 6-54. Beverages shall not be consumed nor containers opened in store.

(a) No person owning, employed in or in any manner assisting in the maintenance and operation of a package 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 store.

(b) No person shall drink or consume in any manner alcoholic beverages on the premises of a package store, nor shall any person open or break the seal of any original package or retail con-

tainer containing alcoholic beverages on the premises of any such store.

(Code 1974, § 3-16)

State law reference-Similar provisions, 37 O.S. §§ 537(A)(3), 537(C)(2).

Sec. 6-55. Minors not permitted.

(a) No owner or proprietor of a package store in this city, 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 store.

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

(Code 1974, § 3-18)

State law reference-Similar provisions, 37 O.S. § 531(C)(7).

Secs. 6-56-6-65. Reserved.

DIVISION 3. OCCUPATION TAX

Sec. 6-66. Levied; amount.

(a) There is hereby levied an annual tax upon the following occupations in the sums respectively set opposite the name of each occupation:

(1) Brewer. ....	\$1,250.00
(2) Distiller. ....	3,125.00
(3) Winemaker. ....	626.00
(4) Oklahoma winemaker. ....	75.00
(5) Rectifier. ....	3,125.00
(6) VVholesaler. ....	3,500.00
(7) Class B wholesaler.....	625.00
(8) Package store. ....	600.00
(9) Mixed beverage:	
a. Initial. ....	1,000.00
b. Renewal. ....	900.00
(10) Caterer:	
a. Initial. ....	1,000.00
b. Renewal. ....	900.00
(11) Employee, each. ....	15.00

(12) Carrier, each .....	23.00
(13) Private carrier. ....	23.00
(14) Special events per day. ....	50.00
(15) Industrial .....	23.00
(16) Nonresident seller .....	750.00

The occupational tax for those service organizations which are exempt under section 501(c)(19) of the Internal Revenue Code for mixed beverages or bottle club licenses shall be \$500.00 per year.

(b) The above occupational taxes for brewer and a class B wholesaler shall be reduced by 75 percent if the licensee is also the holder of a state license to manufacture or wholesale, as the case may be, any nonintoxicating malt beverages as provided in 37 O.S., as amended.

(c) If any of the occupational taxes levied in this section shall exceed the amount permitted by any applicable state law, they shall be and are hereby reduced to the extent necessary to conform to such applicable state law.  
(Code 1974, § 3-35)

State law reference-Authority to levy above tax, 37 O.S. §§ 518, 554.1.

Sec. 6-67. Separate tax for each place of business.

Any state licensee carrying on an occupation taxed by this division in more than one location in the corporate limits of this city shall be subject to the tax for each such location.  
(Code 1974, § 3-36)

Sec. 6-68. Where and when payable; penalty for late payment.

(a) Any state licensee originally entering upon any occupation taxed by this division shall pay the tax at the office of the finance director on or before the date upon which he enters into such occupation. The tax is annual and such licensee shall pay the tax on or before the date of issuance.

(b) If the occupation tax due from any person under the provisions of this division remains due and unpaid for a period of 30 days, there shall be

imposed upon the licensee a penalty of \$50.00, in addition to such tax.  
(Code 1974, § 3-37)

Sec. 6-69. Issuance and posting of receipt.

Upon payment of the tax levied by this division, the city treasurer shall issue a receipt therefor to the state licensee. The state licensee shall post his tax receipt in a conspicuous place in the premises wherein he carries on his occupation.  
(Code 1974, § 3-38)

Sec. 6-70. Records.

The city treasurer shall record the name of each person paying the tax levied by this division and the address where he engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city for at least five years. Thereafter, upon resolution by the city council, it may be destroyed.  
(Code 1974, § 3-39)

Sec. 6-71. Failure to pay.

Any person who engages in any occupation taxed by this division without paying the occupation tax imposed therefor is guilty of an offense against the city. Each day that such person shall engage in the occupation without payment of the tax shall constitute a separate offense.  
(Code 1974, § 3-40)

Sec. 6-72. Collection by civil suit.

All sums due from any person by reason of occupation taxes imposed by this division and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at the suit of the city, brought against such person in any court of competent jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover interest, at the rate of ten percent per annum, upon all sums due by way of the tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fee (which shall be paid to the attorney representing the plaintiff in said suit) all to be determined by the court. Prosecution for an offense against the city arising out of the failure to pay a tax levied by this divi-

sion, regardless of the outcome thereof or of its continued pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and penalties, if any are due, as provided for in this section.  
(Code 1974, § 3-41)

Secs. 6-73-6-85. Reserved.

ARTICLE III. NONINTOXICATING BEVERAGES\*

Sec. 6-86. Definitions.

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

*Nonintoxicating beverages* means all beverages containing more than one-half of one percent of alcohol by volume, and not more than 3.2 percent of alcohol by weight.  
(Code 1974, § 3-53)

Cross reference-Definitions generally, § 1-2.  
State law reference-Similar provisions, 37 O.S. § 163.2.

Sec. 6-87. Retail dealer's license.

(a) It shall be unlawful for any person to sell nonintoxicating beverages at retail within the city without first obtaining a license from the city treasurer.

(b) Upon filing a written application with the city treasurer, the treasurer shall issue a nonintoxicating beverage retail dealer's license upon the payment of \$20.00 for an annual license for selling such beverages for consumption on or off the premises and \$10.00 for an annual license for selling such beverages in the original packages and not for consumption on the premises. Such license shall expire on the April 30 next after the same is issued.

(c) Upon the conviction of any dealer licensed under the provisions of this section for the possession or sale of any intoxicating liquors, wines or beers or for violating any provision of section 6-89,

\*State law reference- Nonintoxicating beverages. 37 O.S. § 163.1 et seq.

the city council may cancel the dealer's license and revoke the same.  
(Code 1974, § 3-54)

State law reference-Authority of city to impose above license fee, 37 O.S. § 163.10.

Sec. 6-88. Conduct of sales premises generally.

It shall be unlawful for the owner, manager or operator of a place where nonintoxicating beverages are sold to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise or music, profane language, or any other violation of the laws of the state or of the ordinances of the city. It shall be unlawful for the owner, manager or operator of such a place to permit therein fighting, boxing, wrestling or other contests of physical strength.  
(Code 1974, § 3-55)

Sec. 6-89. Obstruction of windows in sales premises; illumination of sales premises.

No retail dealer licensed under this article shall sell nonintoxicating beverages for consumption on the premises, unless all street or ground floor windows and openings are kept free from blinds, screens, partitions, counters, showcases and other obstructions in the area of such windows and openings between 48 inches and 72 inches above the level of the sidewalk, and no obstruction of such windows or openings shall be permitted which will obstruct the view through such windows and openings from the street to the rear of the building in which such business is carried on, except that one skeleton-type neon sign in each such window or opening may be permitted. There shall be maintained at all times during business hours in all portions of such building frequented by patrons, customers and the public at least three footcandles of light of illumination.  
(Code 1974, § 3-56)

Sec. 6-90. Sales prohibited during certain hours.

It shall be unlawful for the owner, manager or operator of a place licensed to sell nonintoxicating beverages to sell such beverages for consumption

on the premises between the hours of 2:00 a.m. and 7:00 a.m. Such sales are unlawful between 2:00 a.m. and 12:00 noon on Sunday.

(Code 1974, § 3-57)

State law reference-Similar provisions, 37 O.S. § 215.

Sec. 6-91. Sale, barter or gift to person under 21 years of age.

(a) It shall be unlawful for any person to sell, barter or give to any person under 21 years of age any nonintoxicating beverage.

(b) It shall be unlawful for any person who holds a license to sell and dispense nonintoxicating beverages for consumption on the premises, or any agent, servant or employee of the license holder to permit any person under 21 years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless the person's parent or legal guardian is present, which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises. The provisions of this section shall not prohibit persons under 21 years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of the beverages are incidental to the main purpose, as long as persons under 21 years of age are not sold or served such beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant or employee from the provisions of this section.

(c) It shall be unlawful for any person who holds a license to sell and dispense nonintoxicating beverages for consumption on the premises, or any agent, servant or employee of the license holder to permit any person under 21 years of age to consume any nonintoxicating beverage on the licensed premises.

(Code 1974, § 3-58)

State law reference-Similar provisions, 37 O.S. § 241.

Sec. 6-92. Employment of person under 18 years of age in place where sold or dispensed.

(a) It shall be unlawful for any person under 18 years of age to be employed or permitted to work, in any capacity whatsoever, in a place

where beverages containing more than one-half of one percent of alcohol measured by volume and not more than 3.2 percent of alcohol measured by weight are sold or dispensed for consumption on the premises.

(b) It shall be unlawful for any person under the age of majority to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of beverages containing more than one-half of one percent of alcohol measured by volume and not more than 3.2 percent of alcohol measured by weight. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of said beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell nonintoxicating beverages for consumption on the premises from the provisions of this subsection.

(c) A parent as regards the employment of his own child or children is excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

(d) The provisions of subsection (a) of this section shall not apply to any business or establishment where sales of such beverages do not exceed 25 percent of the gross sales of the business or establishment.

(Code 1974, § 3-59)

State law reference-Similar provisions, 37 O.S. § 243.

Sec. 6-93. Person under 21 years of age prohibited from consuming nonintoxicating beverage and from entering or remaining in bar area.

(a) No person under 21 years of age shall consume alcoholic or nonintoxicating beverages. It shall be unlawful for any person under 21 years of age to consume or attempt to consume alcoholic or nonintoxicating beverages except under supervision of law enforcement officers, excluding primary residence with parents' or legal guardian's consent.

(b) If the premises of a holder of a license to sell nonintoxicating beverages contains a separate or enclosed bar area which has as its main purpose the sale or serving of nonintoxicating beverages for consumption on the premises, no person under 21 years of age shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit persons under 21 years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of such beverages are incidental to the main purpose, if the persons under 21 years of age are not sold or served or do not consume nonintoxicating beverages anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under 21 years of age from the provisions of this subsection.

(Code 1974, § 3-60; Ord. No. 2067, § 1, 5-27-97; Ord. No. 2131, § 1, 5-7-01)

State law reference-Similar provisions, 37 O.S. § 246.

**Sec. 6-94. Sale to intoxicated persons; permitting intoxicated persons on sales premises.**

It shall be unlawful for the owner, manager or operator of a place where nonintoxicating beverages are sold to sell or otherwise furnish such beverage to an intoxicated person or to permit an intoxicated person to remain or loiter therein.

(Code 1974, § 3-61)

Chapters 7-9

**RESERVED**