

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 13-108, ARTICLE XIII, SECTIONS 13-1301, 13-1302 AND 13-1303, ARTICLE XVIII, SECTIONS 13-1801, 13-1802, AND 13-1804, AND 13-2106, ARTICLE XXI, SECTIONS 13-2101, 13-2102, 13-2103, 13-2105, AND 13-2106, ALL IN CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, CONCERNING LICENSURE AND OCCUPATIONAL TAX PERMITS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES AND CONSISTENCY WITH STATE LAWS AND REGULATIONS EFFECTIVE OCTOBER 1, 2018; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article I, Section 13-108 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-108. Fee schedules for licenses and permits and occupational taxes.

- (a) The fee schedule, hereinafter set forth, shall be levied and collected by the Clerk, or the Clerk’s representatives, for the applicable license, fees, permits, or occupational tax levies, prior to the issuance of any such license permit or conducting of the business of serving alcoholic beverages.
- (b) Occupational Taxes relating to the Sale of Alcoholic beverages (definitions in 37 O.S. § 506 through September 30, 2018, and found in 37A § 1-103 thereafter) are set forth as follows:
 - (1) Brewer, per year \$1,000.00
 - (a) Brewer, Oklahoma, per year 50.00
 - (2) Brewpub, per year\$1,000.00
 - (a) Brewpub, if licensee also holds a Mixed Beverage or Wine and Beer permit, per year 50.00
 - (3) Distiller, per year....35.00
 - (4) Retail spirits store 900.00
 - (5) Mixed beverages, first year 1,000.00
Renewals, per year 900.00

- (6) On premises beer or wine, first year 500.00
Renewals, per year 450.00
- (7) Mixed beverage/caterer combination 1,250.00
Renewals, per year 1,250.00
- (8) Rectifier, per year 2,500.00
- (9) "Class I" beer license, § 13-1802(1) (available and effective only through September 30, 2018) 20.00
- (10) "Class II" beer license, § 13-1802(2) (available and effective only through September 30, 2018).... 10.00
- (11) Winemaker, per year 500.00
- (12) Winemaker, Oklahoma, per year 50.00
- (13) Wholesaler, and effective October 1, 2018, "Wine and Spirits Wholesaler," per year 2,000.00
- (14) Wholesaler, class B, and effective October 1, 2018, "Beer Distributer," per year 500.00
- (15) Retail beer (effective beginning October 1, 2018) 500.00
- (16) Retail wine (effective beginning October 1, 2018) 1,000.00

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- (q) All adult entertainment uses 50.00
- (r) Impoundment/salvage yards 50.00
- (s) Manufactured fertilizer 25.00

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- § 2. That Article XIII, Sections 13-1301, 13-1302 and 13-1303 of Chapter 13 of the Code of the City of Norman, Oklahoma, shall be amended, to read as follows:

ARTICLE XIII. –BREWERIES AND BREWPUBS.

Sec. 13-1301. Occupational tax levied.

No person shall operate or maintain a brewery or brewpub without having previously paid the occupational tax as provided in this chapter.

Sec. 13-1302. Definitions.

Brewer: Any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which an occupational tax is imposed.

Brewpub: 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.

Sec. 13-1303. Hours of Operation.

No brewery or brewpub to which the brewery or brewpub occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A § 1-103(5), on the premises between the hours of 2:00 a.m. and 8:00 a.m.

* * *

- §3. That Article XVIII, Sections 13-1801, 13-1802, 13-1804, 13-1805, and 13-1806 of Chapter 13 of the Code of the City of Norman, Oklahoma, shall be amended, to read as follows:

ARTICLE XVIII. –OCCUPATIONAL TAX FOR WINE, BEER AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION

Sec. 13-1801. Occupational tax levied.

No person shall operate or maintain any business serving mixed beverages or beer or wine without having previously paid the occupational tax as provided in this chapter.

Sec. 13-1802. – Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

On premises beer and wine: An occupational tax permit 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 ($\frac{1}{2}$) of one (1) percent of alcohol by volume and not more than twenty-four (24) percent alcohol by volume. Effective October 1, 2018, this occupational tax permit will apply to the sale of both low point and strong beer, as those terms are defined in 37A O.S. § 1-103.

“Class I” beer license: A license for the retail sale of a beverage containing more than one-half ($\frac{1}{2}$) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold for consumption on the premises, or sold not in the original containers for consumption on or off the premises. “Class I” beer licenses are only available and effective through September 30, 2018.

“Class II” beer license: A license for the retail sale of a beverage containing more than one-half ($\frac{1}{2}$) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold in the original containers for consumption off the premises. “Class II” beer licenses are only available and effective through September 30, 2018.

Mixed beverage/caterer: An occupational tax permit for sale of mixed beverages as specifically provided by state law for the holder of a mixed beverage license or a caterer license.

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Sec. 13-1804. – Hours of operation.

- (a) No establishment to which the mixed beverage or on premises beer and wine occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 a.m. and 8:00 a.m.
- (b) Effective through September 30, 2018, no person who holds a “Class I” beer license, nor any agent, servant or employee of said licensee, shall sell, dispense, serve or allow to be consumed any low-point beer on the premises

between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 noon on Sunday.

- (c) Effective through September 30, 2018, and except as herein provided, no person who owns, manages or operates any business serving mixed beverages, beer or wine or a “Class I” establishment zones as a bar, club, or tavern licensed under the authority of this chapter shall permit any person to remain on the premises past the applicable closing time; provided that a maximum of eight (8) persons shall be permitted to remain for two (2) hours past the applicable closing time, so long as they are employed by the business serving mixed beverages, beer or wine or the “Class I” establishment and are involved in cleaning, closing or otherwise securing the premises.

Sec. 13-1805. - Employment.

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided:

- (a) a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and
- (b) a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

Sec. 13-1806. - Mixed beverage or beer and wine certificate of compliance.

- (a) A mixed beverage or beer and wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.
- (b) This certificate shall be reviewed and approved by the following City departments:
- (1) The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning and Community Development, or his designee.
 - (2) The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Norman, verified by the Director of Planning and Community Development, or his designee.

- (3) The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Norman, verified by the Fire Inspector for the City of Norman or his designee.
- (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Norman, verified by the Cleveland County Health Department Inspector or his designee.

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§ 4. That Article XXI, Sections 13-2101, 2103, and 2105 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

ARTICLE XXI – RETAIL SPIRITS STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF PREMISES CONSUMPTION

Sec. 13-2101. - Occupational tax levied.

No person shall operate, manage or work in any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, as that term is found in 37 O.S. § 506 through September 30, 2018, and as found in 37A § 1-103 thereafter without having previously obtained an occupational tax permit for that store as provided in this chapter.

Sec. 13-2102. – Retail spirits, retail beer and retail wine certificate of compliance.

- (a) A retail spirits, retail beer and retail wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.
- (b) This certificate shall be reviewed and approved by the following City departments:
 - (1) The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning and Community Development, or his designee.
 - (2) The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Norman, verified by the Director of Planning and Community Development, or his designee.
 - (3) The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Norman, verified by the Fire Inspector for the City of Norman or his designee.
 - (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Norman, verified by the Cleveland County Health Department Inspector or his designee.

Sec. 13-2103. – Deliveries.

No wholesale dealer in alcoholic beverages shall sell or deliver to any retail spirits store any alcoholic beverages on Sundays, New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day.

Sec. 13-2104. - Employment.

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits.

Sec. 13-2105 – Hours for selling alcoholic beverages.

(a) Retail Spirits Stores. Now and through September 30, 2018, no person shall open or operate a retail spirits store except between the hours of 10:00 a.m. and 9:00 p.m. Effective October 1, 2018, retail spirits stores will be permitted to remain open and operational from 8:00 a.m. through midnight. Further, no person shall open or operate a retail spirits store at any time on the following days:

- (1) Sunday;
- (2) July 4, 2018;
- (3) September 3, 2018;
- (4) Thanksgiving Day; or
- (5) Christmas Day.

(b) Retail beer or retail wine stores. Effective October 1, 2018, a retail wine or retail beer establishment may offer wine or beer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

Sec. 13-2106. - Signs.

No person shall erect or maintain any sign designating a retail liquor store unless they comply with the "City of Norman Sign Code" which has been codified as chapter 18 of the Code of the City of Norman, Oklahoma.

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§ 5. WHEREAS it is acknowledged that qualified retail spirits, wine and spirits wholesaler, beer distributor, retail beer, and retail wine state licensees are permitted to perform interim activities that will be permissible under these licenses as fully effective on October 1, 2018, *except* for the actual sale of wine and beer to the public. These interim activities include, but are not limited to, the purchasing, stocking, and storing of wine and/or beer on the licensed premises. In order to qualify for these interim activities, the state licensee must satisfy all the requirements set forth in Article XXVIII A of the Oklahoma Constitution and state law.

§ 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day of _____, 2018.

NOT ADOPTED this _____ day of _____, 2018.

Lynne Miller, Mayor

Lynne Miller, Mayor

ATTEST:

Brenda Hall, City Clerk