

**TITLE XI
BUSINESS REGULATIONS**

**CHAPTER 110
TOBACCO**

Section 110.01	Prevention of Youth Access to Tobacco
Section 110.99	Penalty

**CHAPTER 111
ALCOHOLIC BEVERAGES**

Section 111.001	Definitions
Section 111.002	Unlawful Manufacture, Sale, Possession, Etc., Generally
Section 111.003	Maintaining a Place Where Sold Contrary to Law
Section 111.004	Location of Package Stores, Wholesalers, and Mixed Beverage Establishment
Section 111.005	Hours of Operation
Section 111.006	Underage Persons Not Permitted in Package Stores or Licensed Premises
Section 111.007	Minors not to be Employed in Selling or Handling; Exceptions
Section 111.008	Possession by Underage Persons
Section 111.009	Underage Persons not to Misrepresent Age in Order to Buy Alcohol or Gain Entry to Licensed Establishments
Section 111.010	Containers not to be Opened or Beverages Consumed in Package Store
Section 111.011	Loitering Where Alcoholic Beverages are Sold, Etc.
Section 111.012	Public Intoxication
Section 111.013	Drinking Alcoholic Beverages in Public
Section 111.014	Transportation
Section 111.015	Permitting or Allowing Gatherings where Minors are Consuming Alcoholic Beverages and Any Controlled Dangerous Substances
Section 111.016	Violations
Section 111.017	Levied; Amount
Section 111.018	Payment Required
Section 111.019	Payment Generally
Section 111.020	When Due and Payable; Prorating
Section 111.021	Use of Funds
Section 111.022	Occupation Tax Nontransferable or Nonrefundable
Section 111.023	Function of City Clerk
Section 111.024	Application for a Certificate of Zoning Compliance and Certificate of Compliance with Fire, Safety and Health Codes
Section 111.025	Investigation of Applicant
Section 111.026	Issuance of Certificates; Temporary Certificates
Section 111.027	Not to Drink on Premises
Section 111.028	Sale Only at Retail Store
Section 111.029	Zoning Ordinance

Section 111.030	Location
Section 111.031	Sale to Minors, Incompetent or Intoxicated Persons Prohibited; Minors on Premises
Section 111.032	False Documentation
Section 111.033	Not to Sell to Intoxicated Person
Section 111.034	Not to Drink in Public Place
Section 111.035	Employment of Minors Prohibited
Section 111.036	Not to Employ Person Under 21
Section 111.037	Time of Sale
Section 111.038	Not to Sell on Credit
Section 111.039	Not to Furnish Prizes
Section 111.040	Persons Under the Age of 21 Years Not to Be Permitted to Enter
Section 111.041	Persons Under the Age of 21 Years Not to Enter
Section 111.042	Time of Delivery
Section 111.043	Not to Permit Drunkenness in Restaurants
Section 111.044	Separate Offenses
Section 111.055	Definitions
Section 111.056	Not to Sell to Any Person Under the Age Of 21 Years
Section 111.057	Time of Sale
Section 111.058	License Fee
Section 111.059	License Required
Section 111.060	Compliance with State Law; Not Transferable
Section 111.061	Possession by Any Person Under the Age of 21 Years in Public
Section 111.062	Transporting of Nonintoxicating Beverages Except in Original Unopened Container Prohibited; Exception
Section 111.063	Consumption of Non-Intoxicating Beverage
Section 111.075	Definitions
Section 111.076	License Review Board; Established
Section 111.077	Members; Officers; Vote; Quorum
Section 111.078	License Fee to Be Paid
Section 111.079	Documents to Be Filed
Section 111.080	Changes to Be Filed
Section 111.081	Chief of Police to Check
Section 111.082	Qualifications of Licensees
Section 111.083	Not to Violate Law
Section 111.084	Right to Enter and Inspect
Section 111.085	Hours of Business
Section 111.086	Sanitary Facilities
Section 111.087	Membership
Section 111.088	Persons Under 21 Not Permitted
Section 111.089	Expiration of License; Proration of Fee
Section 111.090	Free Licenses; Refund
Section 111.091	Separate Licenses; Not Transferable
Section 111.092	To Exhibit License
Section 111.093	Fee
Section 111.094	To Inspect Clubs

Section 111.095	Regulations for Operation
Section 111.096	Suspension or Revocation of Licenses; Procedures
Section 111.097	Other Laws Applicable
Section 111.999	Penalty

CHAPTER 112 BUSINESS LICENSING REGULATIONS

Section 112.001	License Required; Issuance; Expiration Date; Tax
Section 112.002	Separate Licenses Required
Section 112.003	License to Be Displayed
Section 112.004	License May Be Revoked
Section 112.005	Transfer of License Prohibited
Section 112.006	Duplicate License
Section 112.007	Ex-Service Persons Excepted
Section 112.020	Definitions
Section 112.021	Use of Designated Portions of The Streets and Avenues for Itinerant Merchants or Peddlers Prohibited
Section 112.022	Itinerant Merchants, Peddlers Permitted Elsewhere in The City When Licensed
Section 112.023	Procuring License; Term of License; Fee
Section 112.024	Licenses Not Transferable or Subject to Rebate
Section 112.025	Going Upon Private Residences A Nuisance; When
Section 112.026	Police to Suppress and Abate
Section 112.027	Exceptions
Section 112.028	Sales Tax Permit Required
Section 112.040	Definitions
Section 112.041	License Review Board
Section 112.042	License Review Board; Membership
Section 112.043	Application for License; Qualifications and Requirements
Section 112.044	License and License Fee
Section 112.045	Transfer of Licenses
Section 112.046	Inspection of Equipment
Section 112.047	Revocation of License
Section 112.060	License Required
Section 112.061	Minors in Pool Halls
Section 112.062	Hours of Operation
Section 112.075	License Required
Section 112.076	Amount of Fee; Period for Which Collected; Use of Fees Collected
Section 112.077	Definition
Section 112.078	Record to Be Kept
Section 112.079	Identification of Pledger
Section 112.080	Restrictions on Disposal of Property
Section 112.081	Exceptions
Section 112.082	Minors Not to Pawn or Sell Goods
Section 112.095	Definitions

Section 112.096	Possession of Unlicensed Device Unlawful
Section 112.097	Licensing
Section 112.098	Application for Registration
Section 112.099	Fees
Section 112.100	Double Fees Provided
Section 112.101	License Date
Section 112.102	Seizure of Device
Section 112.103	Gambling Prohibited
Section 112.104	Enforcement of Provisions
Section 112.105	Remedies Cumulative
Section 112.106	Provisions Cumulative
Section 112.999	Penalty

CHAPTER 113 TAXICABS

Section 113.01	Definition
Section 113.02	Owner's License
Section 113.03	Insurance Required
Section 113.04	Application for License
Section 113.05	Identification
Section 113.06	Driver's License
Section 113.07	InterCity Vehicles
Section 113.08	Period of License and Revocation
Section 113.99	Penalty

CHAPTER 114 MEDICAL MARIJUANA ESTABLISHMENTS

Section 114.01	Adoption of State Statutes and Regulations
Section 114.02	Business License
Section 114.03	Location Restrictions
Section 114.04	Conditions of Operation
Section 114.05	Commercial Marijuana Growing Facilities and Processing Facilities
Section 114.06	Marijuana Growing Facilities for Personal Medical Use
Section 114.07	Construction, Fire and Building Inspections and Other Requirements

CHAPTER 115 FOOD TRUCKS

Section 115.01	Purpose
Section 115.02	Definitions
Section 115.03	Permit
Section 115.04	Location/Use Restrictions
Section 115.05	Revocation of Permit
Section 115.06	Penalty

CHAPTER 110 TOBACCO

Section 110.01	Prevention of Youth Access to Tobacco
Section 110.99	Penalty

SECTION 110.01 PREVENTION OF YOUTH ACCESS TO TOBACCO

A. Definitions:

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;
2. "Proof of age" means a drivers license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
3. "Sample" means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;
4. "Sampling" means the distribution of samples to members of the public in a public place;
5. "Tobacco product" means any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall include any other articles or products made of tobacco or any substitute thereof;
6. "Chewing tobacco" means any Cavendish, twist, plug, scrap, and any other kinds and forms of tobacco suitable for chewing;
7. "Educational facility" means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility leased or under the control of a public school located district or private school located in the City.
8. "School vehicle" means any transportation equipment or auxiliary transportation equipment as defined in Section 9-104 of Title 70 of the Oklahoma statutes;
9. "Smoking tobacco" shall mean any granulated, plug cut, crimp cut, ready rubbed, and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette; and
10. "Deliver" means the means or intent to transfer from one person to another.
11. "Distribute" means the means to deliver.

12. “Vapor product” means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. “Vapor products” shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device an any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. “Vapor products” do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

B. Unlawful Sales of Tobacco Products or Vapor Products

1. It is unlawful for any person to sell or furnish in any manner any tobacco product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under twenty-one (21) years of age to handle such products when required in the performance of the employee's duties.
2. A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age.
3. When a person violates Subsections 1 or 2 of this Section, the Municipal Judge shall assess such person fines of One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for each subsequent offense.
4. If the sale is made by an employee of the owner of a store at which tobacco products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
5. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of Subsection 1 or 2 of this Section, each individual franchise or business location shall be deemed a separate entity.

(State Law Reference: 63 O.S. 1-229.13(A) and 63 O.S. 1-226(A))

C. Possession/Use of False Identification Prohibited.

1. It is unlawful for a person who is under twenty-one (21) years of age to purchase, accept receipt of or have in their possession a tobacco product or vapor products,

or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or vapor product. Provided, however, that it shall not be unlawful for such a person to handle such tobacco product or vapor product when required in the performance of such person's duties.

2. When a person violates Subsection 1 of this Section, the Municipal Judge shall assess such person a fine of One Hundred Dollars (\$100.00) for a first offense within a one (1) year period, and a fine of Two Hundred Dollars (\$200.00) for each subsequent offense.

(State Law Reference: 10A O.S. 2-8-244(A))

D. Prohibited Distribution of Tobacco Product or Vapor Product

1. It shall be unlawful for any person to distribute tobacco product or vapor product samples to any person under twenty-one (21) years of age.
2. Notwithstanding Subsection 1 of this Section, no person shall distribute tobacco product or vapor product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
3. When a person violates Subsections 1 or 2 of this Section, the Municipal Judge shall assess such person a fine of One Hundred Dollars (\$100.00) for a first offense and a fine of Two Hundred Dollars (\$200.00) for each subsequent offense.

(State Law Reference: 63 O.S. 1-229.18(A)(B))

E. Sale of Cigarettes in Sealed Packages.

1. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
2. When a person violates Subsection 1 of this Section, the Municipal Judge shall assess such person a fine of Two Hundred Dollars (\$200.00) for each offense.

(State Law Reference: 63 O.S. 1-229.19(A)(B))

F. Tobacco Products or Vapor Products at Education Facilities

1. The use of a tobacco product or vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated. The use of a tobacco product or a vapor product shall also be prohibited in school vehicles, and at any school-sponsored or school sanctioned event or activity.

2. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an education facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

(State Law Reference: 70 O.S. 1210.213(A))

G. Vending Machine Sales Restricted.

It shall be unlawful for any person to sell tobacco products or vapor products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices, or other places that are not open to the public; and
2. In places that are open to the public, but to which persons under twenty-one (21) years of age are not admitted.

(State Law Reference: 63 O.S. 1-229.17)

H. Display or Sale of Tobacco or Vapor Products

1. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco products or vapor products without the assistance from the person displaying the tobacco products or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.
2. When a person violates subsection 1 of this section, the Alcoholic Beverage Law Enforcement (ABLE) Commission shall impose an administrative fine or not more than Two Hundred Dollars (\$200.00) for each offense.
3. Cities and towns may enact and municipal officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section, but the provision of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.

(State Law Reference: 63 O.S. 1-229.21)

SECTION 110.99 PENALTY

- A. Any person violating any provision of this Chapter for which no specific penalty is prescribed shall be subject to Section 10.99.
- B. When a person violates Section 110.01, they shall be subject to a fine of Twenty-Five Dollars (\$25.00) for the first offense within a one (1) year period, and a fine of Fifty Dollars (\$50.00) for the second or subsequent offense within a one (1) year period.

**CHAPTER 111
ALCOHOLIC BEVERAGES**

Section 111.001	Definitions
Section 111.002	Occupation Tax Levied
Section 111.003	Payment of Tax; Proration
Section 111.004	City Clerk to Make Report
Section 111.005	Hours of Operation
Section 111.006	Payment of Tax Required
Section 111.007	Recovery of tax
Section 111.008	Violation of State Law
Section 111.009	Application for Certificate of Zoning and Code Compliance
Section 111.013	Drinking Alcoholic Beverages in Public
Section 111.020	Purpose
Section 111.021	Definitions
Section 111.022	Signs
Section 111.023	Manufacture and Sale; State License Required
Section 111.024	Separate premises
Section 111.025	Investigation of Applicant
Section 111.026	Sale in Containers
Section 111.027	Not to Drink on Premises
Section 111.028	Sale Only at Retail Store
Section 111.029	Zoning Ordinance
Section 111.030	Location
Section 111.031	Sale to Minors, Incompetent or Intoxicated Persons Prohibited; Minors on Premises
Section 111.032	False Documentation
Section 111.033	Not to Sell to Intoxicated Person
Section 111.034	Not to Drink in Public Place
Section 111.035	Employment of Minors Prohibited
Section 111.036	Not to Employ Person Under 21
Section 111.037	Time of Sale
Section 111.038	Not to Sell on Credit
Section 111.039	Not to Furnish Prizes
Section 111.040	Persons Under 21 Not to Be Permitted to Enter
Section 111.041	Persons Under 21 Not to Enter
Section 111.042	Time of Delivery
Section 111.043	Not to Permit Drunkenness in Restaurants
Section 111.044	Separate Offenses
Section 111.055	Definitions
Section 111.056	Not to Sell to Any Person Under the Age Of 21 Years
Section 111.057	Time of Sale
Section 111.058	License Fee
Section 111.059	License Required
Section 111.060	Compliance with State Law; Not Transferable
Section 111.061	Possession by Any Person Under the Age of 21 Years in Public

Section 111.062	Transporting of Nonintoxicating Beverages Except in Original Unopened Container Prohibited; Exception
Section 111.063	Consumption of Non-Intoxicating Beverage
Section 111.075	Definitions
Section 111.076	License Review Board; Established
Section 111.077	Members; Officers; Vote; Quorum
Section 111.078	License Fee to Be Paid
Section 111.079	Documents to Be Filed
Section 111.080	Changes to Be Filed
Section 111.081	Chief of Police to Check
Section 111.082	Qualifications of Licensees
Section 111.083	Not to Violate Law
Section 111.084	Right to Enter and Inspect
Section 111.085	Hours of Business
Section 111.086	Sanitary Facilities
Section 111.087	Membership
Section 111.088	Persons Under 21 Not Permitted
Section 111.089	Expiration of License; Proration of Fee
Section 111.090	Free Licenses; Refund
Section 111.091	Separate Licenses; Not Transferable
Section 111.092	To Exhibit License
Section 111.093	Fee
Section 111.094	To Inspect Clubs
Section 111.095	Regulations for Operation
Section 111.096	Suspension or Revocation of Licenses; Procedures
Section 111.097	Other Laws Applicable
Section 111.999	Penalty

SECTION 111.001 DEFINITIONS

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

Generally. All words, terms and phrases used in this Chapter and not defined to the contrary herein shall be interpreted and construed in accordance with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Act, codified as Title 37, Oklahoma Statutes or regulations promulgated by the ABLE Commission with the same force and effect as if set forth in full herein and such definitions are hereby made a part hereof by reference.

ABLE Commission means the Alcoholic Beverage Laws Enforcement Commission.

Alcohol means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.

Alcoholic beverage means alcohol, spirits, beer, and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

Beer means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley or other grain, malt or similar products. Beer may or may not contain hops or other vegetable products. The term "beer" includes, among other things, beer, ale, stout, lager beer, porter, and other malt or other brewed liquors, but does not include sake, known as Japanese rice wine.

Beer keg means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer.

Brewer means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this State.

Brew pub means a licensed establishment operated on the premises of or on premises located contiguous to a small brewer that prepares and serves food and beverages including alcoholic beverages for on premises consumption.

Caterer means any person authorized to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food and who is required to have a caterer's license from the State alcoholic beverage laws enforcement commission.

Cider means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice including but not limited to flavored sparkling or carbonated cider. For the purposes of the distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors.

Convenience store means any person primarily engaged in retailing a limited range of general household items and groceries with extended hours of operation whether or not engaged in retail sales of automotive fuels in combination with such sales.

Convicted and conviction means and includes a finding of guilt resulting from a plea of guilty or nolo contendere the decision of a court or magistrate or the verdict of a jury irrespective of the pronouncement of judgment or the suspension thereof.

Distiller means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort, or wash, has also in his possession or use a still.

Grocery store means a person primarily engaged in retailing a general line of food such as canned

or frozen foods fresh fruits and vegetables and fresh and prepared meats fish and poultry.

Hotel or motel means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest for purposes of this Section the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial.

Manufacturer means brewer, distiller, winemaker, rectifier, or bottler of any alcoholic beverage and its subsidiaries affiliates and parent companies.

Meals means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided that the service of only food such as appetizers, sandwiches, salads, or desserts shall not be considered "meals".

Mini-bar means a closed container either refrigerated in whole or in part or non-refrigerated and access to the interior of which is:

- A. Restricted by means of a locking device which requires the use of a key magnetic card or similar device; or
- B. Controlled at all times by the licensee.

Mixed beverage cooler means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly known as a "wine cooler".

Mixed beverages means one (1) or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, beer and wine, public event charitable event or special event license.

Officer means any officer, director, stockholder, owner, manager, or any person who has a financial interest in a State licensee or who directs any policy of a State licensee.

Owner means any officer, owner, manager or other person who shall receive any percentage of profits directly from the operation of a tavern or directs any policy of a tavern.

Occupation as used in connection with "Occupation Tax" means the sites occupied as the places of business of the manufacturers, wholesalers, beer distributors, retailers, mixed beverage licensees, on- premises beer and wine licensees, bottle clubs, caterers, public event and special

event licensees.

Original package means any container of alcoholic beverage filled and stamped or sealed by the manufacturer.

Package store means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premise consumption and that is not a grocery store, convenience store or drug store, or other retail outlet, that is not permitted to sell wine or beer for off-premise consumption.

Patron means any person customer or visitor who is not employed by a licensee or who is not a licensee.

Person means an individual any type of partnership, corporation, association, Limited Liability Company or any individual involved in the legal structure of any such business entity.

Premises means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:

- A. Allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public; or
- B. Allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act or this Ordinance occurring on the licensed premises.

Private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event.

Public event means any event that can be attended by the general public.

Rectifier means any person who rectifies, purifies, or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash, or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying, or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine, or other liquor with any material, manufactures any spurious, imitation, or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials, or any other name.

Regulation or rule means a formal rule of general application promulgated by the ABLE

Commission as herein required.

Restaurant means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

Retail container for spirits and wines means the original package for spirits and wines of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.

Retailer means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

Sale means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes all sales made by any person, whether as principal, proprietor, agent, servant or employee.

Short order food means food other than full meals including but not limited to sandwiches soups and salads. Provided that popcorn, chips and other similar snack food shall not be considered “short order food”.

Small brewer means a brewer who manufactures less than twenty-five thousand (25,000) barrels of beer annually pursuant to a validly issued Small Brewer License hereunder.

Small farm wine means a wine that is produced by a small farm winery with seventy-five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

Small farm winery means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17).

Sparkling wine means champagne or any artificially carbonated wine.

Special event means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold.

Spirits means any beverage other than wine, beer or light beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution, and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.

State licensee means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, 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.

Wine and spirits wholesaler or wine and spirits distributor means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the State. The term "wholesaler", as used in this act, shall be construed to refer to a wine and spirits wholesaler; and

Wine means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

**SECTION 111.002 UNLAWFUL MANUFACTURE, SALE, POSSESSION, ETC.,
GENERALLY**

- A. It shall be unlawful for any person to manufacture, rectify, barter, sell, give away, or otherwise furnish another any alcoholic beverage except as permitted by law.
- B. It shall be unlawful for any person to store, or have in his possession or under his control, any alcoholic beverage except as permitted by law.
- C. It shall be unlawful for any person to transport or in any manner convey from place to place any alcoholic beverage except as permitted by law.
- D. It shall be unlawful for any person to keep or maintain, aid or abet in keeping or maintaining a place where alcoholic beverages are manufactured, sold, bartered, or given away or otherwise furnished in violation of the Ordinances of the City or the Statutes of the State.
- E. Nothing herein shall prevent the possession and transportation of alcoholic beverages for the personal use of the possessor, his family or guests, so long as the State excise tax has been paid thereon, except for beer; nor prevent the making of cider or of wine not to exceed two hundred (200) gallons in any one (1) year pursuant to a license first obtained from the Alcoholic Beverage Law Enforcement Commission, if made solely for the use of the maker, his family or guests.

SECTION 111.003 MAINTAINING A PLACE WHERE SOLD CONTRARY TO LAW

It is unlawful for any person or any agent or employee thereof, to keep, 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 law or the Ordinances of the City.

**SECTION 111.004 LOCATION OF PACKAGE STORES, WHOLESALERS, AND
MIXED BEVERAGE ESTABLISHMENT**

- A. No package store, beer, wine or mixed beverage establishment, wholesale alcoholic beverage store, warehouse, or brewery, distillery, winery, brewpub 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 City except at a location at which such an establishment is permitted by the land development code of this City.

- B. No person shall own, operate, maintain or be interested in any retail package store, or beer and wine, or mixed beverage establishment, which is located at a place within the City, which is forbidden as a location for such store by State law.

SECTION 111.005 HOURS OF OPERATION

- A. No package store, or the premises upon which it is located, shall be open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 10:00 A.M. and 12:00 A.M. (midnight), Monday through Sunday. No sales shall be made nor shall package store premises remain open for the purpose of making sales or receiving deliveries of alcoholic beverages on Thanksgiving Day or Christmas Day.
- B. No holder of a Retail Wine License or a Retail Beer License 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.
- C. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event on-premises beer and wine, small brewer or brewpub licensee between the hours of 2:00 A.M. and 8:00 A.M.

SECTION 111.006 UNDERAGE PERSONS NOT PERMITTED IN PACKAGE STORES OR LICENSED PREMISES

- A. No licensee, operator or employee shall permit any person under twenty-one (21) years of age to enter into, remain within or loiter upon or about the premises of any package store or place where alcoholic beverages may be sold, dispensed, or served for consumption on the premises except as authorized by State law.
- B. No person under twenty-one (21) years of age shall enter, remain within or loiter upon or about the premises of any package store or place where alcoholic beverages may be sold, dispensed, or served for consumption on the premises, except as authorized by State law.

SECTION 111.007 MINORS NOT TO BE EMPLOYED IN SELLING OR HANDLING; EXCEPTIONS

No State licensee shall employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages except as authorized by Title 37 or 37A, Oklahoma Statutes.

SECTION 111.008 POSSESSION BY UNDERAGE PERSONS

No person under twenty-one (21) years of age shall be in possession of any alcoholic beverage.

SECTION 111.109 UNDERAGE PERSONS NOT TO MISREPRESENT AGE IN ORDER TO BUY ALCOHOL OR GAIN ENTRY TO LICENSED ESTABLISHMENTS

No person under twenty-one (21) years of age 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 to enter or attempt to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission.

SECTION 111.010 CONTAINERS NOT TO BE OPENED OR BEVERAGES CONSUMED IN PACKAGE STORE

- A. No State package store licensee shall suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on his licensed premises.
- B. No person shall drink nor consume in any manner alcoholic beverages on the premises of a retail package store; nor shall any person open or break the seal of an original package or retail container containing alcoholic beverages on such premises.

SECTION 111.011 LOITERING WHERE ALCOHOLIC BEVERAGES ARE SOLD, ETC.

It is unlawful for any person to loiter in any place where alcoholic beverages are bartered, sold, given away, or otherwise furnished.

SECTION 111.012 PUBLIC INTOXICATION

It shall be unlawful for any person to be intoxicated in any public street, alley or other public place.

SECTION 111.013 DRINKING ALCOHOLIC BEVERAGES IN PUBLIC

It shall be unlawful for any person to drink alcoholic beverages while in or upon any street, alley or other public place in the City, except that such beverages may be consumed or possessed by persons twenty-one (21) years of age or older within the boundaries of any area licensed by the ABLE Commission.

SECTION 111.014 TRANSPORTATION

- A. It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the open container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a SUV or station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion.

- B. It shall be unlawful for any person to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any low-point beer or intoxicating 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 open container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a SUV, station wagon or panel truck, or any outside compartment which is not accessible to the driver or any person in the vehicle while it is in motion.

SECTION 111.015 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES AND ANY CONTROLLED DANGEROUS SUBSTANCES

- A. No person shall knowingly and willfully permit any individual under twenty-one (21) years of age, who is an invitee to the person's residence any building, structure, or room owned, occupied, leased or otherwise procured by the person, or on any land owned, occupied, leased or otherwise procured by the person to possess or consume any alcoholic beverage, or any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act or any combination thereof in such place.
- B. A violation of this Section shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) and costs, and/or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
- C. It shall constitute an affirmative defense to a violation of this Section if the conduct of the Defendant would not constitute a violation of State law.

SECTION 111.016 VIOLATIONS

Except as otherwise provided, a violation of any of the provisions of this Chapter by any person, including, but not limited to a person who has supervisory control over the premises of any public place shall be a Class A offense.

SECTION 111.017 LEVIED; AMOUNT

- A. There is hereby levied and assessed an annual Occupation Tax on every business or occupation relating to alcoholic beverages as specifically enumerated below and in the following amounts:

1. Brewer	\$1,250.00
2. Storage	\$23.00
3. Distiller	\$3,125.00
4. Winemaker	\$625.00
5. Oklahoma Winemaker	\$75.00
6. Rectifier	\$3,125.00
7. On Premises Beer and Wine-Initial	\$500.00

	Renewal	\$450.00
8.	Mixed Beverage-Initial	\$900.00
	Renewal	\$900.00
9.	Caterer-Initial	\$900.00
	Renewal	\$900.00
10.	Caterer/Mixed Beverage Combination	\$900.00
11.	Wine and Spirits Wholesaler	\$3,500.00
12.	Beer Distributor	\$300.00
13.	Retail Package Store	\$300.00
14.	Bottle Club	\$1,000.00
15.	Annual Special Event	\$50.00
16.	Quarterly Special Event	\$50.00
17.	On Premises Beer and Wine/Initial	\$500.00
	Renewal	\$450.00
18.	Retail Wine	\$500.00
19.	Retail Beer	\$500.00
20.	Annual Public Event	\$50.00
21.	One (1) Time Public Event	\$100.00
22.	Small Brewer Self-Distribution	\$625.00
23.	Brewpub License	\$1,005.00
24.	Brewpub Self-Distribution	\$750.00

- B. If a license is required by the State for any of the above occupations, and if the State fails or refuses to issue or renew such license, the annual tax paid to the City under this Section may be refunded if written proof satisfactory to the City Clerk or his designee is supplied, showing that the State license has been denied.

SECTION 111.018 PAYMENT REQUIRED

- A. No brewer, State brewer, distiller, winemaker, State winemaker, rectifier, retail package store, retail beer and retail wine licensee, beer and wine or mixed beverage establishment, caterer or annual, quarterly, one (1) time, or special or public event licensee, hotel or brewpub shall do business within the corporate limits of the City, until the Occupation Tax levied by this Article shall have been paid in full to the City Clerk and receipt issued.
- B. Any person who engages in any of the occupations taxed by this Chapter without paying said Occupation Tax imposed therefor in advance of such operation shall, upon conviction, be deemed guilty of a Class A offense. Each day of such violation shall constitute a separate and distinct offense.

SECTION 111.019 PAYMENT GENERALLY

Any State licensee originally entering upon any occupation taxed by the provisions of this Article shall pay the required tax at the Office of the City Clerk on or before the date upon which he enters into such occupation. Thereafter, such licensee shall pay the tax annually on or before July 1 each year.

SECTION 111.020 WHEN DUE AND PAYABLE; PRORATING

All occupational taxes levied under the provisions of this Article shall expire on June 30 of each year. The amount of any Occupation Tax levied shall be computed pro rata on the months remaining in the year ending June 30. Such taxes paid on or before the 15th day of any month shall be on the basis of the first day of the month, and such taxes paid after the 15th day of any month shall be on the basis of the first day of the next succeeding month.

SECTION 111.021 USE OF FUNDS

The proceeds of the tax levied by the provisions of this Article shall be deposited in and become a part of the City's general fund.

SECTION 111.022 OCCUPATION TAX NONTRANSFERABLE OR NONREFUNDABLE

The occupation taxes levied by the provisions of this Article shall cover only the person paying the tax and no other successor thereof and shall not be refundable nor transferable under any circumstances.

SECTION 111.023 FUNCTION OF CITY CLERK

The City Clerk shall make and transmit to the State alcoholic beverage control Council an annual report showing the number and class of State licensee's upon which occupation taxes were levied pursuant to the provisions of this Article and the amount of money collected from such taxes.

SECTION 111.024 APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE AND CERTIFICATE OF COMPLIANCE WITH FIRE, SAFETY AND HEALTH CODES

- A. Every applicant for an original or renewal license as required under the Oklahoma Alcoholic Beverage Control Act, 37 O.S. § 501 et seq. as set forth in Titles 37 and 37A, Oklahoma Statutes, or rules promulgated by the ABLE Commission, except applicants for an employee, special event or airline/beverage, railroad beverage license shall first obtain a certificate of zoning compliance and a certificate of fire safety and health code compliance from the City Clerk. The applicant for such certificates shall do the following:
 - 1. Complete and file an application on a form as prescribed by the City Clerk.
 - 2. Deposit in advance to the Office of the City Clerk the Occupational Tax levied by this Chapter and the prescribed certificate fee.
- B. Said application shall include an affidavit listing all officers, location and dates of residence for the immediately preceding three (3) years.
- C. Any persons submitting false information in an application for a certificate shall be grounds

for denial of the certification.

SECTION 111.025 INVESTIGATION OF APPLICANT

Upon each application for a certificate of zoning and/or a certificate of fire, safety and health Code compliance:

- A. A designated City official shall conduct an investigation to determine if the applicant's place of business complies with all zoning Ordinances.
- B. A designated City official shall conduct an inspection of the applicant's building and premises to determine if it complies with all applicable safety and health Ordinances.
- C. The Fire Chief shall conduct an inspection of the applicant's building and premises to determine if it complies with all applicable fire safety Ordinances.
- D. The City Attorney shall review the application and other documents and determine if such documents reflect that the requirements of this Chapter have been met. He shall have the authority to request such documents as he deems necessary to determine compliance.
- E. The Chief of Police shall search for any criminal record of the applicant or its officers.

SECTION 111.026 ISSUANCE OF CERTIFICATES; TEMPORARY CERTIFICATES

Upon the payment of all necessary fees and taxes, successful completion of the investigation set forth in Section 111.119, the City Clerk shall issue to the applicant a certificate of Zoning Fire Safety and Health Code compliance. Said certificate shall be signed by the City Clerk or the Deputy City Clerk and sealed with the seal of the City.

SECTION 111.027 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.

SECTION 111.028 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 as herein provided in strict conformity with this Subchapter and the laws of the State.

SECTION 111.029 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.

Statutory reference: Location requirements and compliance with City zoning rules, see 37 O.S. ' 534

SECTION 111.030 LOCATION

No person shall own, operate, maintain, or be interested in any retail alcoholic beverage store which is located at a place within this City which is forbidden as a location for the store by the laws of the State.

SECTION 111.031 SALE TO MINORS, INCOMPETENT OR INTOXICATED PERSONS PROHIBITED, MINORS ON PREMISES

No person shall:

- A. Sell, furnish, or give any alcoholic beverage to any person who is under the age of twenty-one (21) years, or to any person who is insane, mentally deficient, or intoxicated;
- B. Allow any person under the age of twenty-one (21) years, to enter, be or remain in the premises of a retail package store, or allow such a person to be, enter, or remain in the store; and/or
- C. Allow any person under the age of twenty-one (21) years, to enter, be or remain in a separate or enclosed bar area of the premises of a licensee who holds a license to sell and dispense alcoholic beverages for consumption on the premises, or allow such a person to enter, be, or remain in the separate or enclosed bar area.

SECTION 111.032 FALSE DOCUMENTATION

No person under twenty-one (21) years of age shall misrepresent his or her age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell him or her alcoholic beverages.

SECTION 111.033 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.

SECTION 111.034 NOT TO DRINK IN PUBLIC PLACE

No person within this City shall, except as hereinafter provided, drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this City. This section shall not prohibit a person who is of age from drinking the beverages in a place licensed to sell it for consumption on the premises.

SECTION 111.035 EMPLOYMENT OF MINORS PROHIBITED

No licensee shall employ any person under the age of twenty-one (21) year, nor shall any person under twenty-one (21) years of age be employed, in the selling or handling of alcoholic beverages. However, a mixed beverage license, may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge area.

SECTION 111.036 NOT TO EMPLOY PERSON UNDER 21

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.

SECTION 111.037 TIME OF SALE

- A. 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 9:00 P.M.
- B. No alcoholic beverages may be sold, dispensed, served, or consumed on the premises of a mixed drink beverage licensee between the hours of 2:00 A.M. and 6:00 A.M. No licensee shall permit any person, who has in his or her possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in mixed beverage establishment between the hours of 2:15 A.M. to 6:00 A.M. No person, having in his or her possession an open container, having as its contents an intoxicating alcoholic beverage, shall remain in mixed beverage establishment between the hours of 2:15 A.M. to 6:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing nonintoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

SECTION 111.038 NOT TO SELL ON CREDIT

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

Statutory reference: Similar provisions, see 37 O.S. ' 537

SECTION 111.039 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.

SECTION 111.040 PERSONS UNDER 21 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 the retail alcoholic beverage store.

SECTION 111.041 PERSONS UNDER 21 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.

SECTION 111.042 TIME OF DELIVERY

No wholesale dealer in alcoholic beverages, and no officer, agent, or employee of such a dealer 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.

SECTION 111.043 NOT TO PERMIT DRUNKENNESS IN RESTAURANTS

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

SECTION 111.044 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 (1) offense can be committed in any one (1) day by the same person.

SECTION 111.055 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MINOR. A person who has not yet attained the age at which a person is allowed to consume nonintoxicating beverages as provided by State law.

NONINTOXICATING BEVERAGES. All beverages containing more than 2 of 1%

alcohol by volume, and not more than three-point two percent (3.2%) alcohol by weight.

RETAIL DEALER. 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 the beverages may be consumed or used.

Statutory reference: Definitions and regulations applicable to nonintoxicating beverages, see 37 O.S. " 163.1 et seq.

SECTION 111.056 NOT TO SELL TO ANY PERSON UNDER THE AGE OF 21 YEARS

It is unlawful for any person to sell, offer for sale, give away, procure for or otherwise dispense to, anyone under the age of twenty-one (21) years any nonintoxicating beverage. It is unlawful for any person under the age of twenty-one (21) years to purchase, receive, or procure any nonintoxicating beverage.

SECTION 111.057 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 2:00 A.M. and 7:00 A.M. excepting Sunday when the beverages may not be sold between the hours of 2:00 A.M. Sunday and 7:00 A.M. on the following Monday.

SECTION 111.058 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 of Twenty Dollars (\$20.00). There is hereby levied upon each retail dealer in nonintoxicating beverages in original packages and not for consumption on the premises, an annual municipal license fee of Ten Dollars (\$10.00).
- B. All the municipal license fees shall be paid to the City Clerk at the time of issuance and in the manner herein prescribed.

Statutory reference: State licenses, Cities not to levy greater than State fee, see 37 O.S. ' 554.1

SECTION 111.059 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.

SECTION 111.060 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 April 30th of the year following issuance. No license is transferable.

**SECTION 111.061 POSSESSION BY ANY PERSON UNDER THE AGE OF 21 YEARS
IN PUBLIC**

It is unlawful for any person under the age of twenty-one (21) years to be in possession of any nonintoxicating alcoholic beverage or beer while the person is upon any public street, road, or highway, or in any public building or place within the City.

**SECTION 111.062 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.

SECTION 111.063 CONSUMPTION OF NON-INTOXICATING BEVERAGE

It is unlawful, unless otherwise accepted as hereinafter described, for any person whether a minor or of age, to drink any non-intoxicating beverage while the 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 the beverage in a place licensed to sell it for consumption on the premises. This Section shall not apply to any person twenty-one (21) years of age who consumes a non-intoxicating beverage in public at an event that has been approved by either the City Manager or City Council.

SECTION 111.075 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE CLUB. 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.

Statutory reference: Definition of private club for purpose of State closing hours, see 37 O.S. '8.1

SECTION 111.076 LICENSE REVIEW BOARD; ESTABLISHED

A License Review Board is hereby established to review and pass upon qualifications of applicants or licensees under this Subchapter. The License Review Board shall issue licenses to applicants qualified under this Subchapter 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.

SECTION 111.077 MEMBERS; OFFICERS; VOTE; QUORUM

The License Review Board shall be composed of five (5) members, the Chief of Police, the Fire Chief, the City Manager, City Attorney, and a resident of the City who is a registered voter and who shall be selected and appointed to serve by the other four (4) members to serve a one (1) year term. The members shall elect a Chairperson of the Board and a Secretary. In the event of the absence of either the Chairperson or Secretary at any meeting of the License Review Board, the members present may elect a temporary Chairperson 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.

SECTION 111.078 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.

SECTION 111.079 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.

SECTION 111.080 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 the changes in writing in duplicate on the forms provided by the City Clerk within one (1) week after their occurrence.

SECTION 111.081 CHIEF OF POLICE TO CHECK

The City Clerk shall forward one (1) 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 or her findings.

SECTION 111.082 QUALIFICATIONS OF LICENSEES

No person shall be issued a license to operate a private club within the City limits who has not been a continuous resident in good faith of the State for a period of one (1) year prior to application for the license. No person shall be issued a license to operate a private club within the City limits who has ever been convicted of any felony, or of violating any of the gambling or prohibitory laws of the State or any other State, or the United States. However, any person holding such a position in any private club operating within the City at the time of the initial enactment of this Subchapter, 1-15-1970, is not subject to this section.

SECTION 111.083 NOT TO VIOLATE LAW

No private club nor any owner, operator, or manager thereof licensed pursuant to the provisions of this Subchapter shall violate any of the provisions of this Subchapter, nor the Alcoholic Beverage Control Act of the State, nor any of the gambling laws of the State, nor knowingly permit the violation thereof on any premises subject to the control of any private club.

SECTION 111.084 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 Subchapter 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 the entry and inspection.

SECTION 111.085 HOURS OF BUSINESS

All private clubs licensed to do business hereunder shall close at 1:00 A.M. on each Tuesday, Wednesday, Thursday, and Friday; close at 2:00 A.M. on Saturday and Sunday and remain closed during all the rest of the day on Sunday.

Statutory reference: State closing hours for private clubs, 2:00 a.m. to 6:00 a.m., see 37 O.S. ' 8.1

SECTION 111.086 SANITARY FACILITIES

Every private club licensed pursuant to this Subchapter shall, as a minimum, provide sanitary and toilet facilities as required by the Ordinances or health department regulations governing beer taverns.

SECTION 111.087 MEMBERSHIP

Every private club licensed to do business under this Subchapter shall maintain an accurate list of membership. Upon election to membership in any private club, a membership card shall be issued to the member, and his or her name and his or her 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 or her age, his or her address, and the dates

of his or her application for membership and election to membership. Private clubs may provide for temporary membership for nonresidents of the City, temporarily present in the City, but the temporary membership shall not be valid for a period of more than five (5) days.

SECTION 111.088 PERSONS UNDER 21 NOT PERMITTED

No person under the age of twenty-one (21) years is 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 (1) of his or her parents or a guardian.

SECTION 111.089 EXPIRATION OF LICENSE; PRORATION OF FEE

- A. All licenses issued pursuant to this Subchapter shall expire on the last day of April 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 April of any year shall pay the license fee in full.
- B. Applicants filing applications less than six (6) months prior to the last day of April of any year shall pay one half (2) 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 with the corporate seal of the City affixed thereto.

SECTION 111.090 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.

SECTION 111.091 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.

SECTION 111.092 TO EXHIBIT LICENSE

Every private club having a license under the provisions of this Subchapter 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."

SECTION 111.093 FEE

An annual license tax or fee of One Hundred and Fifty Dollars (\$150.00) is hereby levied upon all persons, firms, associations, or corporations operating a private club within the City.

SECTION 111.094 TO INSPECT CLUBS

The police, fire, sanitation, and health departments shall inspect all private clubs regularly to enforce all of the terms of this Subchapter and report any violations to the License Review Board.

SECTION 111.095 REGULATIONS FOR OPERATION

- A. *Generally.* 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.
- B. *Specifically.*
 - 1. Violate any of the provisions of this Subchapter;
 - 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. Permit an intoxicated person to be or to remain on the licensed premises;
 - 6. Permit 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. Permit a person under the age of twenty-one (21) years to serve any intoxicating alcoholic beverages on the licensed premises.

SECTION 111.096 SUSPENSION OR REVOCATION OF LICENSES; PROCEDURES

- A. The License Review Board may suspend for not more than 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 Subchapter.
- B. The Chief of Police shall investigate complaints concerning private clubs and if he or she finds a violation of the provisions has been committed, he or she shall file a complaint with the City Clerk setting forth the alleged acts constituting the violation. Upon the filing of the 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 the person may not be found, by mailing the same by registered mail, addressed to the person at the licensed premises. At the hearing thereon, the complainant, the licensee, or any interested person may be present and present the evidence as may be relevant and material. If at the conclusion of the hearing the License Review Board finds that the licensee has violated any of the provisions of this section, the Board shall suspend for not more than 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.

SECTION 111.097 OTHER LAWS APPLICABLE

The provisions of this Subchapter 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.

SECTION 111.999 PENALTY

- A. Any person violating any provision of this Chapter for which no specific penalty is prescribed shall be subject to Section 10.99.
- B. Any violation of any provision contained in " 111.020 *et seq.* is an offense against the City; upon conviction of any such offense, the violator shall be punished by a fine as provided by Section 10.99, including costs.
- C. Any person violating any provision of " 111.055 *et seq.* shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-108 of this Code.
- D. Any person, partnership, corporation, or association, or officer, director, stockholder, owner, or manager, of any private club, who violates any provision of " 111.075 *et seq.* is guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided in ' 10.99.

CHAPTER 112
BUSINESS LICENSING REGULATIONS

Section 112.001	License Required; Issuance; Expiration Date; Tax
Section 112.002	Separate Licenses Required
Section 112.003	License to Be Displayed
Section 112.004	License May Be Revoked
Section 112.005	Transfer of License Prohibited
Section 112.006	Duplicate License
Section 112.007	Ex-Service Persons Excepted
Section 112.020	Definitions
Section 112.021	Use of Designated Portions of The Streets and Avenues for Itinerant Merchants or Peddlers Prohibited
Section 112.022	Itinerant Merchants, Peddlers Permitted Elsewhere in The City When Licensed
Section 112.023	Procuring License; Term of License; Fee
Section 112.024	Licenses Not Transferable or Subject to Rebate
Section 112.025	Going Upon Private Residences A Nuisance; When
Section 112.026	Police to Suppress and Abate
Section 112.027	Exceptions
Section 112.028	Sales Tax Permit Required
Section 112.040	Reserved
Section 112.041	Reserved
Section 112.042	Reserved
Section 112.043	Reserved
Section 112.044	Reserved
Section 112.045	Reserved
Section 112.046	Reserved
Section 112.047	Reserved
Section 112.060	License Required
Section 112.061	Minors in Pool Halls
Section 112.062	Hours of Operation
Section 112.075	License Required
Section 112.076	Reserved
Section 112.077	Definition
Section 112.078	Record to Be Kept
Section 112.079	Identification of Pledger
Section 112.080	Restrictions on Disposal of Property
Section 112.081	Exceptions
Section 112.082	Minors Not to Pawn or Sell Goods
Section 112.095	Definitions
Section 112.096	Possession of Unlicensed Device Unlawful
Section 112.097	Licensing
Section 112.098	Application for Registration
Section 112.099	Fees
Section 112.100	Double Fees Provided

Section 112.101	License Date
Section 112.102	Seizure of Device
Section 112.103	Gambling Prohibited
Section 112.104	Enforcement of Provisions
Section 112.105	Remedies Cumulative
Section 112.106	Provisions Cumulative
Section 112.999	Penalty

SECTION 112.001 LICENSE REQUIRED; ISSUANCE; EXPIRATION DATE; TAX

- A. It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by this Chapter or by any other Ordinance without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the City Clerk, the payment of the license tax, and fulfillment of any other condition which may be prescribed by law or Ordinance, the City Clerk shall issue a license therefor. The license taxes shall be credited to the General Fund of the City.
- B. Annual licenses shall expire on the thirtieth day of April of the year for which they are issued.

Statutory reference: Municipal authority to tax and regulate occupations, see 11 O.S. " 22-106 and 22-107

SECTION 112.002 SEPARATE LICENSES REQUIRED

Each person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one (1) place in the City, or who engages in, exercises, or pursues more than one (1) such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such business, profession, trade, occupation, or privilege.

SECTION 112.003 LICENSE TO BE DISPLAYED

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege shall conspicuously display the license at all times in some part of his or her place of business or activity where a person who has entered the place may readily see it. If the license holder has no particular place of business or activity, he or she shall carry the license and shall display it to any person who requests to see it. In lieu of the above manner of displaying the licenses, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to the device or equipment in such a manner that it will be clearly visible; and shall be so placed or attached if the license so States on its face. It is unlawful to fail or refuse to display the license as required in this section.

SECTION 112.004 LICENSE MAY BE REVOKED

Any license issued by the City to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the Council after adequate opportunity for a hearing, for either of the following reasons:

- A. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he or she has created or is creating a public nuisance as defined by 50 O.S. " 1 or 2, or by Ordinance, or by the license; or
- B. Serious or repeated violation of the law or Ordinances by the licensee.

SECTION 112.005 TRANSFER OF LICENSE PROHIBITED

The assignment or transfer of licenses shall not be permitted in this City.

SECTION 112.006 DUPLICATE LICENSE

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, shall issue a duplicate license for the unexpired time. The fee for every duplicate license issued, payable to the City Clerk, shall be One Dollar (\$1.00).

SECTION 112.007 EX-SERVICE PERSONS EXCEPTED

Nothing in this Chapter or in other Ordinances of the City shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege when the person is exempted therefrom by any applicable provisions of State law.

Statutory reference: Ex-service persons exempt from fee, see 72 O.S. " 1-6

SECTION 112.020 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIXED OR ESTABLISHED PLACE OF BUSINESS. A place of business opened, owned, or operated for the purpose of carrying on a permanent business which is separately served by the City of Pawhuska utilities.

ITINERANT MERCHANT. Any individual traveling from place to place, from house to house, or from a fixed or established residence in the City, or from street to street, without a fixed or established place of business in the City, and without representing a firm or person or corporation having a fixed or established place of business in the City, or a merchant at a fixed but temporary location, for the purpose of:

1. Selling, offering for sale, or taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property of any nature for present or future delivery; or
2. Selling, offering for sale, or taking or attempting to take orders for the sale of services to be furnished or performed, whether or not the person has, carries or displays a sample of the subject of the sale or whether he or she is collecting advance payments on the sale. The term ***ITINERANT MERCHANT*** includes the terms canvasser, solicitor, peddler, transient merchant or vendor, transient or itinerant photographer.

SECTION 112.021 USE OF DESIGNATED PORTIONS OF THE STREETS AND AVENUES FOR ITINERANT MERCHANTS OR PEDDLERS PROHIBITED

- A. *Generally.* It is unlawful for any itinerant merchant or any person to engage in hawking or peddling at any time on the following portions of the streets, avenues, and alleys herein designated, or on the sidewalks adjacent to the portions of the streets, avenues, and alleys.
- B. *Specifically.*
 1. Main Street between Palmer Avenue and Leahy Avenue;
 2. Sixth Street between Ki He Kah Avenue and Prudom Avenue;
 3. Seventh Street between Ki He Kah Avenue and Leahy Avenue;
 4. Eighth Street between Ki He Kah Avenue and Leahy Avenue;
 5. Ninth Street between Ki He Kah Avenue and Leahy Avenue;
 6. Ki He Kah Avenue between Main Street and Ninth Street;
 7. Grandview Avenue between Main Street and Seventh Street, if extended;
 8. Leahy Avenue between Midland Valley Railroad right of way and Sixth Street;
 9. Leahy Avenue between Fifth Street and Ninth Street;
 10. Prudom Avenue between Fifth Street and Seventh Street;
 11. Osage Avenue between the Midland Valley Railroad track and Ki He Kah Avenue;
and
 12. All alleys within the territory covered by above portions of streets and avenues.

- C. Horse-drawn carriages are exempt from the above-referenced portions of the streets, avenues, and alleys herein designated due to their non-stationary nature and providing transportation.

SECTION 112.022 ITINERANT MERCHANTS, PEDDLERS PERMITTED ELSEWHERE IN THE CITY WHEN LICENSED

It is unlawful for any itinerant merchant or any person to hawk or peddle in any other portion of the City without having first procured a license so to do as provided in this Subchapter. However, any person who is selling only food or products grown, raised, butchered, or manufactured by the person so selling or by other members of his or her own family shall not be required to obtain a license to make the sales. No license shall be required by needy or disabled ex-service persons residing in this State who have complied with the provisions of State law, 72 O.S. " 1 through 6. In no event shall any itinerant merchant or any person hawking or peddling in the City stop any vehicle used by him or her on any street, avenue, or alley longer than is necessary to make delivery of sales made at that place. However, in no event shall fresh meat or fish of any kind which has not been inspected as provided by law be sold by a hawker or peddler within the City.

SECTION 112.023 PROCURING LICENSE; TERM OF LICENSE; FEE

- A Before any itinerant merchant or any person undertakes to hawk or peddle in the permitted portion of the City, he or she shall apply to the City Clerk for a license so to do. He or she shall file written application identifying himself or herself by name, age, and residence, and shall give references to enable the City Clerk to make investigation concerning him or her and his or her reliability. He or she shall accompany the application with the necessary cash fee. On receiving sufficient information as to the reliability of the applicant and the required cash fee, the City Clerk shall issue to the applicant a license as provided in this section.
- B. The fee so collected shall be used to provide a fund for making investigation, issuing licenses hereunder and controlling and supervising itinerant merchants and hawking and peddling in the City. The fees shall be placed in the City's General Fund. Any excess over expenses, if any there be, shall remain in the General Fund.
- C. Itinerant merchant license shall only be issued for periods of thirty (30) days, sixty (60) days, or ninety (90) successive days in any calendar year.
- D. No license shall be required where an itinerant merchant owns the real property upon which the activity is being conducted. A certified copy of the recorded deed or court order reflecting that the itinerant merchant owns the real property must be submitted to the City Clerk for verification.
- E. The fees shall be as follows:

1. Thirty (30) Days: Sixty Dollars (\$60.00)
2. Sixty (60) Days: Seventy-Five Dollars (\$75.00)
3. Ninety (90) Days: Ninety Dollars (\$90.00)

SECTION 112.024 LICENSES NOT TRANSFERABLE OR SUBJECT TO REBATE

Licenses granted pursuant to this Subchapter shall not be assignable or transferable. No rebate shall be paid for any unused portions of any licenses granted hereunder.

SECTION 112.025 GOING UPON PRIVATE RESIDENCES A NUISANCE; WHEN

The practice of going in and upon private residences in the City by solicitors, vendors, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the owner, owners, occupant, or occupants of the private residences for the purpose of soliciting orders or the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and a violation of this Subchapter.

SECTION 112.026 POLICE TO SUPPRESS AND ABATE

The Police Chief and the Police Department of the City are hereby required and directed to enforce this Subchapter and to abate any such nuisance as is described in Section 112.025.

SECTION 112.027 EXCEPTIONS

Section 112.025 and Section 112.026 shall not be applicable to any person or itinerant merchant representing educational, religious, charitable, or service organizations, clubs, or institutions, in the county from where at least seventy-five percent (75%) of the proceeds of the sales are for the support, organization, and operation of the organization, club, or institution. It is also further provided that any individual under the age of eighteen (18) years who engages in soliciting, canvassing or peddling within the City shall not be covered by the provisions of Section 112.025 and Section 112.026.

SECTION 112.028 SALES TAX PERMIT REQUIRED

In order to receive a license under this section, the applicant shall possess a valid and current State sales tax permit unless the applicant can prove to the Clerk's satisfaction that he or she is not a vendor within the definition of the State Sales Tax Code. A copy of the State sales tax permit shall be provided by the applicant to the City Clerk.

SECTION 112.040 RESERVED

SECTION 112.041 RESERVED

SECTION 112.042 RESERVED

SECTION 112.043 RESERVED

SECTION 112.044 RESERVED

SECTION 112.045 RESERVED

SECTION 112.046 RESERVED

SECTION 112.047 RESERVED

SECTION 112.060 LICENSE REQUIRED

No person shall operate a pool or billiard room or hall for profit without securing a license therefor from the City Clerk. The annual license fee to be paid to the City Clerk for the license shall be in an amount as established by the City Council by motion or resolution.

Statutory reference: Licensing pool and billiard halls, City powers, see 11 O.S. ' 22-106

SECTION 112.061 MINORS IN POOL HALLS

It is unlawful for any minor under eighteen (18) years of age to be in or to play in any pool or billiard room or parlor. Any minor in or playing in a pool or billiard room, or any person owning or in charge of any such place, who permits any minor to do so, shall be guilty of an offense.

SECTION 112.062 HOURS OF OPERATION

It is unlawful for any person, firm, or corporation to keep open or conduct any pool rooms or billiard rooms between the hours of 12:00 A.M. and 7:00 A.M. of any week day or during any hours of the first day of the week, commonly called Sunday. It shall be unlawful for any person other than the proprietor or his or her necessary help to be found in or loitering within or about any pool room or billiard room during the prohibited hours or day provided in this section.

SECTION 112.075 LICENSE REQUIRED

It is unlawful for any person, firm, or corporation to engage in business as pawnbroker within the City without first having obtained a license authorizing the conducting of the business. No license shall be issued by the City pursuant to this Subchapter until the applicant has obtained a State license pursuant to the requirements of law. A copy of the State license or proof thereof shall be filed with the City Clerk.

Statutory reference: Pawnshops, State licenses and regulations, see 59 O.S. § 1501 et seq.

SECTION 112.076 RESERVED

SECTION 112.077 DEFINITION

For the purpose of this Subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER. Any person, firm, or corporation engaging in the business of loaning money on deposit or pledge of personal property or other valuable thing; or any person, firm, or corporation engaging in the business of loaning money upon chattel property as security and requiring possession of the property so mortgaged on condition of returning the same upon payment of a stipulated sum of money; or any person, firm, or corporation who purchases personal property or other valuable thing on condition that same may be redeemed on payment of a specified sum within a designated time.

SECTION 112.078 RECORD TO BE KEPT

- A. Every person, firm, or corporation engaging in business as a pawnbroker in the City shall keep a book in which shall be written legibly in ink at the time any loan or purchase is made by the pawnbroker the following information:
1. An accurate account and description of the goods or chattels or property so pawned, pledged, mortgaged, or purchased;
 2. The amount of money loaned thereon or paid therefor;
 3. The time the same were received;
 4. The name, residence, description, and signature of the person pawning, pledging, mortgaging, or selling the same; and
 5. The signature and address of the person identifying the person making, pledging, mortgaging, or selling the same.
- B. The record shall be written in the English language, and the book shall be at all times readily accessible and subject to inspection by the City Attorney, the County Attorney, the Chief of Police, or any police officer of the City or any peace officer of the State.

SECTION 112.079 IDENTIFICATION OF PLEDGER

Every person who applies to any pawnbroker for a loan for the security of which he or she offers the hypothecation or possession of personal property, or who offers to sell any personal property, shall, before the property is received or taken or the loan or purchase made, be identified by some responsible resident of the City unless the person has been personally known to the pawnbroker for a period of not less than six (6) months then last past. The person so identifying shall in ink sign his or her name and give his or her local address on the record required by Section 112.078.

SECTION 112.080 RESTRICTIONS ON DISPOSAL OF PROPERTY

No pawnbroker shall sell or otherwise dispose of or permit to be taken from his or her establishment any personal property of which a record is required to be kept in Section 112.078, within seventy-two (72) hours after the delivery of the copy of the record required in Section 112.078. All the property shall be held separate and apart from all other property for a period of forty-eight (48) hours after the copy of the report has been delivered to the Chief of Police or person in charge of police headquarters, and the property during the forty-eight (48) hour period shall be subject to inspection in a place readily accessible by any of the officers mentioned in Section 112.078.

SECTION 112.081 EXCEPTIONS

This Subchapter shall not apply to any bank or trust company or building and loan association or savings and loan association chartered under the laws of the State or of the United States. The provisions of this Subchapter shall not apply to any property purchased from manufacturers or wholesale dealers or from any other person, firm, or corporation having established places of business; but the goods shall be accompanied by a bill of sale or other written evidence of legitimate purchase, which bill of sale or other written evidence must be kept on file at the place of business of the pawnbroker and must be shown to the City Attorney, County Attorney, Chief of Police, or any police officer of the City or any peace officer of the State on demand. Failure to comply strictly with the provisions of this section shall constitute a violation of this Subchapter and Code.

SECTION 112.082 MINORS NOT TO PAWN OR SELL GOODS

It is unlawful for any person in charge of any junk shop, secondhand store, or pawn shop to purchase from or advance money to any minor upon anything or article of value, or have any dealings respecting the title of property in the possession of a minor, without the written consent of the parent or guardian of the minor.

SECTION 112.095 DEFINITIONS

- A. For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COIN-OPERATED AMUSEMENT DEVICE. Any and all electronic or mechanical devices which, upon the payment or insertion of a coin, token, or similar object, produces or creates, or makes possible the production or creation, of a game of skill, amusement, entertainment, or test of strength, including, but not limited to, shuffle boards, coin-operated devices utilizing tables, boards, or cases of any size whatever, balls, sticks, cues, pegs, or marbles, and video games, and whether or not any motivating force involved is furnished by the player or the device.

COIN-OPERATED MUSIC DEVICE. Any music device which is operated, motivated, released, or played by or upon the payment or insertion of a coin, token or similar object, whether there is one (1) or more boxes or devices in the premises for the reception of the coin, tokens, or similar objects; coin-operated radio or television receiving sets for the use and benefit of guests, customers, and visitors shall be included in the definition.

MUSIC DEVICE. Any and all mechanical devices which render, cause to sound, or release music where the same may be heard by one (1) or more public patrons, and each separate loud speaker, phonograph, juke box, or outlet from which the music emits shall each be construed to be a separate **MUSIC DEVICE** as herein defined; except in the case where the music emits from more than one (1) speaker transmitting from the same music producing mechanism in which case the several outlets or speakers in each place of business shall be collectively considered one such music device.

PERSONS. Any natural person, firm, corporation, or association.

- B. The terms **COIN-OPERATED MUSIC DEVICE** and **COIN-OPERATED AMUSEMENT DEVICE** shall not include coin-operated vending machines used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps, or other merchandise; or services, such as pay telephone booths, parking meters, gas and electric meters, or other distribution of needful service.

SECTION 112.096 POSSESSION OF UNLICENSED DEVICE UNLAWFUL

It is unlawful for any person to have in his or her possession, within the corporate limits of the City, any music device or any amusement device which is offered for amusement or entertainment purposes unless same has been licensed as herein provided, the license fee herein provided paid, and the tag or sticker provided for herein firmly attached to the device and plainly visible.

SECTION 112.097 LICENSING

It is the duty of every person having in his or her possession any music device or amusement device offered for amusement or entertainment purposes within the corporate limits of the City, to license the device with the City, and to pay the license fee specified. The City Clerk, upon payment of the license fee, shall record the name of the owner or operator, and issue a numbered tag or sticker for each device, which tag or sticker shall show the year for which the license is issued. It is the duty of the possessor of each device for which a license is issued to keep the tag or sticker firmly thereon and plainly visible at all times.

SECTION 112.098 APPLICATION FOR REGISTRATION

Application for registration and license shall be on forms to be prescribed by the City and shall describe the device and give the serial or any other number or identification mark thereon. The application shall be signed by the owner or operator or possessor and shall State the address of the location where the machine is to be placed.

SECTION 112.099 FEES

License fees shall be as prescribed and established by the City Council by motions or resolution. Initial fees shall be prorated on a quarterly basis dependent on the date of issuance of a new license and expiration date. No rebate of excess fees shall be made.

SECTION 112.100 DOUBLE FEES PROVIDED

If any music device or amusement device is placed in operation or offered for amusement or entertainment purposes without complying with the provisions of this Subchapter, the license fee for same shall be double the amount provided for by the foregoing section for any annual license.

SECTION 112.101 LICENSE DATE

Each license issued shall expire on April 30th of each year.

SECTION 112.102 SEIZURE OF DEVICE

- A. The Police Department of the City shall seize any music device or amusement device being operated or offered for amusement or entertainment purposes in violation of the provisions of this Subchapter and any cash therein and any device and cash so seized for nonpayment of license fee shall not be released and returned until and unless there has been paid the license fee and penalty herein provided and the cost of seizure and storage of each device.
- B. The City Clerk is hereby authorized and directed in all cases where seizure of a music device or amusement device has been made for the non-payment of license fee, to notify the owner or operator that same is being retained under the provisions of the Ordinances of the City, and shall during the period of ninety (90) days from date of the seizure permit the person entitled thereto to regain possession thereof upon payment of the license fee, penalty, seizure, and storage charges.
- C. After expiration of the ninety (90) day period, the City may sell any such music device or amusement device upon which the license fee, penalty and charges have not been paid, after ten (10) days' notice in writing to the owner or operator, if he or she can be found, or if not found, then after advertisement in a newspaper of general circulation in the City.
- D. Out of the proceeds of the sale and any cash in the device, the license fee, penalty, costs and storage shall be first paid and any balance shall be retained in a fund in the possession of the City for a period of one (1) year in order to enable the owner of the device to apply for same, in which event the surplus funds shall be paid to him or her.
- E. After the expiration of one (1) year, any sum remaining from the sale of the device and cash in the device in accordance with the provisions of this Subchapter shall be transferred to the General Fund of the City.

SECTION 112.103 GAMBLING PROHIBITED

Nothing herein contained shall authorize any music device or amusement device to be used or

operated for the purpose of gambling.

SECTION 112.104 ENFORCEMENT OF PROVISIONS

- A. It shall be the duty of the Police Department to enforce the provisions of this Subchapter insofar as it relates to persons operating or offering music devices or amusement devices for amusement or entertainment purposes without the sticker provided for herein attached to the machine as provided.
- B. All coin-operated amusement and music devices shall be open to inspection by the Police Department and they shall be admitted to all premises where the devices are located for the purpose of making the inspections.

SECTION 112.105 REMEDIES CUMULATIVE

The conviction and punishment of any person for violating the terms of this Subchapter without a license shall not relieve the person of the requirements of this Subchapter.

SECTION 112.106 PROVISIONS CUMULATIVE

The provisions of this Subchapter shall become and be made a part of the Code of Ordinances of the City, and the sections of this Subchapter may be re-numbered to accomplish the intention as may be required.

SECTION 112.999 PENALTY

- A. Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license or permit is required by this Chapter, without a valid license or permit as hereby required, or who violates any provision of this Chapter, is guilty of an offense, and upon conviction, shall be fined in any sum as provided in Section 10.99.
- B. Any person, individual, firm, association, or corporation who shall violate any of the provisions of " 112.040 *et seq.* shall be guilty of an offense, and upon conviction thereof, shall be punishable by a fine and costs as provided in Section 10.99. Nothing herein contained shall prohibit the City from seeking injunctive relief in the district Court of the county, in addition to the penalty prescribed herein.

CHAPTER 113 TAXICABS

Section 113.01	Definition
Section 113.02	Owner's License
Section 113.03	Insurance Required
Section 113.04	Application for License
Section 113.05	Identification
Section 113.06	Driver's License
Section 113.07	InterCity Vehicles
Section 113.08	Period of License and Revocation
Section 113.99	Penalty

SECTION 113.01 DEFINITION

For the purpose of this Chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VEHICLE FOR HIRE. Any and all motor vehicles used by any person, firm, or corporation within the City for the purpose of conducting a general taxicab business for the purpose of realizing a profit from the operation of the vehicles.

Statutory reference: Taxi licensing, City authority, see 11 O.S. " 22-106 and 22-118 Taxicab defined, see 47 O.S. ' 1-174

SECTION 113.02 OWNER'S LICENSE

Every person, firm, or corporation owning or operating vehicles for hire shall procure a license for each vehicle before operating or driving same within the City, the license to be issued after compliance with the requirements hereinafter provided.

SECTION 113.03 INSURANCE REQUIRED

Before any license shall be issued to or for any vehicle for hire, the owner or operator shall take out and maintain during the time the vehicle shall be operated public liability and property damage insurance as shall protect them and the public while operating the vehicle for claims for persons injured, including accidental death as well as claims for property damage, which may arise from the operation of the vehicle, whether the operations be by the owner or operator or either of them. The amount of the insurance shall be for public liability insurance, an amount of not less than Twenty-Five Thousand Dollars (\$25,000.00) for injury including accidental death to any one (1) person and subject to the limit for each person in an amount not less than Fifty Thousand Dollars (\$50,000.00) on account on 1 accident; property damage liability in an amount of not less than Twenty-Five Thousand Dollars (\$25,000.00). The insurance policies shall be filed with the City Clerk.

SECTION 113.04 APPLICATION FOR LICENSE

- A. Application for license shall be made in writing to the City Clerk showing the name of the applicant, the number of and make of each vehicle, the motor number of each, and license number assigned to each vehicle by the State Department of Public Safety valid at the time of the application.
- B. The application shall further show that each and every vehicle cited in the application is in a good and dependable condition for the use it is intended. Upon proper showing in the application which shall be verified by the applicant and making delivery of required insurance policies and paying for license, the Clerk shall issue the license. The license shall State the following:
 - 1. The owner's or operator's name;
 - 2. The engine and State highway number of each vehicle;
 - 3. That the license is issued on condition that the representations set up in the application are true; and
 - 4. The licensee shall at all times keep the vehicle in the condition and obey all City Ordinances, on penalty of having the license revoked.
- C. The Clerk shall collect a fee as prescribed by the City Council by motion or resolution for each license issued.

SECTION 113.05 IDENTIFICATION

Every person engaged in the business of operating a vehicle for hire shall have printed in letters not less than three (3) inches high on each side of the vehicle the word "taxicab." Every person operating a taxicab shall exhibit by attaching to the vehicle in a conspicuous place on the inside thereof a card setting forth the schedule of rates with the number of the driver's license on the bottom, and attaching a photograph of the driver then driving the vehicle with the name of the driver attached to the photograph.

SECTION 113.06 DRIVER'S LICENSE

- A. Every person serving as a driver for a vehicle carrying passengers or baggage shall procure a driver's license before undertaking the driving of the vehicles within the City. No driver's license shall be issued to any such person until evidence has been produced before the Chief of Police showing that the applicant for the license is a person of eighteen (18) years of age or older and of good character.
- B. The application for the driver's license shall be accompanied by the affidavits of two (2) disinterested persons residing within the City certifying to the moral character of the applicant. The Chief of Police shall not be limited by affidavits as to the sufficiency of the

showing of character, but may, in his or her discretion, require further proof before issuing permit for the obtaining of a driver's license. When the applicant has obtained permit, he or she shall present the permit and his or her application to the City Clerk, who shall issue to him or her the driver's license on his or her paying for same. The Clerk shall collect a fee in the amount established by the City Council by motion or resolution for each license issued. If permit be denied by the Chief of Police, the applicant for driver's license may appeal to the City Council by filing with the City Clerk within three (3) days after the denial a notice in writing that he or she is so appealing. The City Council shall, after notice to the Chief of Police and after hearing, grant or refuse to grant the permit.

SECTION 113.07 **INTERCITY VEHICLES**

This Chapter shall not apply to vehicles for hire carrying passengers or baggage from places outside the City. However, if the vehicles are used for intra-City business, this Chapter shall then apply both to the owners and operators and drivers of same.

SECTION 113.08 **PERIOD OF LICENSE AND REVOCATION**

All licenses shall be for the year ending April 30th following its issue. No license shall be transferrable. All licenses shall be on condition that the same may be revoked at any time by the Chief of Police for violation of any City Ordinance, or for driving or permitting the driving of a motor vehicle for hire, while in an intoxicated condition, or any driving in a reckless or thoughtless manner. The party, upon the revocation of the license by the Chief of Police shall have the right of appeal to the City Council by filing with the City Clerk, within three (3) days after revocation, a notice in writing that he or she is so appealing to the City Council, which revocation shall then be heard by the City Council at its next regular or special meeting, and the finding of the City Council shall be final.

SECTION 113.99 **PENALTY**

Any person, firm, or corporation who, as owner, operator, or driver, shall violate any provision of this Chapter by operating or driving a vehicle without first having obtained a license therefor or who shall otherwise violate any provision of this Chapter shall be guilty of an offense against the City, and upon conviction thereof shall be fined in any sum, together with the fine and all costs as provided in Section 10.99.

CHAPTER 114
MEDICAL MARIJUANA ESTABLISHMENTS

Section 114.01	Adoption of State Statutes and Regulations
Section 114.02	Business License
Section 114.03	Location Restrictions
Section 114.04	Conditions of Operation
Section 114.05	Commercial Marijuana Growing Facilities and Processing Facilities
Section 114.06	Marijuana Growing Facilities for Personal Medical Use
Section 114.07	Construction, Fire and Building Inspections and Other Requirements

SECTION 114.01 ADOPTION OF STATE STATUTES AND REGULATIONS

The City of Pawhuska hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, and any amendments thereto. Further, the City of Pawhuska hereby adopts by reference the final regulations for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code, and any amendments thereto.

SECTION 114.02 BUSINESS LICENSE

- A. All operators of Marijuana Establishments are required to obtain a Business License from the City Clerk pursuant to Section 112 titled “Business Licensing Regulations” of the Pawhuska Code of Ordinances, which is applicable to all businesses.
- B. A Business License will not be granted to any applicant where the proposed location is within a restricted area as hereinafter set forth or the proposed location is within a residentially zoned area.

SECTION 114.03 LOCATION RESTRICTIONS (DISPENSARY)

- A. A Business License will not be granted to any applicant holding a State issued dispensary license where the proposed location is within one thousand (1,000) feet of any private or public school or any other location prohibited by State law or regulations.
- B. For the distance requirements outlined in this Section 114.03, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section A above is located to the nearest perimeter wall of the building or unit in which the proposed dispensary would be located.

SECTION 114.04 CONDITIONS OF OPERATION

- A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

- B. The retail establishment must collect the applicable sales tax on all sales.
- C. Any violations of this Section will result in the revocation of the Business License.
- D. It is the intent of the City of Pawhuska that nothing in this Chapter 114 shall be construed to:
 - 1. Allow persons to engage in conduct that endangers or causes a public nuisance;
 - 2. Allow the use of marijuana for non-medical purposes; or
 - 3. Allow any activity that is otherwise illegal and not permitted by State law.

SECTION 114.05 **COMMERCIAL MARIJUANA GROWING AND PROCESSING FACILITIES**

- A. Commercial Marijuana Growing and/or Processing Facilities are hereby allowed within the City boundaries of the City of Pawhuska, Oklahoma under the conditions that the facility must acquire a Business License from the City Clerk as provided in Section 114.02 above and shall not be placed in an area which is zoned for residential purposes.
- B. The facility must be constructed in such a manner that the growing and/or processing of the marijuana plants cannot be seen by the public from a public right of way.
- C. The growing and/or processing area including any lighting, plumbing, chemical use or storage, or electrical components used shall comply with City building, electrical, plumbing, and fire codes.
- D. Growing and/or processing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

SECTION 114.06 **MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE**

- A. Only persons holding a Patient or Caregiver License issued by the Oklahoma Medical Marijuana Authority pursuant to 63 O.S. §420A may grow marijuana for personal medical use.
- B. A Patient license holder may possess no more than the amounts of plants, seedlings, and marijuana products authorized by 63 O.S. §420A (1-7).
- C. A Licensed Caregiver may grow plants for no more than three (3) Patient license holders,

and each plant grown by a Caregiver must be clearly labeled with the patient license holder's Patient License Number.

- D. Growing marijuana shall not be visible from the public right of way.
- E. The growing and/or processing area including any lighting, plumbing or electrical components used shall comply with City building and fire codes. The growing and/or processing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed one thousand (1,000) watts per light. The use of gas products (CO2, butane, etc.) or CO2 and ozone generators in the growing area is prohibited.
- F. The growing and/or processing marijuana shall not be conducted in a manner that constitutes a public nuisance. Marijuana grown for personal use shall not be extracted using an extraction process which uses combustible materials, including but not limited to, butane and alcohol. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.
- G. The primary use of the residential property in which marijuana is grown and/or processed shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress.
- E. Cultivated marijuana must be used exclusively pursuant to a valid state issued medical marijuana license.

SECTION 114.07 CONSTRUCTION, FIRE AND BUILDING INSPECTIONS AND OTHER REQUIREMENTS

- A. All premises outlined in Chapter 114 will be subject to inspections as required of all facilities, by an individual authorized by the City, prior to issuance, where new construction or remodeling occurs, per the Pawhuska Code of Ordinances. Building permits, including construction, electrical, plumbing, and such other permits, including fire inspections are required by the Pawhuska Code of Ordinances.
- B. All inspections prior to a permit decision will occur at a time scheduled and approved by both the applicant and the City inspector.
- C. The applicant will be required to be present during any inspections.

CHAPTER 115 FOOD TRUCKS

Section 115.01	Purpose
Section 115.02	Definitions
Section 115.03	Permit
Section 115.04	Location/Use Restrictions
Section 115.05	Revocation of Permit
Section 115.06	Penalty

SECTION 115.01 PURPOSE

The purpose of this Chapter is to regulate the actions of Mobile Food Establishments. It has been determined that the public health, safety, good order and general welfare of the residents of Pawhuska require the regulation, and management of such enterprises. The receipt of a Mobile Food Establishment Permit is a privilege which may be suspended, limited or revoked for violating the intent and letter of this Chapter.

SECTION 115.02 DEFINITIONS

A. Definitions:

1. “Applicant” shall mean any person entity or group of persons who applies or has been issued a Permit defined below for the purpose of operating a Mobile Food Establishment.
2. “Farmers Market” shall mean a designated area in which, farmers, growers or producers from a defined region gather on a regularly scheduled basis to sell at retail non-potentially hazardous farm food products and whole shell eggs to the public.
3. “Food” shall mean any substance cooked or uncooked, packaged or prepared on Site which is fit for human consumption.
4. "Mobile Food Establishment" means a facility commonly known as a food truck, that prepares food and is vehicle mounted (is Department of Transportation road approved, including wheels and axles) and is readily moveable and remains at one physical address for no more than twelve (12) hours at one time.
5. “Mobile Food Establishment License” shall mean the applicable obtained from the Oklahoma State Department of Health required to operate a Mobile Food Establishment including all applicable inspections.
6. "Permit" shall mean the license authorizing the operation of a Mobile Food

Establishment in conformity with this Chapter within the City limits.

SECTION 115.03 **PERMIT**

- A. No Mobile Food Establishment shall operate within the City Limits without first obtaining a permit from the City Clerk. All Applicants shall upon being issued a Mobile Food Establishment License from the local health inspector, obtain from the City Clerk a Permit. This Permit shall cost Twenty-Five Dollars (\$25.00) per day or One-Hundred Dollars (\$100.00) per year. All Applicants shall furnish to the City Clerk the following:
 - 1. Applicant name and/or business owner name, along with all contact information.
 - 2. A schedule of times and locations which the Mobile Food Establishment will be located and operating.
 - 3. A copy of all applicable licenses and tax permits required and issued by the County and State of Oklahoma, including the Mobile Food Establishment License. The applicants tax permit/application must be tied to the municipal limits of Pawhuska.
 - 4. A copy of the written permission from the real property owner granting the use of the premises to be used by the Applicant.
- B. Change in Applicant Information.
 - 1. Should any information furnished by an Applicant change after the City Clerk has issued the Applicant its Permit, the Applicant shall update such information with the City Clerk within ten (10) days of that change.
 - 2. When an Applicant violates Subsection B of this Section, the Municipal Judge shall assess such person a fine of Fifty Dollars (\$50.00) for a first offense within a one (1) year period, and a fine of Two Hundred Dollars (\$200.00) for a second or subsequent offense within a one (1) year period.
- C. Transferability.
 - 1. The assignment or transfer of Permits shall not be permitted in this City.
- D. Exemption.
 - 1. No permit shall be required for any Mobile Food Establishment which is located and operates exclusively within a Farmers Market during that Farms Markets hours of operation or for City-Sanctioned events.

SECTION 115.04 LOCATION/USE RESTRICTIONS

All Applicants which have obtained a Permit under this Chapter shall conform to the following standards unless otherwise approved by the City Council:

- A. *Geographical restrictions.* Mobile Food Establishments shall only be located and operated within Commercial or Industrial zoned areas. No Mobile Food Establishment shall locate or operate from his or her vehicle or conveyance when:
 - 1. Within one hundred fifty (150) feet of a public or private school grounds during the hours of regular school session, classes or school-related events in said public or private school, except when authorized in writing by said, school.
 - 2. Within one hundred fifty (150) feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product or food item as an item offered for sale by the Mobile Food Establishments unless authorized in writing by the stationary business establishment.
 - 3. Within one hundred fifty (150) feet of a public park of the City where a City authorized concession stand is located, during times other than during the course of a public celebration except as approved by the City.
 - 4. Within one hundred fifty (150) feet of City property where a City authorized concession stand is located, during the course of a public celebration when, nonprofit organizations are permitted to engage in the sale of merchandise and food at such property.
- B. No Mobile Food Establishment shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley, fire department access routes, or any other public place by causing people to congregate at or near the place where food or other items are being sold or offered for sale.
- C. No Mobile Food Establishment shall conduct business within the area described in Section 112.021(B) of the Pawhuska Code of Ordinances and/or so as to violate any ordinances of the City regulating traffic and rights-of-way, as now in effect or hereafter amended.
- D. No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.
- E. Seating for up to eight individuals may be provided as part of a Mobile Food Establishment.
- F. No drive thru or drive by customer service shall be provided or permitted as part of a Mobile Food Establishment as contemplated in this Chapter.
- G. All Mobile Food Establishments shall provide garbage receptacles for customer use.

- H. No Mobile Food Establishment shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
- I. At the conclusion of business activities at a given location the Mobile Food Establishment shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.
- J. All Mobile Food Establishments preparing food by cooking, frying or other means shall:
1. Be equipped with at least one K-class fire extinguisher.
 2. Meet national and state propane and fuel gas codes.
 3. Be located, no less than 1.0 feet from structures.
 4. Must be constructed of noncombustible and fire rated materials.
- K. Mobile Food Establishments with, propane shall:
1. Not store propane on rear bumper, roof or accessible inside unit.
 2. Transport in a compartment accessible from the exterior and without a floor.
 3. Use proper pipe, not poly tube.
- L. Applicants for Permits issued pursuant to this Chapter should be prepared to meet all additional requirements and conditions to operate in certain restricted areas of the City such, as City park property.
- M. All electrical connections by Mobile Food Establishments shall comply with requirements of the currently adopted National. Electrical Code (NEC).

SECTION 115.05 REVOCATION OF PERMIT

- A. A Permit issued pursuant to this Chapter may be revoked, in writing, by the City Clerk or his/her designee for any of the following reasons:
1. Revocation of any applicable state or County license, including the Mobile Food Establishment License.
 2. Any fraud, misrepresentation or false statement contained in the application for Permit.
 3. Any fraud, misrepresentation or false statement made in connection with the selling of products.

4. Any violation of this Chapter.
5. Conducting the business permitted under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

SECTION 115.06 **PENALTY**

Any Applicant, Mobile Food Establishment, or individual found guilty of violating any provision of this chapter shall be guilty of a misdemeanor offense and shall be fined in an amount up to Two Hundred Fifty Dollars (\$250.00).