

ORINANCE NO. 844 (17)

AN ORDINANCE AMENDING PART 3, CHAPTER 1, SECTION 3-101 (B) ESTABLISHING A BEER AND WINE LICENSE FOR THE SALE OF BEER AND WINE FOR CONSUMPTION ON THE PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER

BE IT ORDAINED BY THIS COUNCIL OF THE CITY OF MOORE, OKLAHOMA THAT:

SECTION 3-101 DEFINITIONS

- A. Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statutes.
- B. As used herein:
 - 1. "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission of the state;
 - 2. "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;
 - 3. "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, but does not include nonintoxicating beverages as that term is defined in Sec. 3-201 of this chapter;
 - 4. "Beer" means any beverage containing more than three and two-tenths (3.2) percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. Beer includes, among other things, beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine. Beer may or may not contain hops or other vegetable products;
 - 5. "Bottle club" means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members or club premises; it includes any association, person, firm or corporation, key club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home;
 - 6. "Caterer license" authorizes the licensee, whose business is to provide food, supplies, and services at a social gathering, to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food;

7. "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;
8. "Mixed beverage club" means any establishment in a county which has authorized the retail sale of alcoholic beverages by the individual drink to be one 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 or special event license; it includes any association, person, firm or corporation key club, bottle club, locker club, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home;
9. "Mixed beverage license" authorizes the licensee to purchase alcoholic beverages in retail containers from the holder of a wholesaler or Class B wholesaler licensee and to sell, offer for sale and possess mixed beverages for on-premises consumption only;
10. "Mixed beverages" means one 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, or special event license;
11. "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. The term "sale" shall also include the use or consumption of any alcoholic beverage obtained within or imported from without this state upon which the excise tax levied by the laws of the state has not been paid or exempted;
12. "Special event license" authorizes the licensee to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for a period not to exceed ten (10) consecutive days;
13. "Wine" means and includes any beverage containing more than one-half of one percent (0.5%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty degrees (60°) 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.
14. *Beer and Wine license:* A license for the retail sale of beer containing more than three and two-tenths (3.2) percent of alcohol by weight and wine which means and includes any beverage containing more than one-half (1/2) of one (1) percent of alcohol by volume and not more than twenty-four (24) percent alcohol by volume.

State law reference— Alcoholic Beverage Control Act, 37 O.S. Secs. 501 et seq.; city powers generally as to alcoholic beverages, 37 O.S. Sec. 503.


Severability

If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer

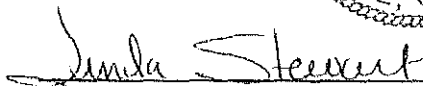
Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 17th DAY OF January, 2017.



GLENN LEWIS, Mayor

ATTEST: (Seal)




LINDA STEWART, City Clerk

APPROVED AS TO FORM AND LEGALITY:


RANDY C. BRINK, City Attorney