

CHAPTER 2

ALCOHOLIC BEVERAGES

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Article 1. Oklahoma Alcoholic Beverage Control Act

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

The Oklahoma Alcoholic Beverage Control Act (37 O.S. 1971 § 501-566, as amended) is hereby adopted and incorporated by reference in the Code of Ordinances of the City of Hollis, Oklahoma. Applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

Section 2-2. Definitions and Interpretations.

- 1. All words, phrases and terms used in this and other Chapters relating to the sale of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act (37 O.S. 1980 § 506, as amended).
- 2. Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be “intoxicating beverages”.
- 3. Beverages containing more than one-half (1/2) of one percent (1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight, are hereby declared to be “non-intoxicating beverages.”

Sections 2-3 through 2-4. (Reserved for future use.)

Article 2. Alcoholic or Intoxicating Beverages

Section 2-5. Municipal Occupation Tax; License; Reporting.

1. Annual municipal occupation tax as shown below is hereby levied on persons engaging in the following businesses within the City of Hollis, Oklahoma:

a.	Retail package store	\$ 305.00
b.	Brewer	1,250.00
c.	Distiller	1,250.00 *
d.	Winemaker	625.00
e.	Oklahoma Winemaker	75.00
f.	Rectifier	1,250.00 *
g.	Wholesaler	3,500.00
h.	Class B wholesaler	625.00

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- i. Bottle Club 1,000.00

*Effective 7-1-2010, distiller fee shall be \$3,125.00; rectifier license shall be \$3,125.00

2. It shall be unlawful for any person to engage in any of the businesses listed above without having paid the municipal occupation tax levied by this Article and obtaining a valid license from the City Clerk. If the applicant holds a valid State license to engage in said business within the City of Hollis, Oklahoma, is in accordance with municipal ordinances and has paid the required municipal occupation tax, the City Clerk shall issue the license applied for.

3. All licenses pursuant to this Article shall expire on June 30th of the year for which it is issued. The cost of any type license shall be a pro rata part of the cost of said yearly license, computed on a monthly basis. Licenses issued on or before the 15th day of any month shall be charged for on the basis of the 1st day of the previous month.

4. The City Clerk shall transmit a report to the State Alcoholic Beverage Control Board on June 30th of each year, showing the amount of money collected and the number of occupation tax licenses issued under this Chapter.

Section 2-6. Retail Package Stores.

1. The location of a retail package store is specifically prohibited within three hundred (300) feet of a public school, or any church property primarily and regularly used for worship services and religious activities; provided that, if any such church or school shall be established within three hundred (300) feet of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this Section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for a location on any block where a school or church is located.

2. It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by non-transparent walls (which may be broken by a passageway to which the public is not admitted). It shall be unlawful for any person to take any alcoholic beverage from such store through said passageway to which the public is not admitted, for the purpose of selling, reselling or delivering in connection with the sale of said alcoholic beverages.

4. Retail package stores may sell alcoholic beverages (a) only in retail containers in the original package for consumption off the premises and (b) only at ordinary room temperature.

5. It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to:

- a. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty-one (21) years of age, an intoxicated person or any person who has been adjudged insane or mentally deficient;
- b. Employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages;
- c. Permit any person under twenty-one (21) years of age to enter into, remain within or loiter about a licensed premises; or
- d. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

Sections 2-7 through 2-14. (Reserved for future use.)

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Article 3. Low-Point Beer

Section 2-15. Definitions.

“Retail Dealer”, as used in this Article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any low point beer within the corporate limits of the City of Hollis, Oklahoma, without regard as to any place where such beverages may be consumed or used.

Section 2-16. License.

1. There is hereby levied upon each retail dealer of low-point beer for consumption either on or off the premises, an annual municipal license fee of twenty dollars (\$20.00). An annual license fee of ten dollars (\$10.00) is hereby levied for sale of low-point beer for consumption off the premises only.

2. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any low-point beer without having first received a municipal occupation license, as herein required.

3. No municipal occupation license shall be issued to any retail dealer by the City Clerk, until the applicant has obtained all required State and County permits, and has, in all other respects, complied with the Oklahoma Alcoholic Beverage Control Act. All such licenses shall expire on June 30th of the year following reissuance. License fees shall be paid to the City Treasurer and no license shall be transferable.

4. The City Council shall have the power, after public hearing, to revoke any license granted hereunder, for violation of law or ordinance by the license holder.

Section 2-17. Retail Dealers in Low-point beer.

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where low-point beer are sold for consumption on the premises, for any person in charge thereof, to:

1. Sell, offer for sale, give away, procure for, or otherwise dispense to, any minor (as defined by current State Law), any low point beer;
2. Permit any minor (as defined by current State Law) to loiter or remain in or around such place of business, except where such business is an eating place where the service of such beverages is incidental to the main business of serving food;
3. Employ any minor (as defined by current State Law) to work in such a place, except where said place is an eating place where the service of such beverages is incidental to the main business of serving food;
4. Sell, deliver or knowingly furnish low-point beer to an intoxicated person or to any person who has been adjudged insane or mentally deficient;
5. Permit therein gambling, betting or operation of a lottery;
6. Permit sale, furnishing or drinking of intoxicating liquor; or
7. Permit- disorderly conduct, loud or disturbing language or any other violation of State Law or of the Code of Ordinances of the City of Hollis, Oklahoma.

Section 2-18. Hours of Sale.

1. It shall be unlawful and an offense for low-point beer (as herein defined) to be sold, given away or otherwise dispensed for consumption on the premises between the hours of 12:00 o'clock midnight and 7:00 o'clock a.m. on any day.

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2. It shall be unlawful and an offense for low-point beer (as herein defined) to be sold, given away or otherwise dispensed for consumption on the premises, between the hours of 12:00 o'clock midnight Saturday and 7:00 o'clock a.m. on the following day.

Sections 2-19 through 2-24. (Reserved for future use.)

Article 4. Bottle Clubs

Section 2-25. Definition.

For the purpose of this Article, a "bottle club" means any association, person, firm or corporation, key club, bottle club, locker club, pool club or any other kind of club or association, excluding the general public from its premises or place of meeting, or congregating, operating or exercising control over any other place where persons are permitted to drink alcoholic beverages, other than in a private home.

Section 2-26. License Required; Fee.

1. No association, person, firm or corporation shall maintain or operate any bottle club after the enactment of this Article within the City of Hollis, Oklahoma, without first paying in advance to the City Treasurer, the license fee hereinafter prescribed and making application for license therefore, (on forms provided by the City Clerk) and receiving a license from the City Council.

2. An annual license tax or fee of six hundred dollars (\$600.00) per year is hereby levied upon all bottle clubs operating within the corporate limits of the City of Hollis, Oklahoma.

Section 2-27. License Provisions.

1. In addition to the receipt from the City Treasurer, any applicant for a license for a bottle club shall file with said City Clerk true copies, in duplicate, of the Articles of Incorporation and By-Laws (if the applicant be a corporation), true copies of any Articles of Association and By-Laws (if the applicant be an association), and a list of the officers, directors, owners and managers of said club and any stockholders who receive a financial return on their stock.

2. If changes occur in the aforesaid officer, directors, stockholders, owners or managers of any bottle club after filing of their names with the City Clerk, as aforesaid (at any time during the year), said applicant shall furnish such changes in writing, in duplicate (on the forms provided by the City Clerk), within one (1) week after the occurrence.

3. 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 of the person's named, therein and report in writing to the City Clerk as to his finding.

4. No bottle club, nor any officer, director, stockholder, owner or manager thereof, licensed pursuant to the provisions of this Article, shall violate any of the provisions of the State Alcoholic Beverage Law, nor any of the gambling laws of the State of Oklahoma, now knowingly permit the violation thereof of any premises subject to the control of said bottle club.

5. No bottle club, as defined herein, shall be licensed to operate within three hundred (300) feet from any church or school building, and provided further, that said distances as referred to above, shall mean from said club building to the nearest point of such church or school land or building in the normal and usual course of travel. The limitations of this Section shall not apply to a bottle club which is in operation at the time of the passage of this Article, even though it be nearer a church or school property than three hundred (300) feet; further, as to any such bottle club building, the same may not be enlarged as much as fifty percent (50%) of its former size, and should said building cease to be used as a bottle club for a period of one (1) year or more, or as much as sixty percent (60%) thereof be destroyed by wind or fire, the same may not thereafter be licensed as a bottle club. The use of premises

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subject to the control of a bottle club for any purposes other than as bottle club is prohibited.

6. The right of entry and inspection of any premises subject to the control of any bottle club, by any non-uniformed officer or agent of any department charged with the enforcement of the provisions hereof, shall be a condition on which every license shall be issued, and the application for, and acceptance of, any license hereunder, shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection.

Section 2-28. Conditions for Club Membership.

Membership in any bottle club subject to this Article shall be regulated by Articles or By-laws. Upon election to membership in any bottle club, a membership card shall be issued to the member and his name enrolled on a list of members, which shall be kept on the premises of every bottle club and be subject to inspection at all times. Said list of members shall show the full name of the member, his address and the dates of his application for membership and election to membership. The By-laws or Articles may provide for temporary membership for non-residents of the City of Hollis, Oklahoma, temporarily present in said City of Hollis, Oklahoma. Said temporary membership shall be affected by notice in writing to the presiding officer of the organization meeting in Hollis, Oklahoma, limiting time of temporary membership to the time the organization shall meet in Hollis, Oklahoma. A copy of said notice shall be filed with the City Clerk. Any convention badge or identification of membership in the visiting organization selected by the bottle club shall serve as the temporary membership card.

Section 2-29. Hours of Sale.

1. It shall be unlawful and an offense for bottle clubs licensed and regulated under the terms of this Article to admit members or guest, or to be open, between the hours of 2:00 o'clock a.m. and 6:00 o'clock a.m. on any day.

2. It shall be unlawful and an offense for bottle clubs licensed and regulated under the terms of this Article to admit members or guests, or to be open, between the hours of 2:00 o'clock a.m. Sunday and 6:00 o'clock on the following Monday. Nothing contained in this section shall be deemed to prevent employees of such bottle clubs to be admitted to or remain upon the premises thereof at anytime.

Section 2-30. Age Limit.

No person under the age of twenty-one (21) years shall be permitted in or on that part of the premises subject to the control of any bottle club, where persons are permitted to drink alcoholic beverages, unless accompanied by and in custody of either or both of his parents or guardians.

Section 2-31. Regular Inspections.

1. The police, fire, health and/or sanitation departments of the City of Hollis, Oklahoma, shall inspect all bottle clubs annually to enforce all of the terms of this Article as well as other appropriate provisions of the Code of Ordinances of the City of Hollis, Oklahoma.

2. Inspection reports shall be submitted to the City Clerk, who shall forward report violations to the City Council.

Sections 2-32 through 2-39. (Reserved for future use.)

Article 5. Penalty

Section 2-40. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-34 of this Code. Each day upon which a violation continues shall be deemed a separate offense.