

PART 3

ALCOHOLIC BEVERAGES

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Chapter 1

ALCOHOLIC
AND REGULATION

BEVERAGES,

TAXATION

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Article A. Alcoholic Beverage Tax

3-101 Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise.

1. "Alcoholic beverage" means beverages controlled by the Oklahoma Alcoholic Beverage Control Board;
2. "Package store" means a retail alcoholic beverage store;
3. "State licensee" means any person, partnership, firm, corporation or association who holds a license issued by the authority of the Oklahoma Beverage Control Act;
4. The following specific terms, are given the meanings defined for them by Section 6 of the Oklahoma Alcoholic Beverage Control Act (37 O.S. Sections 502 to 567): brewer, class B wholesaler, distiller, winemaker, rectifier, Oklahoma winemaker, wholesaler, and package store; and
5. Words in the plural include the singular, and vice versa; and words imparting the masculine gender include the feminine. (Prior Code, Chapter 5)

State Law Reference: State Alcoholic Beverage Act, 37 O.S. Sections 501 et seq.

3-102 Occupation tax levied.

A. There is hereby levied an annual occupation tax upon each person, firm or corporation engaged within this city in any of the following occupations hereinafter named, in the following sums respectively set opposite the designation of each such occupation;

1.	Brewer	\$ 1,250.00
2.	Distiller	\$ 3,215.00
3.	Winemaker	625.00
4.	Oklahoma winemaker	75.00
5.	Rectifier	3,125.00
6.	Wholesaler	2,500.00
7.	Class B wholesaler	625.00
8.	Package store	500.00

B. These occupation taxes for brewer and class B wholesaler shall be reduced by seventy-five percent (75%) if the licensee is also a holder of a state license to manufacture or wholesale, as the case may be, any non-intoxicating malt beverages as provided in Title 37, Oklahoma Statutes. (Ord. 28-061603 § 1)

State Law Reference: City license fees, not to levy greater than state licenses, 37 O.S. Section 518.

3-103 Tax to be paid to city clerk; expiration; proration.

A. 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 engages 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, such records may be destroyed. Every person receiving such a receipt from the city clerk shall post the tax receipt in a conspicuous place in the premises wherein he carries on his occupation.

B. All occupation taxes levied under the provisions of this article expire on June 30 of each year.

C. The amount of any occupation tax levied shall be computed prorata upon the months remaining in the year ending June 30 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. (Prior Code, Chapter 5)

3-104 City clerk to make report.

The city clerk shall make and transmit to the Oklahoma Alcoholic Beverage Control Board an annual report showing the number and class of licensees upon which occupation taxes were levied, and the amount of money collected from such taxes. (Prior Code, Chapter 5)

3-105 To post tax receipt.

Any state licensee shall post his tax receipt in a conspicuous place in the premises wherein he carries on his occupation. (Prior Code, Chapter 5)

3-106 Payment of tax required; penalty.

Any person who engages in any of the occupations taxed by this chapter without paying the occupation tax imposed therefor is guilty of an offense against the city, and, upon conviction thereof, shall be fined as provided in Section 1-108 of this code. (Prior Code, Chapter 5)

3-107 Violation of state law.

Any violation of any law of the state of Oklahoma in connection with any of the matters covered by this article shall be construed to be a specific violation of this article, whether specifically covered by the provisions of this chapter or not. (Prior Code, Chapter 5)

Article B. Regulation of Sale of Alcoholic Beverages

3-120 Purpose of article.

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

State Law Reference: State alcoholic beverage regulations, 37 O.S. Sections 516, 537, and 501 et seq.

3-121 Definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

1. "Retail alcoholic beverage store" means a package store;
2. "Wholesale alcoholic beverage store" means a store operated under the authority of a state wholesaler's license; and
3. The following specific terms are given the meanings defined for them in the appropriate sections of the Oklahoma Alcoholic Beverage Control Act: advertise the sale of alcoholic beverages, alcohol, brewery, distillery, original package or original container, retail containers, sale, spirits, wholesale dealer in alcoholic beverages, and wine.

3-122 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 (4) inches in height or more than three (3) inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

State Law Reference: Similar provisions, 37 O.S. Section 516.

3-123 Advertising.

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by Section 3-122 of this code, the sale of alcoholic beverages within the limits of this city.

State Law Reference: Similar provisions, 37 O.S. Section 516.

3-124 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 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.

3-125 Passageway.

No person shall take any alcoholic beverage through any passageway described in Section 3-124 of this code, for the purpose of delivery thereof in connection with a sale of such beverage.

3-126 Sale in containers.

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.

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.

3-127 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.

3-128 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 city except at a retail alcoholic beverage store in strict conformity with this article and the laws of the state.

3-129 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 city except at a location at which such an establishment is permitted by the zoning ordinance of the city as to retail package stores, and the clear implication of the state law as to the other establishments.

3-130 Location.

A. No person shall own, operate, maintain or be interested in any establishment listed in Section 3-102 of this code which is located at a place within this city which is forbidden as a location for such store by the laws of the state or ordinances of the city.

B. The locations of a retail package store shall be prohibited within three hundred feet (300) from any church property primarily and regularly used for worship services and religious activities, or public school, provided, that if such church or school shall be established within three hundred feet (300) of any licensed retail premises, 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. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store 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. A license shall not be issued for a location on any city or town block where a school or church is located.

State Law Reference: Similar provisions, 37 O.S. Section 534.

3-131 Not to sell to persons under twenty-one.

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

3-132 False documentation.

No person under twenty-one (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.

3-133 Not to sell to intoxicated person.

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

3-134 Person under twenty-one not to be employed.

No person under the age of twenty-one (21) years of age shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within this city.

3-135 Not to employ person under twenty-one.

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

3-136 Time of sale.

No person shall open for business or keep open for business, or sell or deliver or receive deliveries of alcoholic beverages to any person at a retail alcoholic beverage 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 10:00 p.m.

3-137 Not to sell on credit.

No person at any retail alcoholic beverage store in this city shall sell any alcoholic beverage on credit.

State Law Reference: Similar provisions, 37 O.S. Section 537.

3-138 Not to furnish prizes.

No owner or proprietor of a retail alcoholic beverage store, and no person employed therein, shall offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with a sale of alcoholic beverages.

3-139 Persons under twenty-one not to be permitted to enter.

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

3-140 Persons under twenty-one not to enter.

No person under the age of twenty-one (21) years of age shall enter into, remain within or loiter about the premises of any retail alcoholic beverage store within this city.

3-141 Time of delivery.

No person shall sell or deliver to any retail alcoholic beverage store in this city 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 city.

3-142 Not to permit drunkenness in cafe.

No person, whether as owner, manager, operator, or employee of 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 the place of business.

3-143 Separate offenses.

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.

3-144 Transporting open container prohibited.

No person within this city shall transport in any vehicle upon any public highway, street, alley or other public way any alcoholic beverage unless such alcoholic beverage is:

1. In an unopened original container with seal unbroken and the original cap or cork not removed from the container; and
2. In the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of the vehicle.

3-145 Penalty.

Any violation of any provision contained in this article is an offense against the city; upon conviction of any such offense, the violator shall be punished by a fine as provided by Section 1-108 of this code, including costs.

Chapter 2

NONINTOXICATING BEVERAGES

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3-201 Definitions.

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3-203 Time of sale.

3-204 License fee.

3-205 License required.

3-206 Compliance with state law; not transferable.

3-207 Possession by minors and in public.

3-208 Drinking in public.

3-209 Transporting of nonintoxicating beverages except in original unopened container prohibited; exception.

3-210 Penalty.

3-201 Definitions.

The following terms, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

1. "Minor" means a person who in accordance with applicable state law, has not yet attained the age at which consumption of nonintoxicating beverages is permitted;

2. “Nonintoxicating beverages” means all beverages containing more than one-half of one percent (½ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight; and

3. “Retail dealer” means and includes 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 city without regard as to any place where such beverages may be consumed or used. (Prior Code, Chapter 5)

State Law Reference: See 37 O.S. Sections 163.1 et seq. for definitions and regulations applicable to nonintoxicating beverages.

3-202 Not to sell to minors.

It is unlawful for any person to knowingly sell, barter, purchase for, deliver or furnish to any minor any nonintoxicating beverage for purposes of consumption on or off premises. (Prior Code, Chapter 5)

3-203 Time of sale.

It is unlawful for any retail dealer to sell, or offer for sale, any nonintoxicating beverages for consumption on the premises between the hours of 12:00 midnight and 7:00 a.m. on any week day and between the hours of 12:00 midnight on Saturday and 7:00 a.m. of the following Monday. (Prior Code, Chapter 5)

3-204 License fee.

A. There is hereby levied upon each retail dealer in nonintoxicating beverages for consumption on and off the premises, an annual municipal license fee in an amount set by the city council by motion or resolution, and upon each retail dealer in nonintoxicating beverages for consumption off the premises, a fee in an amount set by the city council by motion or resolution.

B. All such municipal license fees shall be paid to the city clerk at the time of issuance and in the manner herein prescribed. (Prior Code, Chapter 5)

State Law Reference: State license fees, city not to levy greater fee, 37 O.S. Section 163.7.

3-205 License required.

It is unlawful for any retail dealer, whether permanent or temporary, at any place within the corporate limits of the city to sell, distribute or dispense any nonintoxicating beverages without having first applied for and received a municipal license as herein required. (Prior Code, Chapter 5)

3-206 Compliance with state law; not transferable.

No municipal license shall be issued to any retail dealer by the city clerk without a 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. (Prior Code, Chapter 5)

3-207 Possession by minors and in public.

A. It is unlawful for any minor to be in possession of any nonintoxicating alcoholic beverage or beer.

B. It is unlawful for any person to possess or have in his control an opened container of nonintoxicating beverage while such person is upon any public street, highway, alley, thoroughfare, right-of-way, sidewalk, public park or grounds, or upon, about or within any public building or public parking lot within the city. Possession

of an opened container of nonintoxicating beverage is allowed only within any duly licensed tavern, club or retail dealer which is legally permitted to sell such nonintoxicating beverage for on-premises consumption. (Prior Code, Chapter 5)

3-208 Drinking in public.

It is unlawful for any person, whether a minor or of age, to drink any nonintoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the city. This section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

3-209 Transporting of nonintoxicating beverages except in original unopened container prohibited; exception.

It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any nonintoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. (Prior Code, Chapter 5)

3-210 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-108 of this code. (Prior Code, Chapter 5)

Chapter 3

PRIVATE CLUBS

Sections:

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For the purpose of this chapter, the term “private club” means any association, person, firm or corporation, key club, bottle club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises, place of meeting, congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home. (Prior Code, Chapter 5)

State Law Reference: Definition of private club, closing hours under state law, 2:00 a.m. to 6:00 a.m., 37 O.S. Section 8.1.

- 3-302 Classes of clubs.

For the purpose of license and regulation, private clubs are divided into three (3) classes:

1. Class A includes private clubs maintained, supported and controlled by nationally recognized lodges, fraternal societies, or veterans organizations for their members only;
2. Class B includes restaurants open to the general public but maintaining a private room opening into the restaurant, which private room is used as a private club. No food may be served in the private room nor dancing be permitted in the private room or in the adjacent restaurant; and
3. Class C includes any other private club. (Prior Code, Chapter 5)

- 3-303 License review board; established.

A license review board is hereby established to review and pass upon qualifications of applicants or licensees under this chapter. The license review 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 the board until the application has been on file with the city clerk at least ten (10) days. (Prior Code, Chapter 5)

- 3-304 Members; officers; vote; quorum.

The license review board shall be composed of five (5) members, the chief of police, the fire chief, the director of the county health department, the city clerk, and the city attorney. The members shall elect a chairman of the 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 license review board, the members present may elect a temporary chairman or secretary from

among their number. A simple majority of the members of the board present at any meeting shall be required for any action. Four (4) members shall constitute a quorum. (Prior Code, Chapter 5)

3-305 License fee to be paid.

No association, person, firm or corporation shall maintain or operate any private club in the city without first paying in advance to the city clerk the license fee hereinafter prescribed, presenting the receipt for the same to the clerk, making application for a license therefor on forms provided by the city clerk, and receiving a license from the license review board. (Prior Code, Chapter 5)

3-306 Documents to be filed.

In addition to the payment of the prescribed fee to the city clerk, an applicant for a license for a private club shall file with the city clerk true copies of the articles of incorporation and bylaws if the applicant is an association; and a list of the officers, directors, owners and managers of the club, and any stockholders who receive a financial return on their stock. The copies shall be filed in duplicate. (Prior Code, Chapter 5)

3-307 Changes to be filed.

If changes occur in the officers, directors, stockholders, owners or managers of any private club, after filing of their names with the city clerk as aforesaid at any time during the year, the applicant shall furnish such changes in writing in duplicate on the forms provided by the city clerk within one week after their occurrence. (Prior Code, Chapter 5)

3-308 Chief of police to check.

The city clerk shall forward one copy of the list of officers, directors, stockholders, owners and managers to the chief of police, who shall cause a check to be made of any criminal record of any persons named therein, and report in writing thereafter to the city clerk as to his findings. (Prior Code, Chapter 5)

3-309 Class B and C licenses.

Applicants for class B or class C licenses shall be either Oklahoma corporations or associations with written articles of association and bylaws. The articles or bylaws shall provide for regular election of officers or directors. (Prior Code, Chapter 5)

3-310 Eligibility to serve as officers.

No person shall be eligible to 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 Creek County for a period of two (2) years immediately preceding the action or service in any of such capacities. 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 violating any of the gambling or prohibitory laws of the state, any other state, or the United States, including those heretofore in effect. Any person holding such a position in a private club operating at the time of initial enactment of this chapter, shall not be subject to this section as to the position he holds as of the time of initial enactment of this chapter. (Prior Code, Chapter 5)

3-311 Not to violate law.

No private club nor any officer, director, stockholder, owner or manager thereof licensed pursuant to the provisions of this chapter shall violate any of the provisions of the Alcoholic Beverage Control Act of the state nor

any other law of the state, nor knowingly permit the violation thereof on any premises subject to the control of any private club. (Prior Code, Chapter 5)

3-312 Renewal of license.

Prior to the 30th day of June of each year, each applicant desiring a renewal of license for a private club hereunder shall pay to the city clerk the annual fee for such license in the amount herein specified. All such licenses shall expire on June 30th of each year unless so renewed. In the case of a renewal of license, the applicant shall not be required to refile the formal application and other documents herein mentioned unless directed to do so by the license review board. (Prior Code, Chapter 5)

3-313 Rentals to be on fixed basis.

No private club licensed pursuant to the provisions of this chapter shall have or make any rental or lease agreement with any other person, firm, trust, estate, corporation or other entity providing for any rentals based upon percentage of profit of the private club, but any rentals paid or to be paid shall be on a fixed basis without relation to any income, volume, or profit of the private club. (Prior Code, Chapter 5)

3-314 Location of private clubs; rentals.

No private club as defined by this chapter shall be licensed to operate within three hundred (300) feet, excluding streets and alleys, of any church or school property on which there is located a church building or school building in normal use for such purposes, the distance to be measured from the boundary of such church or school property to the nearest point of the building in which such private club is proposed to be operated. (Prior Code, Chapter 5)

3-315 Right to enter and inspect.

The right of entry and inspection of any premises subject to the control of any private club by any uniformed or nonuniformed officer or agent of any department charged with the enforcement of this chapter shall be a condition on which every license is issued. The application for, and acceptance of, any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection. (Prior Code, Chapter 5)

3-316 To have restaurant facilities.

No class C private club licensed pursuant to this chapter nor restaurant maintaining a class B private club licensed pursuant to this chapter shall be operated or maintained without regular, constant, complete kitchen and restaurant facilities including an adequate sized refrigerator, approved dishwashing equipment, an oven and a range with at least four (4) burners. (Prior Code, Chapter 5)

3-317 To serve hot foods.

No class C private club licensed pursuant to this chapter nor restaurant maintaining a class B private club licensed pursuant to this chapter shall be operated or maintained without preparing and serving hot foods at all hours while open for business, including meats, vegetables and dessert. (Prior Code, Chapter 5)

3-318 Subject to food handling ordinances.

Every private club licensed pursuant to this chapter shall be subject to all ordinances regulating food handling establishments. (Prior Code, Chapter 5)

3-319 Sanitary facilities.

Every private club licensed pursuant to this chapter shall, as a minimum, provide sanitary and toilet facilities as required by the ordinances permitted in the private health department regulations governing beer taverns. (Prior Code, Chapter 5)

3-320 Bylaws; membership.

Membership in any private club subject to this chapter shall be regulated by articles or bylaws. The articles or bylaws of every class C private club shall provide that after application for membership at least one week shall elapse before the applicant shall be eligible for election to membership. Upon election to membership in any private club, a membership card shall be issued to the member, and his name and his age enrolled on a list of members, which shall be kept on the premises of every private club and be subject to inspection at all times. The list of members shall show the full name of the member, his age, his address and the dates of his application for membership and election to membership. The bylaws or articles may provide for temporary membership for nonresidents of the city, temporarily present in the city, as members of another organization holding a meeting in the city. Temporary memberships shall extend to all members of the organization affected. Temporary membership shall be effected by notice in writing to the presiding officer of the organization meeting in the city, limiting the time of temporary membership to the time the organization shall meet in the city. A copy of the notice shall be filed with the city clerk. Any convention badge or identification of membership in the visiting organization selected by the private club shall serve as the temporary membership card. (Prior Code, Chapter 5)

3-321 Persons under twenty-one not permitted.

No person under the age of twenty-one (21) years shall 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 beverages unless accompanied by and in custody of one of his parents or a guardian. (Prior Code, Chapter 5)

3-322 Expiration of license; proration of fee.

All licenses issued pursuant to this article shall expire on June 30th of each year. License fees shall be prorated in the following manner: Applicants filing applications more than six (6) months prior to the last day of June of any year shall pay the license fee in full. Applicants filing applications less than six (6) months prior to the last day of June of any year shall pay one-half (½) of the fee prescribed herein. No license shall be returned or transferred from person to person or from place to place. Licenses shall be signed by the city clerk and countersigned by the chairman of the license review board. The city clerk shall affix the corporate seal of the city thereto. (Prior Code, Chapter 5)

3-323 Free licenses; refund.

No free licenses shall be granted, nor rebates allowed, for any cause, nor any sum accepted less than the amount herein specified, nor for a shorter period than therein required. In any case when an application for a license is denied, there shall be refunded to the applicant an amount equal to ninety percent (90%) of the license fee paid by the applicant to the city clerk at the time of making the application. (Prior Code, Chapter 5)

3-324 Separate licenses; not transferable.

A separate license must be obtained for each branch established or separate place operated by any private club, and each license shall authorize the operation of a private club only at the location described in the license, and in conformity to the ordinances of the city and the laws of the state and of the United States. No license shall

be transferable to another person, firm, association or corporation or to any other location. (Prior Code, Chapter 5)

3-325 To exhibit license.

Every private club having a license under the provisions of this article shall place and exhibit the same at all times while in force in some conspicuous place in the premises licensed, and shall produce or exhibit the same when applying for a renewal thereof. The entrance of every private club shall be plainly marked "Private Club Members Only." (Prior Code, Chapter 5)

3-326 Fee.

An annual license tax or fee is hereby levied upon all persons, firms, associations or corporations operating a private club within the city in an amount set by the city council by motion or resolution. (Prior Code, Chapter 5)

3-327 To inspect clubs.

The police, fire and health departments shall inspect all private clubs regularly to enforce all of the terms of this chapter, and report any violations to the license review board. (Prior Code, Chapter 5)

3-328 Regulations for operation.

It is an offense, punishable as hereinafter set forth, and grounds for the revocation or suspension of a license issued hereunder for any private club, or operator, partner or manager, or person having supervisory control thereof, or employee, to do or permit to be done, on or about the licensed premises, any of the following acts:

1. Violate any of the provisions of this chapter;
2. Violate any of the statutes of the state pertaining to alcoholic beverages;
3. Violate any of the regulations promulgated by the Alcoholic Beverage Control Board of the state;
4. Serve to or allow any intoxicated person to consume any alcoholic beverages on the premises so licensed;
5. Permitting an intoxicated person to be or to remain on the licensed premises;
6. Permitting a person under the age of twenty-one (21) years to consume intoxicating alcoholic beverages on the premises;
7. Serve or permit to be served any intoxicating alcoholic beverages to any person under the age of twenty-one (21) years; or
8. Permitting a person under the age of twenty-one (21) years to serve any intoxicating alcoholic beverages on the licensed premises.

3-329 Time of operation.

Every private club having a license under the provisions of this article shall close and remain closed, permitting no members, other than employees, to remain on the premises of the club between the hours of 2:00 a.m. and 6:00 a.m. on any day.

State Law Reference: State law, private clubs to be closed 2:00 a.m. to 6:00 a.m. daily, 37 O.S. Section 8.1.

3-330 Suspension or revocation of licenses; procedures.

A. The license review board may suspend for not more than fifteen (15) days, or revoke licenses issued hereunder if, after public hearing, as hereinafter provided, the board finds that the holder of the license has violated any of the provisions of this chapter.

B. The chief of police shall investigate complaints concerning private clubs and if he finds a violation of the provisions has been committed, he shall file a complaint with the city clerk setting forth the alleged acts constituting the violation. Upon the filing of such complaint, the city clerk shall fix a date for hearing the complaint by the license review board and shall cause to be served upon the licensee a copy of the complaint and notice of the time and place of the hearing. The complaint and notice of hearing shall be served upon the manager, operator, partner or persons shown on the license as having supervisory control over the premises of the private club, or if such person may not be found, by mailing the same by registered mail, addressed to such person at the licensed premises. At the hearing thereon, the complainant, the licensee, or any interested person may be present and present such evidence as may be relevant and material. If at the conclusion of such hearing, the license review board finds, that the licensee has violated any of the provisions of this chapter, the board shall suspend for not more than fifteen (15) days, or revoke the license issued to the private club. Upon suspension or revocation, the licensee shall immediately cease operation as a private club. (Prior Code, Chapter 5)

3-331 Other laws applicable.

The provisions of this chapter shall not be construed to exempt any person, firm, corporation, or association operating a private club from compliance with any other applicable ordinance of the city not in conflict herewith. (Prior Code, Chapter 5)

3-332 Penalty.

Any person, partnership, corporation or association, or officer, director, stockholder, owner or manager of any private club, who violates any provision of this article is guilty of an offense, and upon conviction thereof shall be punished as provided in Section 1-108 of this code. (Prior Code, Chapter 5)