

ORDINANCE NO. 18-27

AN ORDINANCE AMENDING SECTIONS 4-1-1-101 THROUGH 4-1-1-109, DIVISION 4-1-1, ARTICLE 4-1, SECTIONS 4-2-1-201 THROUGH 4-2-1-211 AND SECTIONS 4-2-1-212 THROUGH 4-2-1-216, DIVISION 4-2-1, ARTICLE 4-2, SECTIONS 4-3-1-301 THROUGH 4-3-1-308, DIVISION 4-3-1, ARTICLE 4-3, REPEALING SECTIONS 4-1-1-110 THROUGH 4-1-1-118, DIVISION 4-1-1, ARTICLE 4-1, SECTION 4-2-1-211.1 AND SECTIONS 4-2-1-217 THROUGH 4-2-1-219, DIVISION 4-2-1, ARTICLE 4-2, ALL OF DIVISION 4-2-2, ARTICLE 4-2, INCLUSIVE OF SECTIONS 4-2-2-230 THROUGH 4-2-2-248, ALL OF DIVISION 4-2-3, ARTICLE 4-2, INCLUSIVE OF SECTIONS 4-2-3-260 THROUGH 4-2-3-276.1, ALL OF DIVISION 4-2-4, ARTICLE 4-2, SECTIONS 4-3-1-309 AND 4-3-1-310, DIVISION 4-3-1, ARTICLE 4-3, ALL IN CHAPTER 4, ALCOHOLIC BEVERAGES, LAWTON CITY CODE, 2015; BY AMENDING THE REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS AS LICENSED BY THE STATE, SETTING THE AMOUNT OF THE OCCUPATIONAL TAX FOR LICENSED ALCOHOLIC BEVERAGE ESTABLISHMENTS, AMENDING THE LIMITATIONS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES, REMOVING THE REQUIREMENTS FOR NON-INTOXICATING BEVERAGE ESTABLISHMENTS, PROVIDING FOR LIMITED MUNICIPAL REGULATION OF ALCOHOL CONSUMPTION AND POSSESSION IN CIRCUMSTANCES AUTHORIZED BY STATE LAW, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. The title of Division 4-1-1 is hereby amended to read as follows:

Division 4-1-1 - Alcoholic Beverages Application, Occupational Tax Required, General Provisions

Section 2. Section 4-1-1-101 is hereby amended to read as follows:

4-1-1-101 –Definitions Purpose, scope and definitions.

- ~~A. Definition of terms used in this chapter shall be in conformity with those provided in Sections 506 and 521 of Title 37 of the Oklahoma Statutes.~~
- ~~B. As used in this chapter, the following terms shall have the meaning respectively ascribed to them in this section:~~
 - ~~1. "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission of the state;~~
 - ~~— "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 low point beer as hereinafter defined;
4. ~~"Beer" means any beverage containing more than three and two-tenths percent (3.2%) 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. ~~"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;~~
 6. ~~"Charitable organization" means any philanthropic, patriotic, eleemosynary, educational, social, civic, recreational, religious or any other institution or organization, operating not for profit, performing or purporting to perform acts beneficial to the public;~~
 7. ~~"Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity;~~
 8. ~~"Intoxicating beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight;~~
 9. ~~"Legal guardian" means:
 - a. a person who, by court order, is the guardian of the person of a minor; or
 - b. a public or private agency with whom a minor has been placed by the court.~~
 10. ~~"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;~~
 11. ~~"Low point beer" means and includes beverages containing more than one half of one percent (.05%) alcohol by volume, and not more than three and two-tenths percent (3.02%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products. Wherever the term "nonintoxicating beverage" or "nonintoxicating malt beverage" appears in this code, such term shall be construed to mean low point beer.~~
 12. ~~"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";~~
 13. ~~"Minor" means a person who is under the age of twenty-one (21) years of age;~~
 14. ~~"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;~~
 15. ~~"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, beer and wine, caterer, or special event license;~~

16. ~~"Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person;~~
 17. ~~"Premises" means any residence or other private property, place, or premises, including any commercial or business premises;~~
 18. ~~"Retail dealer" means and includes any and all persons who sell, distribute or dispense any nonintoxicating beverages at retail to the public for consumption or use, whether consumed on the premises or not;~~
 19. ~~"Retailer container for spirits and wines" means an original package of a capacity not more than one gallon and not less than one twentieth gallon;~~
 20. ~~"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;~~
 21. ~~"Separate or enclosed bar area" means an area accessible from within the general business establishment which is clearly marked to prevent entrance therein by minors. Said notices must be clearly visible at each point of ingress or egress to said separate or enclosed bar area. Physical barriers shall be placed so as to give notice to minors that the separate or enclosed area is not within the general common area and that their entrance therein is subject to criminal sanctions. The physical barriers shall not be constructed in such a manner as to impede lawful entry or hinder emergency exit therefrom. A half wall measuring at least forty two (42) inches from floor level with designated entry and exit points shall be conclusive proof of a separate or enclosed area, provided, that said area is properly posted;~~
 22. ~~"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;~~
 23. ~~"Spirits" means any beverage other than wine or beer which contains more than three and two tenths percent (3.2%) alcohol measured by weight 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 alcoholic liquid completely denatured in accordance with the acts of Congress and regulations pursuant thereto; and~~
 24. ~~"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.~~
- A. The purpose of this Chapter is to enact ordinances consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act (Act). The provisions of this Chapter are not intended to regulate by licensure or otherwise the activities for which a license is required to be issued pursuant to the Act. The City Council reserves its authority to enact, amend and modify new and existing zoning classifications to regulate the location

of establishments that sell, mix, dispense or allow consumption of alcoholic beverages on the premises as provided by the Act. The provisions of this Chapter shall be interpreted to conform with these purposes.

B. The municipal court for the City of Lawton is authorized to hear violations of the provisions of this Chapter unless otherwise provided by law.

C. Terms, words and phrases as used in this Chapter shall have the same meaning as like terms, words and phrases defined in the Act. Such like terms, words and phrases defined below are presented for administrative convenience only. Such other terms, words and phrases defined below shall have the meaning respectively ascribed to them in this section:

1. "ABLE Commission" or "Commission" means the Alcoholic Beverage Laws Enforcement Commission;
2. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined by the Oklahoma Alcoholic Beverage Control Act 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;
3. "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" 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;
4. "Beer distributor" means and includes any person licensed to distribute beer for retail sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub self-distribution license as issued by the ABLE Commission;
5. "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;
6. "Brewpub" means a licensed establishment operated on the premises of, or on premises contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;
7. "Caterer" means any person whose business is to provide food, supplies and services at an event, to sell alcoholic beverages for on-premises consumption incidental to the sale or distribution of food;
8. "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 or her possession or use a still;
9. "Dual strength beer" means a brand of beer that, immediately prior to April 15, 2017, was being sold and distributed in this state and continues to be sold and distributed as such on October 1, 2018;

- a. as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect immediately prior to the effective date of the Oklahoma Alcoholic Beverage Control Act; and
 - b. as a strong beer pursuant to the Alcoholic Beverage Control Act in effect immediately prior to the effective date of the Oklahoma Alcoholic Beverage Control Act.
10. "Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity;
 11. "Licensee" means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant or employee of such license while in the performance of any act or duty in connection with the licensed business or on the licensed premises;
 12. "Manufacturer" means a brewer, distiller, winemaker, rectifier or bottler of any alcoholic beverage and its subsidiaries, affiliates and parent companies;
 13. "Minor" means a person who is under twenty-one (21) years of age;
 14. "Mixed beverages" means one or more servings of a beverage composed in whole or part of any 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, beer and wine, caterer, public event, charitable event or special event license;
 15. "Motion picture theater" means an establishment as licensed by the Oklahoma Alcoholic Beverage Control Act to sell alcoholic beverages by the individual drink and where motion pictures are exhibited, and to which the general public is admitted;
 16. "Occupation" as used in connection with "occupational 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;
 17. "Package store" or "liquor 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;
 18. "Premises" means the grounds, 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;
 19. "Principle place of business" means each premises licensed to do business pursuant to the Act.
 20. "Public event" means any event that can be attended by the general public;
 21. "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 whisky, brandy, rum, gin, wine, spirits, cordials or any other name;

22. “Retailer” means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premise consumption pursuant to a Retail Spirits License, Retail Wine License or Retail Beer License;
23. “Separate or enclosed bar area” means an area accessible from within the general business establishment which is clearly marked to prevent entrance therein by minors. A bar area will qualify as “separate or enclosed” when: (i) said notices are clearly visible at each point of ingress or egress to said separate or enclosed bar area; (ii) physical barriers are placed so as to give notice to minors that the separate or enclosed area is not within the general common area and that their entrance therein is subject to criminal sanctions; (iii) the physical barriers are not constructed in such a manner to impede lawful entry or hinder emergency exist therefrom. A half wall measuring at least forty-two (42) inches from the floor level with designated entry and exit points shall be conclusive proof of a separate or enclosed area, provided that said area is properly posted;
24. “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;
25. “Spirits” means any beverage other than wine or 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;
26. “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.
27. “Wine” means any beverage that contains more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) 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.

Section 3. Section 4-1-1-102 is hereby amended to read as follows:

4-1-1-102 - Amount of tax Occupational tax levied.

- A. ~~There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of Section 554.1 of Title 37 of the Oklahoma Statutes in the amount as set by the city council:~~

1. Brewer	\$1250.00
2. Distiller	\$3125.00
3. Winemaker	\$625.00
4. Oklahoma winemaker	\$75.00

5. Rectifier	\$3125.00
6. Wholesaler	\$3500.00
7. Class "B" wholesaler	\$625.00
8. Package store retailer	\$905.00
9. Mixed beverage licensee	
—Initial Tax	\$1005.00
—Renewal Tax	\$905.00
10. Caterer licensee	
—Initial Tax	\$1005.00
—Renewal Tax and	\$905.00
11. Special even licensee, tax per day	\$55.00
12. Beer and Wine license	
—Initial	\$500.00
—Renewal	\$450.00

- ~~B. The occupation tax for a brewer and a class "B" wholesaler shall be reduced by seventy-five percent (75%) if the brewer of class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any nonintoxicating malt beverages as provided in Section 518 of Title 37 of the Oklahoma Statutes.~~
- ~~C. The occupation tax shall be levied only if the licensee's principal place of business is located in the city.~~
- ~~D. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor to the city licensing officer before engaging in such occupation. The initial occupation tax, or the annual renewal payment thereof, shall be paid before a licensee sells or offers for sale any alcoholic beverages.~~
- ~~E. Any state licensee carrying on his occupation in more than one location in the corporate limits of the city shall be subject to the tax hereinabove specified for each location.~~
- ~~F. The occupation taxes prescribed herein shall be reduced to the extent necessary to conform to applicable state law reducing the state license fee to such person, but only to such extent as may be required to conform to applicable state law, it being the intention that this article shall levy the maximum tax allowable for the occupations on which there is hereby levied an occupation tax.~~
- ~~G. Upon payment of the occupation tax, the city shall issue a receipt, signed by the city clerk, to the state licensee paying such occupational tax. The city licensing officer shall also record the name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city for at least five (5) years. Thereafter, upon resolution by the council, it may be destroyed.~~
- ~~H. Any state licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.~~
- ~~I. All sums due from any person by reason of occupation taxes imposed by this article and all penalties accruing from such person by reason of failure to pay such tax shall be~~

recoverable at the suit of the city brought against such person in any court of competent jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover the statutory interest per annum upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including a reasonable attorney's fee, which shall be paid to the attorney representing the plaintiff in the suit, all to be determined by the court. Prosecution for an offense against the city, arising out of the failure to pay a tax levied by this article, regardless of the outcome thereof or of its continued pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and penalties, if any are due, as herein provided.

A. There is hereby levied and assessed an annual occupational tax on every person within the territorial jurisdiction of the City of Lawton holding a license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act for the privilege of operating as a licensee in the type of occupations identified in the table below. The amount of the tax upon license holder shall be as follows:

<u>Type of Occupation</u>	<u>Amount of Tax</u>
1. <u>Brewer</u>	<u>\$1,250.00</u>
2. <u>Distiller</u>	<u>\$3,125.00</u>
3. <u>Rectifier</u>	<u>\$3,125.00</u>
4. <u>Wine and Spirits Wholesaler</u>	<u>\$3,000.00</u>
5. <u>Beer Distributor</u>	<u>\$750.00</u>
6. <u>Retail Spirits</u>	<u>\$905.00</u>
7. <u>Retail Wine</u>	<u>\$1,000.00</u>
8. <u>Retail Beer</u>	<u>\$500.00</u>
9. <u>Mixed Beverage</u>	<u>\$905.00</u>
10. <u>Mixed Beverage/Caterer Combo</u>	<u>\$1,250.00</u>
11. <u>On-Premise Beer and Wine</u>	<u>\$450.00</u>
12. <u>Caterer</u>	<u>\$905.00</u>
13. <u>Special Event – per day</u>	<u>\$55.00</u>
14. <u>Winemaker</u>	<u>\$625.00</u>
15. <u>Winemaker Self-Distribution</u>	<u>\$750.00</u>
16. <u>Annual Public Event</u>	<u>\$1,005.00</u>
17. <u>One Time Public Event</u>	<u>\$255.00</u>
18. <u>Small Brewer Self-Distribution</u>	<u>\$750.00</u>
19. <u>Brewpub</u>	<u>\$1,005.00</u>
20. <u>Brewpub Self-Distribution</u>	<u>\$750.00</u>

- B. No person shall engage in any of the occupations listed in Paragraph A of this section without first paying the required occupational tax to the City or Lawton.
- C. Any state licensee carrying on his or her occupation in more than one location in the territorial jurisdiction of the City shall be subject to the tax(es) hereinabove specified for each location.
- D. Upon payment of the occupational tax, the City shall issue a receipt to the state licensee paying such occupational tax. The License and Permits office shall keep record of the name of the licensee and the address where the licensee engages in his occupation.
- E. All state licensees shall post his/her occupational tax receipt in a conspicuous place at all times at the licensed property.

F. The occupational tax receipt shall only cover the applicant paying the tax, is not transferable or refundable and shall expire annually.

Section 4. Section 4-1-1-103 is hereby amended to read as follows:

4-1-1-103 - ~~Occupation tax not refundable, covers only applicant~~ Information required prior to payment of tax.

~~The occupation tax shall cover only the person applicant paying the tax and no other of a successor thereof, and shall not be refundable.~~

A. Prior to remittance of an occupational tax to make, distribute, sell and/or serve alcoholic beverages within the City of Lawton, all licensees shall provide the following information to the License and Permits office:

1. The name and address of the applicant and, if the applicant is a corporation, proof of its good standing with the Secretary of State of the State of Oklahoma;
2. The business name, address and legal description of the premises that is licensed by the ABLE Commission;
3. A copy of the issued state food license (if applicable);
4. A copy of the Oklahoma sales tax permits associated with the licensed premises;
5. A completed background application;
6. A detailed floor plan showing all seating, exits and public use areas clearly labeled;
7. A parking lot layout; and
8. A copy of the lease or deed showing that the applicant has the authority to operate at the proposed location.

Section 5. Section 4-1-1-104 is hereby amended to read as follows:

4-1-1-104 - Manufacture and sale—State license and tax receipt required.

No person shall produce, manufacture or sell any alcoholic beverages, or rectify any beverage, without having in his possession a valid license issued by the ABLE Commission and a valid tax receipt from the City of Lawton showing timely payment of each occupational tax imposed by this Chapter.

Section 6. Section 4-1-1-105 is hereby amended to read as follows:

4-1-1-105 -~~Keeping or maintaining place in violation of law prohibited~~ City inspection and certificate of compliance.

~~No person shall keep or maintain, or aid, assist or abet in keeping or maintaining, a place where alcoholic beverages are possessed, manufactured, sold, bartered or given away in violation of any of the provisions of this chapter or any public place where persons are permitted to resort for the purpose of drinking alcoholic beverages.~~

- A. Upon the receipt of a completed application for the initial Certificate of Compliance from any persons desiring to apply to the ABLE Commission for an original license or for subsequent state license renewal and upon payment of the inspection fee and the non-refundable application fee as provided in Appendix A, Fees and Charges, related thereto, then the city shall cause inspections to be made of the existing or proposed establishment for compliance with the city's fire, safety and health codes and the city's zoning regulations.
- B. The Community Services Department shall have charge and responsibility of causing the inspections to be made and receiving the results of the inspections.

- C. The Community Services Director or his/her designee shall sign the certificate stating therein whether or not the existing or proposed establishment is in compliance with the city codes and regulations.
- D. The required certificate shall be issued within ten (10) calendar days of the completion of all final inspections.
- E. If a licensee fails to maintain compliance with the city's fire, safety and health codes and the zoning regulations, the Community Services Director or his/her designee shall forthwith notify the ABLE Commission in writing setting forth details of noncompliance.
- F. The City may grant a conditional certificate of compliance for premises proposed for licensed operations for which construction, modification or alteration has not been completed. The conditional certificate shall indicate that the proposed premises must comply with the municipal zoning, fire, safety and health codes by a date certain. The granting of a conditional certificate shall not relieve the applicant of the duty to obtain a full Certificate of Compliance following completion of the construction, modification, or alteration.

Section 7. Section 4-1-1-106 is hereby amended to read as follows:

4-1-1-106 –~~Places operating in violation of this chapter declared nuisances~~ Sale, consumption or possession of alcoholic beverages on public property.

~~All places where alcoholic beverages are possessed, manufactured, sold, bartered or given away in violation of any of the provisions of this chapter or any public place where persons are permitted to resort for the purpose of drinking alcoholic beverages is hereby declared to be a public nuisance.~~

- A. The sale, consumption or possession of alcoholic beverages on property owned or under the control of the City is prohibited except as hereinafter provided.
- B. The consumption or possession of alcoholic beverages may be permitted on and within the following premises (i) with an approved assembly or use permit issued by the City or (ii) with prior written permission from the City Manager or his designee and in accordance with Chapter 19 of this code:
 - 1. Great Plains Museum;
 - 2. McMahon Memorial Auditorium;
 - 3. Carnegie Library;
 - 4. Lawton Community Theater;
 - 5. Lawton-Ft. Sill Art Council;
 - 6. Shepler Park;
 - 7. Elmer Thomas Park;
 - 8. City Hall; and
 - 9. Any other place where the consumption or possession of alcoholic beverages is related to or in conjunction with a civic, cultural or artistic event sponsored by a private organization.
- C. The sale of alcoholic beverages may be permitted on and within the following premises (i) with an approved assembly or use permit issued by the City or with prior written permission from the City Manager or his designee, and (ii) with a special event license issued by the ABLE Commission, and (iii) upon payment of the special event occupational tax to the city and in accordance with Chapter 19 of this code:

1. Great Plains Museum;
 2. McMahon Memorial Auditorium;
 3. Carnegie Library;
 4. Lawton Community Theater;
 5. Lawton-Ft. Sill Art Council;
 6. Shepler Park;
 7. Elmer Thomas Park;
 8. City Hall; and
 9. Any other place where the sale of alcoholic beverages is related to or in conjunction with a civic, cultural or artistic event sponsored by a private organization.
- D. Events sponsored or co-sponsored by the City of Lawton at any of the properties listed in Paragraph C above shall not be required to pay the special event occupational tax.
- E. Private events not open to the public which have entered into an agreement with the city for use of any of the properties listed in Paragraph C above shall not be required to pay the special event occupational tax.
- F. The consumption or possession of beer and wine on property owned or under the control of the City is permitted at Lake Lawtonka and Lake Ellsworth in accordance with Chapter 19 of this Code.
- G. The sale, consumption or possession of beer and wine may be permitted on and within the following premises when the owner/leasee of said premise holds a current and valid state license for on-premise beer and wine and has remitted the applicable city occupational tax:
1. Lawton municipal golf course;
 2. Lawton municipal airport restaurant; and
 3. Any city approved concessionaire.

Section 8. Section 4-1-1-107 is hereby amended to read as follows:

4-1-1-107 –~~Transportation of intoxicating beverages in vehicles—Exception~~ Location of establishments selling or serving alcoholic beverages—Exceptions.

- A. ~~No operator shall knowingly transport nor any passenger possess alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.~~
- B. ~~Subsection A of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion or if the opened container is in the passenger area of a limousine and commercial bus, not to include buses that operate over a regularly scheduled route.~~
- C. ~~Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00).~~
- A. The location of the place of business of any establishment which has been licensed under the Oklahoma Alcoholic Beverage Control Act is specifically prohibited (i) within three hundred (300) feet from any church property primarily and regularly used

for worship services and religious activities, or any public or private school; provided, the distance shall be measured from the nearest property line of such church or school to the nearest perimeter wall of the licensed premises; (ii) on any city block where such church or school is located; and (iii) on any residentially zoned property.

- B. The restriction set forth in Subsection A of this section shall not bar licensure or renewal of any license issued pursuant to the Act provided (i) the premises was licensed by the ABLE Commission pursuant to law in effect prior to October 1, 2018 and (ii) the premises has remained licensed pursuant to the Act continuously thereafter.
- C. The restriction set forth in Subsection A of this section shall not apply to any restaurant, grocery store, convenience store, drug store or other business that derives more than fifty percent (50%) of their sales from sources other than alcoholic beverages.

Section 9. Section 4-1-1-108 is hereby amended to read as follows:

4-1-1-108 –~~General prohibition~~ Hours of operation.

~~A. No person shall:~~

- ~~1. 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;~~
- ~~2. Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;~~
- ~~3. Except as otherwise permitted in this chapter, drink any alcoholic beverage in public or be intoxicated in a public place. No person shall consume or sell any alcoholic or intoxicating beverage on city owned property except as otherwise permitted elsewhere in this chapter;~~
- ~~4. Open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store.~~

~~B. No licensee shall:~~

- ~~1. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition; or~~
~~— Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:~~
 - ~~a. Deliver more than two drinks to one person at one time;~~
 - ~~b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;~~
 - ~~c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;~~
 - ~~d. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;~~
 - ~~e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or~~
 - ~~f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.~~

- A. No retail spirits licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 8:00 A.M. and 12:00 A.M., Monday through Saturday and shall not open or operate on Thanksgiving Day or Christmas Day. Retail spirits licensees shall be permitted to sell alcoholic beverages on the day of any general, primary, runoff primary or special election whether on a national, state, county or city election, provided that the election day does not occur on any day on which sales are otherwise prohibited by law.
- B. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, special event, on-premises beer and/or wine, small brewer, or brewpub licensee between the hours of 2:00 A.M. and 10:00 A.M. No person having in their possession an open container and having as its contents an alcoholic beverage shall remain in such licensed premises between the hours of 2:15 A.M. to 10:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing alcoholic beverage, to include but not limited to the original container of the beverage where the original seal has been broken or opened.
- C. The provisions of Subsection B of this section shall not apply to the licensee of such licensed premises, or to musicians loading or unloading instruments or performing or rehearsing for performances to be held on such premises, construction workers and maintenance and repair personnel performing their individual trades upon the premises, or deliverymen making deliveries to the premises.

Section 10. Section 4-1-1-109 is hereby amended to read as follows:

4-1-1-109 –~~Sale, consumption or possession of alcoholic beverages in public places.~~ Sale of alcoholic beverages at motion picture theaters.

- A. ~~The sale, consumption or possession of alcoholic beverages on property owned or under the control of the city is prohibited except as hereinafter provided.~~
- B. ~~The consumption or possession of alcoholic beverages may be permitted on and within the following premises (i) with an approved assembly or use permit issued by the city or (ii) with prior written permission from the city manager or his designee:

 1. ~~Great Plains Museum;~~
 2. ~~McMahon Memorial Auditorium;~~
 3. ~~Carnegie Library;~~
 4. ~~Lawton Community Theater;~~
 5. ~~Lawton Ft. Sill Art Council;~~
 6. ~~Shepler Park;~~
 7. ~~Elmer Thomas Park;~~
 8. ~~City Hall; and~~
 9. ~~Any other place where the consumption or possession of alcoholic beverages is related to or in conjunction with a civic, cultural or artistic event sponsored by a charitable organization or sponsored or co-sponsored by the City of Lawton.~~~~
- C. ~~The sale of alcoholic beverages may be permitted on and within the following premises (i) with an approved assembly or use permit issued by the city or with prior written permission from the city manager or his designee, and (ii) with a special event license issued by the ABLE Commission, and (iii) upon payment of the special event occupational tax to the city's licensing division:~~

- ~~1. Great Plains Museum;~~
 - ~~2. McMahon Memorial Auditorium;~~
 - ~~3. Carnegie Library;~~
 - ~~4. Lawton Community Theater;~~
 - ~~5. Lawton Ft. Sill Art Council;~~
 - ~~6. Shepler Park;~~
 - ~~7. Elmer Thomas Park;~~
 - ~~8. City Hall; and~~
 - ~~9. Any other place where the sale of alcoholic beverages is related to or in conjunction with a civic, cultural or artistic event sponsored by a charitable organization or sponsored or co-sponsored by the City of Lawton.~~
- ~~D. Events sponsored or co-sponsored by the City of Lawton at any of the properties listed above shall not be required to pay the special event occupational tax.~~
- ~~E. Private events not open to the public which have entered into an agreement with the city for use of any of the properties listed above shall not be required to pay the special event occupational tax.~~

In addition to all other provisions of this Code, a motion picture theater licensed as an on-premise mixed beverage establishment or on-premise beer and wine establishment must, upon being provided proof of legal age to consume alcohol, require every patron being served alcoholic beverages to wear a wrist bracelet or receive a hand stamp identifying the patron as being of legal age to consume alcohol. This requirement shall only apply inside a motion picture theater auditorium where individuals under the legal age to consume alcohol are allowed.

Section 11. Section 4-1-1-110 is hereby repealed in its entirety:

~~**4-1-1-110 – Reserved.**~~

Section 12. Section 4-1-1-111 is hereby repealed in its entirety:

~~**4-1-1-111 – Reserved.**~~

Section 13. Section 4-1-1-112 is hereby repealed in its entirety:

~~**4-1-1-112 – Reserved.**~~

Section 14. Section 4-1-1-113 is hereby repealed in its entirety:

~~**4-1-1-113 – Operation of shooting gallery prohibited.**~~

~~No person shall operate a shooting gallery on the same premises where alcoholic beverages are sold or consumed.~~

Section 15. Section 4-1-1-114 is hereby repealed in its entirety:

~~**4-1-1-114 – Location of mixed beverage establishments – Exceptions.**~~

- ~~A. The location of mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, public or private school. Provided, that if any such church or school shall be established within three hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured~~

from the nearest property line of such church or school to the nearest perimeter wall of the premises of such mixed beverage establishment. Further, a mixed beverage establishment shall not be located on any city block where a church or school is located. Provided further that this shall not apply to any a private club previously licensed by the city so long as such licensed private club has been in continuous force and effect. The provisions of this section shall not apply to any mixed beverage establishment permitted prior to July 1, 1999.

- B. — Mixed beverage establishments do not include restaurants or other businesses that derive more than fifty percent (50%) of their sales from sources other than alcohol.

Section 16. Section 4-1-1-115 is hereby repealed in its entirety:

~~**4-1-1-115 — Hours of operation.**~~

- A. — No package store licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour than between the hours of 10:00 A.M. and 9:00 P.M. Monday through Saturday.
- B. — No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink licensee between the hours of 2:00 A.M. and 10:00 A.M. No licensee shall permit any person, who has in his possession an open container, having as its contents a nonintoxicating or alcoholic beverage, to remain in mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. No person, having in his possession an open container, having as its contents a nonintoxicating beverage or alcoholic beverage, shall remain in mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing nonintoxicating or alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.
- C. — The provisions of subsection B of this section shall not apply to the licensee of such mixed beverage establishment musicians loading or unloading instruments or performing or rehearsing for performances to be held on such premises, construction workers and maintenance and repair personnel performing their individual trades upon the premises, or deliverymen making deliveries to the premises.

Section 17. Section 4-1-1-116 is hereby repealed in its entirety:

~~**4-1-1-116 — Certain acts prohibited.**~~

- A. — No licensee, retailer, owner, agent or employee shall allow themselves or any person on the premises where nonintoxicating or alcoholic beverages are sold or dispensed for consumption on the premises of said licensee where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic area, buttocks or genitalia. The areola of the female breast shall be covered with an opaque cover. A "T-strap" at least two inches in width shall cover the crevice and or anus of the buttock with respect to both males and females. The pubic hair and genitalia of both males and females shall at all times remain covered. Furthermore, no licensee, retailer, owner, agent or employee shall permit themselves or any person to use artificial devices or inanimate objects to depict any lewd activities or permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

- B. ~~No licensee, retailer, owner, agent or employee of a licensed establishment shall:~~
- ~~1. Employ or permit any employee to buy, solicit, induce, procure or request a patron to purchase any alcoholic, nonintoxicating or alcoholic beverage for himself or herself or for any other employee or person not a patron.~~
 - ~~2. Knowingly serve to any employee any alcoholic, or nonintoxicating beverage which was purchased by any patron.~~
 - ~~3. Permit upon any licensed establishment any employee to loiter on or remain on said premises who begs, solicits, induces, procures or request a patron to purchase any alcoholic or nonintoxicating beverage for any employee.~~
 - ~~4. Solicit, induce or request a patron to purchase any alcoholic or nonintoxicating beverage for himself or herself or for any person not a patron.~~
 - ~~5. Permit any employee or agent to mingle or fraternize with patrons of such establishments. Provided, however, this provision is not applicable to communications between patrons and the employee when the employee is performing the duties in the furtherance of service of food and/or drinks.~~
- C. ~~Any person found to be in the performance of any of the acts described above shall be presumed to be an agent, employee, associate or representative for said licensed establishment.~~

Section 18. Section 4-1-1-117 is hereby repealed in its entirety:

~~4-1-1-117 – Inspections – Certificate of compliance – Issuance.~~

- A. ~~Upon the receipt of a written application for the:~~
- ~~1. Initial certificate of compliance from any persons desiring to apply to the ABLE Commission for an original license; or~~
 - ~~2. City inspection for subsequent renewal for state license renewal or occupation tax, the city shall cause inspections to be made of the existing or proposed establishment for compliance with the city's fire, safety and health codes and the city's zoning regulations.~~
- B. ~~The city manager shall designate the department which will have charge and responsibility of causing the inspections to be made and receiving the results of the inspections.~~
- C. ~~The finance director shall sign the certificate stating therein whether or not the existing or proposed establishment is in compliance with the city codes and regulations.~~
- D. ~~All inspections and the issuance of the certificate shall be completed within twenty (20) days of receipt of the written application for such certificate.~~

Section 19. Section 4-1-1-118 is hereby repealed in its entirety:

~~4-1-1-118 – Repealed.~~

Section 20. The title of Article 4-2 is amended to read as follows:

Article 4-2 – NONINTOXICATING BEVERAGES PROHIBITED ACTS

Section 21. The title of Division 4-2-1 is amended to read as follows:

Division 4-2-1 – General Provisions Prohibited Acts

Section 22. Section 4-2-1-201 is hereby amended to read as follows:

4-2-1-201 —~~Reserved~~ Prohibited acts – Violations – Penalties.

A. No person shall:

1. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;
2. Open a retail container or consume alcoholic beverages on the premises of a package store, grocery store, convenience store or drug store;
3. Knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverages except in the original container which shall not have been opened and/or the seal shall not have been broken and/or the original cap or cork shall not have been removed, unless the opened container has been stored or placed in the rear trunk or rear compartment or any other compartment which is not accessible to the driver or any other person in the vehicle while it is in motion;
4. Consume spirits in public except on the premises of a licensee of the ABLE Commission who is authorized to sell or serve spirits by the individual drink;
5. Forcibly resist lawful arrest as prohibited and punished in Chapter 16;
6. Be intoxicated in a public place as prohibited and punished in Chapter 16;
7. By physical contact interfere with an investigation of any infringement of the Oklahoma Alcoholic Beverage Control Act or with any lawful search or seizure being made by a law enforcement officer or an employee of the ABLE Commission, when such person knows or should know that such acts are being performed by a law enforcement officer or employee of the ABLE Commission;
or
8. Except as otherwise permitted in this Chapter, shall consume or sell any alcoholic beverages on city-owned property.

B. Any person who shall engage in any of the following:

1. Drink or otherwise consume any intoxicating beverage unless authorized by the Oklahoma Alcoholic Beverage Control Act, or any unlawful intoxicating substance, or any intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, in any public place, or in or upon any transit vehicle, streetcar, or in or upon any other vehicle commonly used for transportation of passengers, or in or about any depot, platform, waiting station or room.;
2. Be drunk or intoxicated in any public or private road or in any transit vehicle, streetcar or any public place or building, or at any public gathering, from drinking or consuming such intoxicating beverage, unlawful intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance; or
3. Be drunk or intoxicated from any cause;
shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment.

C. Any person who violates Subsection B of this section, and such actions cause great bodily injury or the death of a person, shall, in addition to any other penalty provided by law, be guilty of a felony and shall be referred to the Comanche County District Attorney's office for prosecution of said charge(s).

Section 23. Section 4-2-1-202 is hereby amended to read as follows:

4-2-1-202—~~State and county licenses~~ Prohibited acts by receipt holder.

~~No person shall engage in the business of selling, offering for sale or distributing any nonintoxicating beverages, at retail, for consumption or use on or off the premises, without first having obtained a state and county licenses to do so. Such licenses shall be posted in a conspicuous place in the licensed premises.~~

- A. No person who has an occupational tax receipt issued by the City shall:
1. Receive, possess or sell any alcoholic beverage except as authorized by the Oklahoma Alcoholic Beverage Control Act;
 2. 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, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, as long as they do not serve in designated bar or lounge areas, and
 - b. A mixed beverage, beer and wine, caterer, or public event, special event 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 an employee of the City of Lawton 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;
 3. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition;
 4. Use any of the following means or inducements to stimulate the consumption of alcoholic beverages:
 - a. Deliver more than two drinks to one person at one time,
 - b. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public,
 - c. Sell or offer to sell drinks to any person or group of persons at prices less than those charged the general public on that day, except at private functions not open to the public,
 - d. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week, or
 - e. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

5. Permit or allow any patron or person to exit the licensed premises with an open container of any alcoholic beverage. Provided, this prohibition shall not apply to closed original wine containers which are carried from the licensed premises of restaurants, hotels and motels, or to closed original containers of alcoholic beverages transported to and from the place of business of a licensed caterer by the caterer or an employee of the caterer;
6. Serve or sell alcoholic beverages with an expired ABLE license or with an expired occupational tax receipt as issued by the City of Lawton; or
7. Permit any person to be drunk or intoxicated on the licensee's licensed premises.

Section 24. Section 4-2-1-203 is hereby amended to read as follows:

4-2-1-203 –Retail dealer's license required—Posting of license—License fees Prohibited acts of retail spirit licensees.

- A. ~~No person shall sell, distribute or dispense any nonintoxicating beverage at retail to the public without first having obtained a license to do so from the city, and making payment in advance to the city licensing officer in the amount as provided in the fee schedule.~~
- B. ~~Two types of Retail Dealer's licenses may be issued:~~
 1. ~~A retail dealer's license for establishments where nonintoxicating beverages are sold for consumption on the licensed premises.~~
 2. ~~A retail dealer's license for establishments where nonintoxicating beverages are sold for consumption off the premises of such licensed establishments.~~
- C. ~~The license issued by the city shall be posted in a conspicuous place in the licensed premises.~~
- A. No retail spirits licensee shall:
 1. Allow or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, unless otherwise permitted by law;
 2. Sell any alcoholic beverages at any hour other than between the hours of 8:00 A.M. and midnight, Monday through Saturday, nor be open on Thanksgiving Day or Christmas Day;
 3. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverages, except that goods or merchandise included by the manufacturer in the packaging with alcoholic beverages or as the packaging of alcoholic beverages shall not be included in this prohibition. Provided, no wholesaler or retailer shall sell any alcoholic beverage prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold.
- B. Retail spirits licensees shall be permitted to sell alcoholic beverages on the day of any general, primary, runoff primary or special election whether for a national, state, county or city election provided that the election day does not occur on any day on which such sales are otherwise prohibited by law.

Section 25. Section 4-2-1-204 is hereby amended to read as follows:

4-2-1-204 –Application for license Prohibited acts of mixed beverage, public event, special event or on-premises beer and wine licensees.

- A. ~~An applicant for a municipal retail dealer's license or for a renewal of such license shall deposit the required fee with the city licensing officer and submit an application on the form provided including the following information:~~
- ~~1. The full name and address of the applicant and all owners;~~
 - ~~2. The location at which the proposed business is to be operated;~~
 - ~~3. The applicant shall submit an affidavit stating the physical addresses by location and dates of residency for the preceding three (3) year period of the applicant and all owners of the business and any information or evidence determined necessary by the police chief for the purpose of investigating any possible previous criminal record;~~
 - ~~4. The applicant shall furnish sufficient evidence of his ownership or right to possession of the premises upon which the business is located;~~
 - ~~5. The applicant shall furnish proof of valid state and county issued permits for the sale of low point beer; and~~
 - ~~6. Such other information as may be requested by the city attorney.~~
- B. ~~No license shall be issued to an applicant for a municipal retail dealer's license or for a renewal of such license in any of the following circumstances:~~
- ~~1. The applicant's municipal retail dealer's license or state or county permits for the sale of low point beer for the proposed location or premises are suspended at the time the application is made;~~
 - ~~2. The applicant's municipal retail dealer's license or state or county permits for the sale of low point beer for the proposed location or premises has been denied or revoked during the past twelve (12) months;~~
 - ~~3. An action to deny, suspend or revoke the applicant's municipal retail dealer's license or state or county permits for the proposed location or premises and is pending;~~
 - ~~4. The applicant for a proposed location or premises is a relative or business associate of a retail dealer whose municipal retail dealer's license for such location or premises is suspended at the time the application is made; or~~
 - ~~5. The applicant for a proposed location or premises is a relative or business associate of a retail dealer whose municipal retail dealer's license has been denied or revoked during the past twelve (12) months; or~~
 - ~~6. The applicant is otherwise ineligible for a municipal retail dealer's license or other permit to sell low point beer under state law or Lawton City Code.~~
- C. ~~Except for extraordinary circumstances approved by the city attorney, all application requirements, including the furnishing of additional information, must be completed within thirty (30) days from the date the application is originally submitted. Failure to do so will result in the application becoming void, and the fee forfeited.~~
- D. ~~Renewal applications and fees must be received by the city at least thirty (30) days prior to the expiration of the license or else proceed in the manner required of an applicant for a new or initial license.~~
- A. No mixed beverage, public event, special event or on-premises beer and wine licensee shall:

1. Keep or knowingly permit any alcoholic beverage to be kept, brought or consumed on the licensed premises which is not allowed to be sold or served upon such premises; or
2. Allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the licensed premises, except for persons who incidentally pass through the designated area. The prohibition in this subsection shall not apply to a designated bar area which is a concession stand serving beer and wine, in addition to serving food and non-alcoholic beverages, which concession stand is located at, in or on the premises of a sports, music or entertainment venue, convention center, park, fairgrounds or similar facility.

Section 26. Section 4-2-1-205 is hereby amended to read as follows:

4-2-1-205 –~~Expiration of license~~ Prohibited acts of special event or caterer licensees.

~~The licenses provided for in this article shall expire annually, and the fee therefor shall not be prorated.~~

A. No special event or caterer licensee shall:

1. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by ABLE.

Section 27. Section 4-2-1-206 is hereby amended to read as follows:

4-2-1-206 –~~Addition of alcohol to nonintoxicating alcoholic beverages by retail dealer prohibited~~ Prohibited acts of holders of retail wine or retail beer licenses.

~~No retail dealer shall add or permit anyone to add any alcohol or any liquors containing alcohol to any nonintoxicating beverages which raises the alcoholic content thereof above three and two-tenths percent (3.2%).~~

A. No holder of a Retail Wine License or a Retail Beer License shall:

1. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, unless otherwise permitted by law;
2. 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.
3. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of beer or wine, except that goods or merchandise included by the manufacturer in the packaging with beer or wine or as the packaging of beer or wine shall not be included in this prohibition; or
4. Sell any beer or wine prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold.

Section 28. Section 4-2-1-207 is hereby amended to read as follows:

4-2-1-207 –~~Minors on premises prohibited~~ –~~Exceptions~~ Prohibited acts of mixed beverage, beer and wine, caterer, public event or special event licensees or employee, manager, operator or agent thereof.

A. Except as otherwise provided herein:

- ~~1. No establishment which has as its main purpose the selling or distribution of low-point beer, shall allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the premises of the establishment.~~
 - ~~2. No person under twenty-one (21) years of age shall enter, attempt to enter, remain within or loiter about the premises of an establishment which has as its main purpose the selling or distribution of low-point beer.~~
 - ~~3. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from being in that part of an establishment other than a separate or enclosed lounge or bar area which has as its main purpose the sale or distribution of low-point beer for on-premises consumption.~~
- ~~B. It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of the license holder, to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises which has as its main purpose the selling or serving of low-point beer for consumption on the premises, unless said person's parent or legal guardian is present. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.~~
- ~~C. If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under twenty-one (21) years of age from the provisions of this subsection.~~
- ~~D. The provisions of this section do not allow persons under the age of twenty-one (21) to enter, remain within, or loiter about the premises of a tavern.~~
- A. No mixed beverage, beer and wine, caterer, public event or special event licensee or any employee, manager, operator or agent thereof shall:
1. Consume or be under the influence of alcoholic beverages during the hours he or she is on duty. For the purposes of this section, such person will be deemed to be on duty from the time the person first comes on duty until the time the person goes off duty at the end of the shift, including any break periods permitted by management. This paragraph shall not apply to any person who works on the premises as an entertainer only;
 2. Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the

licensed premises or areas outside the licensed premises which are controlled by the licensee;

3. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations;
4. Permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, prostitution activity or any other criminal conduct to occur on the licensed premises or areas outside the licensed premises which are controlled by the licensee;
5. Refuse or fail to promptly open a door to the licensed premises upon request of an employee of the City of Lawton or any other law enforcement officer to enter the premises when the licensee or employee knows or should know that such request has been made. This provision shall not be construed to deny employees of the City of Lawton or any other law enforcement officers access at any time to any licensed premises;
6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided, that restaurants, hotels and motels may permit the removal of closed original wine containers the contents of which have been partially consumed. The provisions of this paragraph shall not be construed to prohibit or restrict:
 - a. hotels or motels who are holders of mixed beverage or on-premises beer and wine licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises;
 - b. licensees, who are lawfully operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building or property, provided that the building or property or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of the state; or
 - c. licensees who are licensed to operate in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing other licensees to operate on their licensed premises for events that are temporary in nature. In the event that multiple licensees are operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, each licensee shall be responsible for violations occurring in their area designated as their licensed premises.
7. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an inspector,

agent or any other law enforcement officer or encourage or attempt to encourage another person to do any of the above.

Section 29. Section 4-2-1-208 is hereby amended to read as follows:

4-2-1-208 —Reserved Prohibited acts on or about commercial premises where alcoholic beverages are dispensed or consumed.

- A. No owner, operator, partner, manager or person having supervisory control of any establishment licensed to sell or serve alcoholic beverages shall permit any of the following on or about any commercial premises where alcoholic beverages are dispensed or consumed:
1. The performance by any person of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law;
 2. The actual intentional touching or caressing or fondling by any person of the breasts, anus or genitals;
 3. Any person on the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals;
 4. Any person to perform acts of, or acts which simulate, sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph;
- B. No person while on or about any commercial premises where alcoholic beverages are dispensed or consumed shall:
1. Perform or engage in any acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law;
 2. Perform or engage in any actual intentional touching or caressing or fondling by any person of the breasts, anus or genitals;
 3. Expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals;
 4. Perform or engage in any acts of, or acts which simulate, sexual acts which are prohibited by law, or use artificial devices or inanimate objects to depict any prohibited activities or show or display films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph.

Section 30. Section 4-2-1-209 is hereby amended to read as follows:

4-2-1-209 —Reserved Unlawful to possess alcoholic beverages with intent to sell without procuring a license.

No person, firm or corporation shall possess any alcoholic beverages with the intent to sell the same without having first procured a license therefor from the ABLE Commission as now provided by law. All alcoholic beverages found in the possession or under the control of any person(s), firm or corporation who, on the same date, or within fifteen (15) days prior thereto,

has violated Section 153 of the Oklahoma Alcoholic Beverage Control Act, shall be seized by the municipal law enforcement officer and shall be subject to forfeiture as provided by law.

Section 31. Section 4-2-1-210 is hereby amended to read as follows:

4-2-1-210 –Transportation of nonintoxicating beverages in moving vehicle. Places operating in violation of this chapter declared nuisances.

~~No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the city 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 truck 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.~~

- A. All places where alcoholic beverages are consumed, possessed, manufactured, sold, bartered or given away in violation of any of the provisions of this chapter are hereby declared a nuisance and subject to those penalties as set forth in Chapter 15 of this code
- B. As to any mixed beverage, beer and wine, caterer, public event or special event licensee having its principal place of business in the territorial jurisdiction of the City of Lawton, the City Manager is hereby empowered to initiate a license suspension or revocation proceeding as to such licensee by filing a written complaint with the ABLE Commission on behalf of the City of Lawton. The complaint shall set forth the grounds for the proposed suspension or revocation. Such complaint may be based on any ground that the ABLE Commission may have asserted.

Section 32. Section 4-2-1-211 is hereby amended to read as follows:

4-2-1-211 –Sale, consumption or possession of nonintoxicating beverages in public places. Knowingly selling, furnishing or giving alcoholic beverages to insane, mentally deficient or intoxicated persons – Penalties.

- A. ~~The sale, consumption or possession of low point beer on property owned or under the control of the city is prohibited except as hereinafter provided.~~
- B. ~~The consumption or possession of low point beer on property owned or under the control of the city is permitted at:
 1. ~~Lake Lawtonka; and~~
 - ~~— Lake Ellsworth.~~~~
- C. ~~The consumption or possession of low point beer may be permitted on and within the following premises (i) with an approved assembly or use permit issued by the city or (ii) with prior written permission from the city manager or his designee:
 1. ~~Great Plains Museum;~~
 - ~~— McMahon Memorial Auditorium;~~
 3. ~~Carnegie Library;~~
 4. ~~Lawton Community Theater;~~
 5. ~~Lawton Ft. Sill Art Council;~~
 6. ~~Shepler Park;~~
 7. ~~Elmer Thomas Park;~~
 8. ~~City Hall; and~~~~

9. ~~Any other place where the consumption or possession of low point beer is related to or in conjunction with a civic, cultural or artistic event sponsored by a charitable organization, or sponsored or co-sponsored by the City of Lawton.~~
- D. ~~The consumption or possession of low point beer may be permitted on and within the following premises when said premise holds a current and valid city issued retail dealer license:~~
1. ~~Lawton municipal golf course;~~
 - ~~— Lawton municipal airport restaurant; and~~
 3. ~~Any city approved concessionaire.~~
- E. ~~The sale of low point beer may be permitted on and within the following premises when said premise holds a current and valid city issued retail dealer license:~~
1. ~~Great Plains Museum;~~
 - ~~— McMahon Memorial Auditorium;~~
 3. ~~Carnegie Library;~~
 4. ~~Lawton Community Theater;~~
 5. ~~Lawton Ft. Sill Art Council;~~
 6. ~~Shepler Park;~~
 7. ~~Elmer Thomas Park;~~
 8. ~~City Hall;~~
 9. ~~Lawton municipal golf course;~~
 10. ~~Lawton municipal airport restaurant;~~
 11. ~~Any city approved concessionaire; and~~
 12. ~~Any other place where the sale of low point beer is related to or in conjunction with a civic, cultural or artistic event sponsored by a charitable organization, or sponsored or co-sponsored by the City of Lawton.~~
- F. ~~Private events not open to the public which have entered into an agreement with the city for use of any property listed above shall not be required to obtain a city issued retail dealer license.~~
- A. Any person who shall knowingly sell, furnish or give alcoholic beverages to an insane, mentally deficient or intoxicated person shall be guilty of a misdemeanor for a first violation and upon conviction shall be fined not more than five hundred dollars (\$500.00), or imprisoned in the municipal jail for not more than ninety (90) days, or by both such fine and imprisonment.
- B. Any person who is in violation of this section and who has been previously convicted in municipal court for a violation of this section shall, in addition to any other penalty provided by law, be guilty of a felony and shall be referred to the Comanche County District Attorney's office for prosecution of said charge(s).

Section 33. Section 4-2-1-211.1 is hereby repealed in its entirety:

~~4-2-1-211.1 – Reserved.~~

Section 34. Section 4-2-1-212 is hereby amended to read as follows:

~~4-2-1-212—Reserved.~~ Selling alcoholic beverages during unauthorized days or hours – Penalties.

- A. Any person selling or keeping a package store open to sell any alcoholic beverage during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act, and any person selling or permitting the sale of alcoholic beverages at a grocery store, convenience store or drug store during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than five hundred dollars (\$500.00), or imprisoned in the municipal jail for not more than ninety (90) days, or by both such fine and imprisonment.
- B. Any person who is in violation of this section and who has been previously convicted in municipal court for a violation of this section shall in addition to any other penalty provided by law, be guilty of a felony and shall be referred to the Comanche County District Attorney's office for prosecution of said charge(s).

Section 35. Section 4-2-1-213 is hereby amended to read as follows:

4-2-1-213 – Grounds for denial, suspension or revocation of municipal retail dealer's license. Permitting a person to be drunk or intoxicated on licensed premises – Penalties.

- A. ~~Except as specifically set forth in Section 4-3-1-304, a municipal retail dealer's license as provided for by this article will be denied, suspended or revoked upon satisfactory proof presented by the city attorney of:~~
 - 1. ~~Violation of or failure by a municipal retail dealer or said dealer's agent, operator, employee or servant to comply with any of the provisions of this chapter on two (2) or more separate occasions within two (2) years immediately preceding the date of application for a license or the date of the occurrence of the most recent violation by a municipal retail dealer or said dealer's agent, operator, employee or servant; or~~
 - 2. ~~Two (2) or more convictions of a municipal retail dealer or said dealer's agent, operator, employee or servant for violating any gambling or prohibitory liquor or beer laws of this state or of the code or ordinances of the city within two (2) years immediately preceding the date of application for a license or the date of the occurrence resulting in the most recent conviction of a municipal retail dealer or said dealer's agent, operator, employee or servant; or~~
 - 4. ~~A combination of two (2) or more violations or convictions as provided in subsection 1. and 2., above;~~
 - 5. ~~Conviction of a felony committed by the municipal retail dealer within three (3) years immediately preceding the date of application for a license or while the license is in effect; or~~
 - 6. ~~Such action being necessary for the protection of the health, safety and welfare of the citizens.~~
- B. ~~If the city attorney proposes to deny, suspend, or revoke a municipal retail dealer's license, he shall give written notice to the licensee addressed to the licensed premises by certified mail, by personal delivery or by posting the notice on the outside entrance to the licensed premises, and by filing the notice with the clerk of the municipal court. The notice shall set forth the grounds for the proposed denial, suspension, or revocation. The notice shall further set forth the time and place at which the licensee may be accorded a hearing on the matter before the municipal court, which time shall~~

not be less than fifteen (15) days from the date of mailing, delivery, or posting of such notice.

- C. ~~At the time and place for a hearing on the merits set forth in the notice described in subsection B. of this section, the municipal court shall afford the aggrieved applicant or licensee and the city an opportunity to be heard and to present evidence. At the conclusion of the hearing, the municipal court shall enter an order dismissing the notice of the contemplated denial of the municipal retail dealer's license or affirming same, or an order dismissing the notice of contemplated suspension or revocation of the municipal retail dealer's license, or an order affirming the suspension or revocation of the same.~~
- D. ~~An aggrieved party may appeal from a final order of the municipal court described in Subsection C. of this section in accordance with the procedures prescribed by state statute for such appeals. An order denying, suspending or revoking a license will be stayed pending such an appeal to District Court.~~
- E. ~~Any municipal retail dealer's license suspended under the provisions of this article shall be for a period of not less than six (6) months except where otherwise provided by Section 4-3-1-304. At the expiration of the period of suspension, the retail dealer may continue the operation of the licensed establishment if the license previously issued has not expired. If the license has expired, the retail dealer must apply for a new license and must meet all the qualification requirements of this article and the zoning, building and fire code requirements of this code prior to the issuance of such license.~~
- F. ~~When a retailer dealer's license has been denied or revoked pursuant to this chapter, said retail dealer shall not receive or be eligible to receive a municipal retailer dealer's license until after the expiration of twelve (12) months of the denial or revocation of said license. After the expiration of the twelve (12) month period of denial or revocation a retail dealer may reapply for a municipal retail dealer's license, must meet all the qualification requirements of this article and other provisions of the Lawton City Code, including the zoning, building and the fire code requirements of this code, and must show proof that the cause or causes for the denial or revocation have been corrected. The proof shall be in a form satisfactory to the city attorney.~~

Any licensee permitting a person to be drunk or intoxicated on the licensee's licensed premises shall be guilty of a misdemeanor, and upon conviction is subject to a fine in an amount not exceeding one hundred dollars (\$100.00), by imprisonment in the municipal jail for a term not more than thirty (30) days, or by both such fine and imprisonment.

Section 36. Section 4-2-1-214 is hereby amended to read as follows:

4-2-1-214 - Inspection of business records. Violations of chapter with no specific penalty - Penalty.

~~Every person subject to the provisions of this article shall, at the request of the city, produce such business records showing the gross receipts by category of product as the city might request within ten (10) working days of such request, and the application for the acceptance of any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to produce such records of sales.~~

Any person who shall violate any provision of this chapter for which no specific penalty is prescribed shall be guilty of a misdemeanor and be fined not more than five hundred

dollars (\$500.00) or imprisoned in the municipal jail for not more than ninety (90) days, or by both fine and imprisonment.

Section 37. Section 4-2-1-215 is hereby amended to read as follows:

4-2-1-215 – Certain acts prohibited. Arrest of license holders – Notice to ABLE Commission – Circumstances for immunity from prosecution.

- A. ~~No retailer, licensee, owner, operator, agent or employee of said retailer or licensee shall allow any person on the said licensed premises where nonintoxicating alcoholic beverages are sold or dispensed for consumption on the premises, where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic area, buttocks or genitalia. The areola of the female breast shall be covered with an opaque cover. A "T-Strap" at least two inches in width shall cover the crevice and/or anus of the buttocks with respect to male and female dancers. The pubic hair and genitalia of male or female dancers shall at all times remain covered. Furthermore, no retailer, licensee, agent or employee shall permit any person to perform acts of, or acts which simulate sexual acts, or permit any person to use artificial devices or inanimate objects to depict any lewd activities or permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.~~
- B. ~~No retailer, licensee, owner, agent, employee, proprietor, or any agent, associate or representative of an establishment licensed to sell or dispense nonintoxicating beverages shall:~~
- ~~1. Employ or permit any employee to buy, solicit, induce, procure or request a patron to purchase any alcoholic, nonintoxicating or intoxicating beverage for himself or herself or for any other employee or person not a patron.~~
 - ~~— Knowingly serve to any employee any alcoholic, nonalcoholic or nonintoxicating beverage which was purchased by any patron.~~
 - ~~3. Permit upon any licensed establishment any employee to loiter on or remain on said premises who begs, solicits, induces, procures or request a patron to purchase any alcoholic, nonalcoholic, or nonintoxicating beverage for any employee.~~
 - ~~4. Solicit, induce or request a patron to purchase any alcoholic, nonalcoholic or nonintoxicating beverage for himself or herself or for any person not a patron.~~
 - ~~5. Permit any employee or agent to mingle or fraternize with patrons of such establishments. Provided, however, this provision is not applicable to communications between patrons and the employee when the employee is performing the duties in the furtherance of service of food and/or drinks.~~
- C. ~~No person shall:~~
- ~~1. Sell or offer to sell to any person or group of persons any nonintoxicating beverage at a price less than the price regularly charged for low point beer during the same calendar week, except at private functions not open to the public;~~
 - ~~2. Sell or offer to sell to any person an unlimited number of nonintoxicating beverages during any set period of time for a fixed price, except at private functions not open to the public; or~~
 - ~~3. Sell or offer to sell nonintoxicating beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public.~~

- ~~D. Any person found to be in the performance of any of the acts described above shall be presumed to be an agent, employee, associate or representative for said licensed establishment.~~
- A. All law enforcement officers, upon the arrest of any holder of a license issued by the ABLE Commission for a violation of any state law or municipal ordinance in which the violation of any alcoholic beverage law had any part, shall notify the ABLE Commission thereof. Such officers shall notify the ABLE Commission of any acts, practices or other conduct of any such licensee which may be subversive to the general welfare or contrary to the spirit of the Oklahoma Alcoholic Beverage Control Act and shall recommend appropriate action to be taken by the ABLE Commission or the Oklahoma Tax Commission.
- B. A law enforcement officer may not take a person into custody based solely on the commission of an offense involving alcohol described in Subsection C of this section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all the following apply:
1. The law enforcement officer has contact with the person because the person requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption;
 2. The person provided the person's full name and relevant information requested by the law enforcement officer;
 3. The person remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and
 4. The person cooperated with emergency medical assistance personnel and law enforcement officers at the scene.
- C. A person meeting the criteria of Subsection B of this section is immune from criminal prosecution for an offense under Subsection D of Section 6-101 of Title 37A of Oklahoma Statutes and under Sections 4-2-1-201, 4-3-1-302, and 4-3-1-303 of this Chapter if the offense involved a state of intoxication caused by the person's use of alcohol or if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol.
- D. A person may not initiate or maintain an action against a law enforcement officer or the employing political subdivision based on the officer's compliance or failure to comply with this section.

Section 38. Section 4-2-1-216 is hereby amended to read as follows:

4-2-1-216 – Consumption of nonintoxicating beverages prohibited in certain places. Powdered Alcohol – Unlawful use, purchase, sale or possession.

~~It shall be unlawful for any person who holds a license to sell nonintoxicating beverages for consumption off premise, or the agent, operator, servant or employee of the license holder to permit the consumption of nonintoxicating beverages on the licensed premises.~~

- A. As used in this chapter, “powdered alcohol” means alcohol prepared or sold in a powder form for either direct use or reconstitution.
- B. It is unlawful for any person or licensee to use, offer for use, purchase, offer to purchase, sell, offer to sell or possess powdered alcohol.
- C. It is unlawful for a holder of a license pursuant to the provisions of Title 37A of the Oklahoma Statutes for on-premises or off-premises consumption of alcoholic beverages to use powdered alcohol as an alcoholic beverage.
- D. Any person or license holder that violates this section is guilty of a misdemeanor and shall be punishable as follows:
 - 1. For a first offense, by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days or by both;
 - 2. For a second offense, by a fine of not more than seven hundred fifty dollars (\$750.00) or by imprisonment for not more than ninety (90) days or by both; or
 - 3. For a third or subsequent offense, the person shall be referred to the Comanche County District Attorney’s Office for prosecution through District Court.

Section 39. Section 4-2-1-217 is hereby repealed in its entirety:

~~4-2-1-217 – Places selling nonintoxicating beverages for on-premise consumption prohibited in certain locations.~~

- ~~A. It shall be unlawful for any place licensed to sell nonintoxicating beverages, as defined in Section 4-201 of this article, for on-premise consumption to be located within three hundred (300) feet from any public school or church property primarily and regularly used for worship services and religious activities. Provided, if any public school or church shall be established within three hundred (300) feet of any place which sells nonintoxicating beverages for on-premise consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than sixty (60) days.~~
- ~~B. When any place which has a license to sell nonintoxicating beverages for on-premise consumption changes ownership and such change of ownership results in the same type of business being conducted on the premises, the prohibition of this section shall not be a deterrent to the issuance of a license to the new owner, if otherwise qualified to sell nonintoxicating beverages for on-premise consumption.~~
- ~~C. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to sell such nonintoxicating beverages for on-premise consumption along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street with the school or church.~~
- ~~D. In addition to the foregoing requirements, establishments permitted as taverns must comply with the additional requirements in Division 2 of this article.~~

Section 40. Section 4-2-1-218 is hereby repealed in its entirety:

4-2-1-218 – Sale of low point beer prohibited during certain hours

- A. ~~It shall be unlawful for any retail dealer licensed to sell low point beer or any operator, agent, servant or employee of said licensed dealer to sell, dispense, or serve such beverages for consumption on the premises or allow such beverages to be consumed on the premises between the hours of 2:00 A.M. and 7:00 A.M. except on Saturday nights, when such beverages shall not be sold, dispensed, served or consumed between the hours of 2:00 A.M. and 12:00 noon on Sundays.~~
- B. ~~It shall be unlawful for any retail dealer of any business selling low point beer, for consumption on the premises, or any operator, agent, servant or employee of the retail dealer, to permit any person, who has in his possession an open container having as its contents a low point beer, to remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. No person, having in his possession an open container having as its contents a low point beer, shall remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. 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.~~
- C. ~~The sale of low point beer as defined in this code for off-premises consumption is prohibited between the hours of 2:00 A.M. and 6:00 A.M. of the same day.~~

Section 41. Section 4-2-1-219 is hereby repealed in its entirety:

4-2-1-219 – Posting of notice required; penalty.

- A. ~~Every person who sells low point beer at retail shall post conspicuously and keep so posted at the place of business a sign stating as follows:
IT'S THE LAW. WE DO NOT SELL LOW POINT BEER TO PERSONS UNDER 21 YEARS OF AGE.~~
- B. ~~A violation of subsection A of this section constitutes a misdemeanor and upon conviction thereof the violator shall be assessed a fine not to exceed fifty dollars (\$50.00) for each day such offense occurred.~~

Section 42. Division 4-2-2 is hereby repealed in its entirety inclusive of Sections 4-2-2-230 through 4-2-2-248:

Division 4-2-2 – Taverns

4-2-2-230 – Definitions.

- A. ~~For the purpose of this division, the following terms shall have the meanings respectively ascribed to them in this section:~~
- ~~1. "Owner" means any officer, owner, manager, licensee or other person who shall receive any percentage of profits directly from the operation of the tavern or directs any policy of the tavern; and~~
 - ~~2. "Tavern" means any establishment or business where more than twenty-five percent (25%) of its gross dollar sales are from nonintoxicating beverages, as defined in section 4-201 of this code, at retail and for consumption on the premises of the establishment.~~

~~4-2-2-231—License required.~~

~~No person shall maintain or operate a tavern without having first obtained a license from the city and paying the fee as provided in the Fee Schedule. A tavern license shall be within the jurisdiction of the city attorney. Tavern licenses shall be issued by the city upon completion of requirements, subject to applicable ordinances. Said tavern license is in addition to a retail dealers license required by Division 1 of this Article.~~

~~4-2-2-232—Application for license.~~

- ~~A.—An applicant for a tavern license or renewal of such license shall deposit the required fee with the city and submit an application on the form provided containing the following information:~~
- ~~1.—The full name and address of the applicant and all owners;~~
 - ~~2.—The location at which the proposed tavern is to be operated;~~
 - ~~3.—An affidavit stating the location and date of residency for the immediately preceding three year period and any information or evidence determined necessary by the police chief for the purpose of investigating any possible previous criminal record of the applicant and all owners of the tavern;~~
 - ~~4.—Sufficient evidence of his ownership or right to possession to the premises upon which the tavern is located and the required off-street parking;~~
 - ~~5.—The following information shall also be provided:~~
 - ~~a.——An accurate plot plan indicating the location of all structures on the site and the off-street parking spaces related to the site;~~
 - ~~b.——An accurate interior floor plan indicating the number of seats of the establishments; and~~
 - ~~c.——A statement of number of employees; and~~
 - ~~6.—Such other information as may be requested by the city attorney.~~
- ~~B.—Applications for initial, change of ownership, or renewal of tavern license must be submitted to the city at least sixty (60) days prior to the date of the:~~
- ~~1.—Opening of a new tavern;~~
 - ~~2.—Change of ownership of an existing, permitted tavern; or~~
 - ~~3.—Renewal of a tavern license.~~

~~The city should complete its review and approve or deny the application within thirty (30) days of receipt of the application. However, if additional information or action is required on the part of the applicant for compliance with certain provisions of the city code, the city's time to approve or deny the application shall be extended to include the time required to obtain the additional information or compliance. The payment of the fee, as provided in this division, does not constitute a license, and the tavern shall not be open for business until the license has been issued by the city.~~

- ~~C.—No applicant for renewal or initial license is authorized to operate or maintain a tavern without issuance of a license as provided herein.~~

~~4-2-2-233—Qualifications of applicants and licensees.~~

- ~~A.—No applicant, licensee or owner shall have been convicted of a felony or of violating any of the gambling or prohibitory liquor laws of the United States or of this state or any other state, or the ordinances of the city within the three years immediately preceding the date of application.~~
- ~~B.—The applicant for a tavern license shall have the ownership or legal right to possession of the premises upon which the tavern is located.~~

~~4-2-2-234—Court records.~~

~~For the purpose of this article, a duly certified copy of any court records concerning convictions of applicant, licensee or owner shall be deemed prima facie evidence that such conviction actually occurred.~~

~~4-2-2-235—Investigation of applicants and owners.~~

~~A.—Upon each application for a tavern license or change of owners, the appropriate city officers shall investigate the application and building or premises as needed to determine:~~

- ~~1.—The existence or non-existence of any criminal record of the applicant or owners of the tavern and report the findings in writing to the city licensing officer;~~
- ~~—If city ordinances concerning fire and safety are complied with, and report of the findings in writing to the city licensing officer;~~
- ~~3.—If city ordinances concerning health and safety are complied with, and report of the findings in writing to the city licensing officer; and~~
- ~~4.—If city ordinances concerning planning and zoning are complied with and report the findings in writing to the city licensing officer.~~

~~4-2-2-236—License fee.~~

~~The fee for tavern licenses shall be as provided in the fee schedule.~~

~~4-2-2-237—Expiration of license.~~

~~All licenses issued pursuant to this division shall expire on the anniversary date of issue each year.~~

~~4-2-2-238—Separate locations must be separately licensed.~~

~~A separate license must be obtained for each branch or separate establishment of a tavern, even if on the same premises or on premises under control or ownership of one person. Each license shall authorize the operation of such an establishment only at the location described in such license, and in conformity to all applicable ordinances and laws.~~

~~4-2-2-239—Tavern license not transferable.~~

~~No license issued under the provisions of this division shall be transferable to another person, or to any other location. However, a licensed tavern may change its name upon notification and approval of the city licensing officer and the city attorney, if its location remains the same.~~

~~4-2-2-240—Display of license.~~

~~Every tavern shall place and exhibit its license at all times in a conspicuous place in the licensed premises.~~

~~4-2-2-241—Free licenses and rebates prohibited.~~

~~No free licenses shall be granted, nor rebates allowed for any cause, nor sum accepted less than the amount specified in the fee schedule, nor for a shorter period than herein required. However, if the city attorney recommends denial of an application, the fee, less a processing fee of fifty dollars (\$50.00), shall be refunded when the denial becomes final.~~

~~4-2-2-242—Lease or rental of tavern to be on fixed basis.~~

~~A.—No tavern licensed pursuant to the provisions of this division shall have or make any rental or lease agreement with any other person providing for any rentals based upon percentage of profit of the tavern; but any rentals paid or to be paid shall be on a fixed basis without relation to any income, volume or profit of the tavern.~~

~~B.—This section shall not be applicable to the rental or lease of amusement devices.~~

~~4-2-2-243—Change of owners—Notification.~~

If changes occur in the owners of any tavern at any time after the original application, written notice of such changes shall be given to the licensing officer within one week after such change. The tavern shall furnish such information as requested on forms provided by the city licensing officer.

~~4-2-2-244—Grounds for denial, suspension or revocation of tavern license.~~

~~The applicant is required to maintain a retail dealers license for the consumption of nonintoxicating beverages on premises as required by Section 4-203 of this code. If at any time said retail dealers license is denied, suspended or revoked, the license required by this division shall be denied, suspended or revoked for so long as the retail dealers license is denied, suspended or revoked.~~

~~4-2-2-245—Location of taverns.~~

~~A.—No license shall be issued for any tavern when the tavern will be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this subsection shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such place which has received a permit or which has been licensed to sell low-point beer. For purposes of determining measured distance, property situated on the opposite side of the street from such public or private school or church shall be considered if it were located on the same side of the street with the public or private school or church. The provisions of this section shall not apply to any mixed beverage establishment permitted prior to July 1, 1999.~~

~~B.—The limitations of this section shall also apply to the operating and maintaining of an existing tavern when it is enlarged as much as fifty percent (50%) of its original permitted size, or when a tavern building ceases to be used as a tavern building for a period of one year or more, or when as much as sixty percent (60%) or more of a tavern building be destroyed by wind or fire.~~

~~4-2-2-246—Reserved.~~

~~4-2-2-247—Sale of nonintoxicating beverages prohibited during certain hours.~~

~~A.—It shall be unlawful for any retail dealer licensed to sell nonintoxicating beverages or any operator, agent, servant or employee of said licensed dealer to sell, dispense, or serve such beverages for consumption on the premises or allow such beverages to be consumed on the premises between the hours of 2:00 A.M. and 7:00 A.M. except on Saturday nights, when such beverages shall not be sold, dispensed, served or consumed between the hours of 2:00 A.M. and 12:00 noon on Sundays.~~

~~B.—It shall be unlawful for any retail dealer of any business selling nonintoxicating beverages, for consumption on the premises, or any operator, agent, servant or employee of the retail dealer, to permit any person, who has in his possession an open container having as its contents a nonintoxicating beverage, to remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. No person, having in his possession an open container having as its contents a nonintoxicating beverage, shall remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. For the purpose of this section, an open container shall mean any receptacle containing~~

nonintoxicating or alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

~~4-2-2-248—Closing hours.~~

- A. ~~It shall be unlawful for any tavern licensed to sell nonintoxicating beverages, or any operator, agent, servant or employee of said licensee to sell, dispense, or serve such beverages for consumption on the licensed premises or allow such beverages to be consumed on the premises between the hours of 2:00 A.M. and 7:00 A.M. except on Saturday nights, when such beverages shall not be sold, dispensed, served or consumed between the hours of 2:00 A.M. and 12:00 noon on Sundays.~~
- B. ~~It shall be unlawful for any person to remain on any premises licensed as a tavern between the hours of 2:15 A.M. and 7:00 A.M., Mondays through Saturdays or on Sundays between the hours of 2:15 A.M. and 12:00 noon, nor shall the licensed tavern holder or operator, or agent, employee or servant of such licensed tavern holder or operator allow any person to remain in such tavern in violation of this section.~~
- C. ~~The provisions of subsection B of this section shall not apply to tavern license holders of such premises, their bona fide operators, agents or employees engaged in service on the premises, musicians loading or unloading instruments or performing or rehearsing for performances to be held on such premises, construction workers and maintenance and repair personnel performing their individual trades upon the premises, or deliverymen making deliveries to the premises.~~

Section 43. Division 4-2-3 is hereby repealed in its entirety inclusive of Sections 4-2-3-260 through 4-2-3-276.1:

~~Division 4-2-3—On Premises Consumption—Non-Tavern Retailer~~

~~4-2-3-260—Definition.~~

- A. ~~For the purposes of this division, the following terms shall have the meanings ascribed to them in this section:~~
 - 1. ~~"Owner" means any officer, owner, manager or other person who shall receive any percentage of profits directly from the operation of the business or directs any policy of the business;~~
 - ~~—"On Premises Consumption, Non-Tavern Retailer" means any establishment or business licensed under Section 4-2-1-203 of this code for which twenty-five percent (25%) or less of its gross dollar sales are from nonintoxicating beverages, as defined in Section 4-1-1-101 of this code, and which holds a food service establishment permit issued by the City of Lawton. Businesses with more than twenty-five percent (25%) of its gross dollar sales from nonintoxicating beverages are considered taverns as defined and regulated in Division 4-2-2 of this code."~~

~~4-2-3-261—Licenses required.~~

~~No person shall maintain or operate a business serving nonintoxicating beverages for on premise consumption without having first obtained a license from the city and paying the fee as provided in the fee schedule. An on-premise consumption non-tavern retailer license shall be within the jurisdiction of the city attorney. A request for a non-tavern retailer license for an existing business establishment shall not constitute a change of occupancy/use or otherwise be considered a change in the purpose or level of activity within the business establishment under the provisions of Section 6-5-2-226 of this code. On premises consumption licenses shall be issued by the city upon completion of requirements, subject to applicable ordinances.~~

~~4-2-3-262—Application for license.~~

~~A.—An applicant for an on-premise consumption non-tavern retailer license or renewal of such license shall deposit the required fee with the city and submit an application on the form provided containing the following information:~~

- ~~1.—The full name and address of the applicant and all owners;~~
- ~~—The location at which the proposed business is to be operated;~~
- ~~3.—An affidavit stating the location and date of residency for the immediately preceding three-year period and any information or evidence determined necessary by the police chief for the purpose of investigating any possible previous criminal record of the applicant and all owners of the business;~~
- ~~4.—Sufficient evidence of his ownership or right to possession to the premises upon which the business is located and the required off-street parking;~~
- ~~5.—The following information shall also be provided:~~
 - ~~a. —An accurate plot plan indicating the location of all structures on the site and the off-street parking spaces related to the site; and~~
 - ~~b. —An accurate interior floor plan; and~~
- ~~6.—Such other information as may be requested by the city attorney.~~

~~B.—Applications for initial, change of ownership, or renewal of an on-premise consumption non-tavern retailer license must be submitted to the city at least sixty (60) days prior to the date of the:~~

- ~~1.—Opening of a new business;~~
- ~~—Change of ownership of an existing, licensed business; or~~
- ~~3.—Renewal of a non-tavern business license.~~

~~The city should complete its review and approve or deny the application within thirty (30) days of receipt of the application. However, if additional information or action is required on the part of the applicant for compliance with certain provisions of the city code, the city's time to approve or deny the application shall be extended to include the time required to obtain the additional information or compliance. The payment of the fee, as provided in the fee schedule, does not constitute a license, and the business shall not sell or serve nonintoxicating beverages until the license has been issued by the city.~~

~~4-2-3-263—Qualifications of applicants and licensees.~~

- ~~A.—No applicant, licensee or owner shall have been convicted of a felony or of violating any of the gambling or prohibitory liquor laws of the United States or of this state or any other state, or the code or ordinance of the city within the three years immediately preceding the date of application.~~
- ~~B.—The applicant for an on-premise consumption non-tavern retailer license shall have the ownership or legal right to possession of the premises upon which the licensed premises is located.~~

~~4-2-3-264—Court records.~~

~~For the purpose of this article, a duly certified copy of any court records concerning convictions of applicant, permittee or owner shall be deemed prima facie evidence that such conviction actually occurred.~~

~~4-2-3-265—Investigation of applicants and owners.~~

- ~~A.—Upon each application for an on-premise consumption non-tavern retailer license or change of owners, the appropriate city officers shall investigate the application and building or premises as needed to determine:~~

- ~~1.— The existence or non-existence of any criminal record of the applicant or owners of the business and report the findings in writing to the city licensing officer;
— If city ordinances concerning fire and safety are complied with, and report of the findings in writing to the city licensing officer;~~
- ~~3.— If city ordinances concerning health and safety are complied with, and report of the findings in writing to the city licensing officer; and~~
- ~~4.— If city ordinances concerning planning and zoning are complied with and report the findings in writing to the city licensing officer.~~

~~4-2-3-266— License fee.~~

~~The fee for on premise consumption non-tavern retailer licenses shall be as provided in the fee schedule.~~

~~4-2-3-267— State and county licenses.~~

~~No person shall engage in the business of selling, offering for sale or distributing any nonintoxicating beverages, at retail, for consumption or use on or off the premises, without first having obtained state and county licenses to do so. Such licenses shall be posted in a conspicuous place in the licensed premises.~~

~~4-2-3-268— Expiration of license.~~

~~All licenses issued pursuant to this division shall expire on the anniversary date of issue each year.~~

~~4-2-3-269— Separate locations must be separately licensed.~~

~~A.— A separate on premise consumption non-tavern retailer license must be obtained for each branch or separate establishment of a business, even if on the same premises or on premises under control or ownership of one person. Each license shall authorize the operation of such an establishment only at the location described in such license, and in conformity to all applicable ordinances and laws provided, retail dealers applying for a special license under the provisions of paragraph B hereunder shall not be required to obtain a special permit for each bar or service unit within the same enclosed area or within the general vicinity of each other for events held outside a physical structure.~~

~~B.— Special licenses, as provided, may be issued for the sum of five dollars (\$5.00) per day for each license; provided, that in the event any state or county fair association shall meet for more than five (5) days in any year, a special license for the sale of such beverages shall be issued for the sum of twenty-five dollars (\$25.00).~~

~~4-2-3-270— On premise consumption non-tavern retailer license not transferable.~~

~~No license issued under the provisions of this division shall be transferable to another person, or to any other location. However, a licensed business may change its name upon notification and approval of the city licensing officer and the city attorney, if its location remains the same.~~

~~4-2-3-271— Display of license.~~

~~Every premises licensed as an on premise consumption non-tavern retailer shall place and exhibit its license at all times in a conspicuous place on its premises.~~

~~4-2-3-272— Free licenses and rebates prohibited.~~

~~No free licenses shall be granted, nor rebates allowed for any cause, nor sum accepted less than the amount specified in the fee schedule, nor for a shorter period than herein required. However, if the city attorney recommends denial of an application, the fee, less a processing fee of fifty dollars (\$50.00), shall be refunded when the denial becomes final.~~

~~4-2-3-273—Lease or rental of on-premise consumption non-tavern retailer to be on fixed basis.~~

- ~~A.—No on-premise consumption non-tavern retailer licensed pursuant to the provisions of this division shall have or make any rental or lease agreement with any other person providing for any rentals based upon percentage of profit of the business; but any rentals paid or to be paid shall be on a fixed basis without relation to any income, volume or profit of the business.~~
- ~~B.—This section shall not be applicable to the rental or lease of amusement devices.~~
- ~~C.—The provisions of subsection A of this section do not apply to any payments made as a result of a franchise agreement between the licensee and a franchisor.~~

~~4-2-3-274—Change of owners—Notification.~~

~~If changes occur in the owners of any premises licensed pursuant to the provisions of this division at any time after the original application, written notice of such changes shall be given to the licensing officer within one week of such change. The licensee shall furnish such information as requested on forms provided by the city licensing officer.~~

~~4-2-3-275—Grounds for denial, suspension or revocation of on-premise consumption non-tavern retailer license.~~

~~The applicant is required to maintain a retail dealers license for the consumption of nonintoxicating beverages on premises as required by Section 4-2-1-203 of this code. If at any time said retail dealers license is denied, suspended or revoked, the license as required by this division shall be denied, suspended or revoked.~~

~~4-2-3-276—Sale of nonintoxicating beverages prohibited during certain hours.~~

- ~~A.—It shall be unlawful for any retail dealer licensed to sell nonintoxicating beverages or any operator, agent, servant or employee of said licensed dealer to sell, dispense, or serve such beverages for consumption on the premises or allow such beverages to be consumed on the premises between the hours of 2:00 A.M. and 7:00 A.M. except on Saturday nights, when such beverages shall not be sold, dispensed, served or consumed between the hours of 2:00 A.M. and 12:00 noon on Sundays.~~
- ~~B.—It shall be unlawful for any retail dealer of any business selling nonintoxicating beverages, for consumption on the premises, or any operator, agent, servant or employee of the retail dealer, to permit any person, who has in his possession an open container having as its contents a nonintoxicating beverage, to remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. No person, having in his possession an open container having as its contents a nonintoxicating beverage, shall remain in the premises between the hours of 2:00 A.M. to 7:00 A.M. Mondays through Saturdays, or on Sundays between the hours of 2:00 A.M. and 12:00 noon. An open container shall mean any receptacle containing nonintoxicating or alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.~~

~~4-2-3-276.1—Sale of nonintoxicating beverages at motion picture theaters.~~

~~—In addition to all other provisions of this code, a motion picture theater licensed as a non-tavern retailer must, upon being provided proof of legal age to consume alcohol, require every patron being served alcoholic beverages to wear a wrist bracelet or receive a hand stamp identifying the patron as being of legal age to consume alcohol. This requirement shall only~~

~~apply inside a motion picture theater auditorium where individuals under the legal age to consume alcohol are allowed.~~

Section 44. Division 4-2-4 is hereby repealed in its entirety:

~~**Division 4-2-4—Reserved**~~

Section 45. Section 4-3-1-301 is hereby amended to read as follows:

4-3-1-301 - ~~Prevention of youth access to alcohol.~~ Prohibiting alcohol consumption by minors.

- A. ~~Consumption of alcohol by minor in public place, place open to the public, or place not open to the public. Except as permitted by state law, it is unlawful for any minor to~~ No person under twenty-one (21) years of age shall:
1. ~~Consume or possess at any public place or any place open to the public or upon any public street, roadway or highway, any alcoholic beverage or low point beer;~~
or
 2. ~~Consume or possess at any place not open to the public any alcoholic beverage or low point beer, unless such consumption or possession is supervised by his or her parent or legal guardian.~~
 3. ~~Penalty. Any person who shall violate the provisions of this subsection shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished as provided in Section 1-119 of this code plus all court costs and other statutory costs.~~
- B. ~~Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages or low point beer prohibited.~~
1. ~~It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages or low point beer by any minor at the gathering. Reasonable steps are:~~
 - a. ~~Controlling access to alcoholic beverages or low point beer at the gathering;~~
 - b. ~~Controlling the quantity of alcoholic beverages or low point beer present at the gathering;~~
 - c. ~~Verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages or low point beer while at the gathering; and~~
 - d. ~~Supervising the activities of minors at the gathering.~~
- C. ~~It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage or low point beer, whenever the persons having control of the premises either knows a minor has consumed an alcoholic beverage or low point beer or reasonably should have known that a minor consumed an alcoholic beverage or low point beer had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage or low point beer by a minor.~~

- ~~D. This Section shall not apply to conduct involving the use of alcoholic beverages or low point beer that occurs exclusively between a minor and his or her parent or legal guardian.~~
- ~~E. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.~~
- ~~F. Nothing in this Section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.~~
- ~~G. Penalty. Any person who is convicted of a violation of the provisions of subsection B. and C. shall be punished by a fine of not more than five hundred dollars (\$500.00) plus all court costs and other statutory costs. Any person who, within ten (10) years after previous convictions of a violation of subsection B. and C. shall again violate those subsections shall~~

Section 46. Section 4-3-1-302 is hereby amended to read as follows:

~~4-3-1-302 - Employment of persons under the age of twenty-one (21) prohibited where alcoholic beverages are sold~~ Prohibiting selling or furnishing alcohol to minors.

~~No licensee shall employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages. However, a mixed beverage establishment, caterer, on-premise beer and wine establishment, public event or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.~~

- A. No person shall knowingly sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age.
- B. Any person violating the provisions of this section shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than five hundred dollars (\$500.00), or imprisoned in the municipal jail for not more than six (6) months, or by both such fine or imprisonment.
- C. Any person who violates this section within ten (10) years after a previous conviction of a violation:
1. of this section;
 2. of the provisions of any law of another state prohibiting the offense provided for in this section; or
 3. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section;
- shall be referred to the Comanche County District Attorney's office for prosecution of said charge(s).

Section 47. Section 4-3-1-303 is hereby amended to read as follows:

4-3-1-303—Employment of minors and persons under eighteen (18) years—Exception where low point beer is sold. Prohibiting minor’s access to alcohol and controlled dangerous substances.

- A. ~~It shall be unlawful for any person under eighteen (18) years of age to be employed or permitted to work, in any capacity whatsoever, in a place where low point beer is sold or dispensed for consumption on the premises, except as hereinafter provided by subsections C and D of this section.~~
- B. ~~It shall be unlawful for any minor to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low point beer in which sales or serving of the beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low point beer for consumption on the premises from the provisions of this subsection.~~
- C. ~~A parent as regards to the employment of his own child or children is excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.~~
- D. ~~The provisions of subsection A of this section shall not apply to any business or establishment where sales of said beverages do not exceed twenty five percent (25%) of the gross sales of the business or establishment.~~
- A. No person shall knowingly and willfully permit any individual under twenty-one (21) years of age :
 - 1. who is an invitee to the person’s residence;
 - 2. who is in any building, structure or room owned, occupied, leased or otherwise procured by the person; or
 - 3. who is on any land owned, occupied, leased or otherwise procured by the person; to possess or consume any alcoholic beverage, any controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, or any combination thereof, in such place.
- B. Any person violating the provisions of this section shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than five hundred dollars (\$500.00).
- C. Any person who violates this section within ten (10) years after a previous conviction of a violation:
 - 1. of this section;
 - 2. of the provisions of any law of another state prohibiting the offense provided for in this section; or
 - 3. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section;shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

- D. Any person who violates this section within ten (10) years after two or more previous convictions of a violation:
1. of this section;
 2. of the provisions of any law of another state prohibiting the offense provided for in this section;
 3. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section; or
 4. any combination of two or more thereof,
- shall be referred to the Comanche County District Attorney's office for prosecution of said charge(s).

Section 48. Section 4-3-1-304 is hereby amended to read as follows:

4-3-1-304 – Sale, barter or gift of low point beer to persons under twenty-one (21) years of age prohibited. Age restrictions for establishments with a lounge or bar area for selling or distributing alcoholic beverages.

- A. ~~It shall be unlawful for any person, including one who holds a municipal retail dealer's license for consumption on or off the premises, or any agent, servant or employee of said license holder, to sell, barter or give any low point beer to any persons under twenty-one (21) years of age.~~
- B. ~~A holder of a municipal retail dealer's license as provided in this chapter shall be held responsible for any violation or conviction under paragraph A. of this section by any servant, agent, employee or representative of the license holder.~~
- C. ~~Suspension and revocation of a municipal retail dealer's license under this section shall follow the same procedure set forth in Section 4-2-1-213 of Lawton City Code. The municipal retail dealer's license for any location or premises where violations or convictions under this section occur will be subject to suspension or revocation as follows:~~
 1. ~~A first violation or conviction under this section may result in a suspension of not more than thirty (30) days; provided, however, the municipal court shall waive suspension of the license upon proof that the person who committed the violation participated in an alcohol compliance education program within the past twenty-four (24) months;~~
 2. ~~A second violation or conviction under this section within twenty-four (24) months shall result in a suspension of up to thirty (30) days; provided, however, if both violations and/or convictions were committed by the same person or employee or if the court finds that the violations are of an egregious nature, the court shall impose a mandatory suspension of thirty (30) days;~~
 3. ~~A third violation or conviction under this section within twenty-four (24) months shall result in a mandatory suspension of thirty (30) days; provided, however, if all three (3) violations were committed by the same person or employee, the period of suspension shall be for one hundred eighty (180) days; and~~
 4. ~~A fourth or subsequent violation or conviction under this section within twenty-four (24) months shall result in a mandatory revocation of the license.~~
- D. ~~For the purpose of this section, the term "alcohol compliance education program" shall mean a training program to identify minors and intoxicated persons and to prevent the~~

~~sale of intoxicating beverages and/or low point beer to such persons whose curriculum and provider has been approved by the Oklahoma Alcohol Beverage Laws Enforcement Commission ("ABLE"), the Oklahoma Tax Commission ("OTC"), the Texas Alcohol Beverage Commission ("TABC"), or the city attorney.~~

- A. If the premises of a licensee of the ABLE Commission contains a separate or enclosed lounge or bar area which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, and notwithstanding that as an incidental service, meals or short order food are made available therein, no person under twenty-one (21) years of age shall be admitted to such area.
- B. The provisions of this section do not apply when:
 - 1. the minor is a member of a musical band employed or hired as provided in Paragraph 2 of Section 6-102 of Title 37A of the Oklahoma State Statutes when the band is performing within such area; or
 - 2. the minor is on the licensed premises for the limited purpose of performing maintenance, construction, remodeling, painting or other similar services relating to the building or equipment installation, repair or maintenance on the premises during those hours when the licensed establishment is closed for business.
- C. The provisions of this section shall not prohibit person under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or mixing or serving of alcoholic beverages, in which sales or serving of alcoholic beverages are incidental to the main purpose, as long as the persons under twenty-one (21) are not sold or served alcoholic beverages. The incidental service of food in the bar area shall not exempt a licensee from the provisions of this section.
- D. The ABLE Commission shall have the authority to designate the main purpose of any portion(s) of the premises of a licensee.

Section 49. Section 4-3-1-305 is hereby amended to read as follows:

4-3-1-305 – Persons under age twenty-one in possession of alcoholic beverage in public prohibited. Persons under 21 – Misrepresentation of age to induce persons to sell or serve alcoholic beverages – Entering or attempting to enter package store or bar area

~~No person under twenty-one (21) years of age shall be in possession of any alcoholic beverage or low point beer while such person is upon any public street, road, highway or in any public place.~~

- A. Any person under twenty-one (21) years of age:
 - 1. who shall misrepresent his or her age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him or her an alcoholic beverage; or
 - 2. who enters or attempts to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission;shall be guilty of a misdemeanor and fined not more than fifty dollars (\$50.00).
- B. In addition, if a person is convicted or pleads guilty in municipal court to a violation of the provisions of Subsection A of this section, the court may order the Department of

Public Safety to cancel or deny the offender's privilege to operate a motor vehicle and upon such order, shall require that the operator's or chauffeur's license, if any, be surrendered to the Department pursuant to Section 6-209 of Title 47 of the Oklahoma Statutes. The cancellation or denial period shall be for one (1) year, or until the person reaches twenty-one (21) years of age, whichever is longer.

- C. Any person whose driving privileges are ordered cancelled or denied pursuant to this section may petition the municipal court for review of the order. Upon notice and hearing, the court may modify or withdraw the order as the court deems appropriate except:
1. the court may not withdraw an order for at least ninety (90) days following the issuance of the order if it is the first such order issued regarding the person named; and
 2. the court may not withdraw an order for at least six (6) months following the issuance of the order if it is the second or subsequent such order issued regarding the person named.
- D. In addition to any other penalty provided by law, a person convicted of a violation of the provisions of this section, shall be required to complete a substance abuse prevention program conducted by the Department of Mental Health and Substance Abuse Services or a private entity approved by the municipal court. Such program shall include at least two sessions, each of which shall not be less than two (2) hours in length. The cost of the program shall be paid by the person required to complete the program.

Section 50. Section 4-3-1-306 is hereby amended to read as follows:

4-3-1-306 – Consumption or possession of low point beer by minors. Exceptions for family and religious activities.

~~No person under twenty one (21) years of age shall consume or possess with the intent to consume low point beer in any public place. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase low point beer, except under supervision of law enforcement officers. Any person violating any of the provisions of this section shall, upon conviction, be punished by a fine not to exceed three hundred dollars (\$300.00) or by appropriate community service not to exceed thirty (30) hours or by both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided by Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided by Oklahoma Statutes. For a second offense, any person who is convicted of violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine not to exceed six hundred dollars (\$600.00) or ordered to perform community service not to exceed sixty (60) hours or both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided by Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided by Oklahoma~~

Statutes. For a third offense, any person who is convicted of violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine not to exceed seven hundred fifty dollars (\$750.00) or ordered to perform community service not to exceed ninety (90) hours or both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided by Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided by Oklahoma Statutes. Provided, the provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian, but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense low point beer. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person shall be subject to an assessment of the person's degree of alcohol abuse, in the same manner as prescribed by Oklahoma Statutes, which may result in treatment as deemed appropriate by the court.

- A. This Division 4-3-1 shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
- B. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.
- C. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

Section 51. Section 4-3-1-307 is hereby amended to read as follows:

4-3-1-307 – Misrepresentation of age by false or altered documents. Retail sale of alcoholic beverages – Posting of signs – Penalty.

No person shall represent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcohol, an alcoholic beverage, beer or low point beer.

- A. Every person who sells alcoholic beverages at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: “IT’S THE LAW. WE DO NOT SELL ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE.”
- B. A violation of Subsection A of this section constitutes misdemeanor and upon conviction thereof, a violator shall be assessed a fine not to exceed fifty dollars (\$50.00) for each day such offense occurred.

Section 52. Section 4-3-1-308 is hereby amended to read as follows:

4-3-1-308 – Minors on premises licensed as a tavern prohibited. Hired bus or limousine services.

- A. It shall be unlawful for any person who holds a tavern license, or any agent, servant, or employee of the license holder, to permit any person under twenty one (21) years of age to enter into, remain within or loiter about the premises of the tavern.

- ~~B. No person under twenty one (21) years of age shall enter, attempt to enter, remain within or loiter about the premises of a tavern.~~
- A. No person owning or operating a hired bus or limousine service vehicle licensed as a “motor carrier of persons or property”, as defined in the Motor Carrier Act of 1995, Section 230.23 et seq. of Title 47 of the Oklahoma Statutes, shall knowingly transport persons under twenty-one (21) years of age who are in possession of or consuming alcoholic beverages.
- B. The operator of any vehicle found in violation of this section shall be guilty of a misdemeanor offense punishable by a fine not more than five hundred dollars (\$500.00) and upon a second and subsequent conviction such operator shall be subject to the fine and mandatory revocation of his or her driving privileges pursuant to Section 6-205 of Title 47 of the Oklahoma Statutes.
- C. The owner of any vehicle found in violation of this section shall upon conviction be guilty of a misdemeanor offense punishable by a fine of not more than five hundred dollars (\$500.00) and upon a second or subsequent conviction such owner shall be subject to the fine and forfeiture of his or her Interstate Registration Certificate and/or other license issued pursuant to Section 230.21 et seq. of Title 47 of the Oklahoma Statutes, in addition to any other government-issued license authorizing the owner to operate such vehicle for a period of one (1) year.
- D. Any law enforcement agency issuing a citation for a violation of this section shall, upon the violator’s conviction, report the violation to the Corporation Commission.

Section 53. Section 4-3-1-309 is hereby repealed in its entirety:

~~4-3-1-309 – Minors on premises licensed as a mixed beverage establishment prohibited.~~

- ~~A. The following prohibitions apply:~~
- ~~1. No establishment which has as its main purpose the selling or distribution of alcoholic beverages, shall allow any person under twenty one (21) years of age to enter into, remain within or loiter about the premises of the establishment.~~
 - ~~2. No person under twenty one (21) years of age shall enter, attempt to enter, remain within or loiter about the premises of an establishment which has as its main purpose the selling or distribution of alcoholic beverages.~~
 - ~~3. The provisions of this section shall not prohibit persons under twenty one (21) years of age from being in an establishment that contains a separate or enclosed lounge or bar area which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, provided no person under twenty one (21) years of age shall enter into, remain within or loiter about the designated bar area of the licensed premises, except for persons who incidentally pass through the designated area. Further, that no person under twenty one (21) years of age shall buy, possess or consume or be allowed to buy, possess or consume alcoholic beverages anywhere on the premises of the establishment.~~
 - ~~4. The provisions of this section shall also not prohibit a mixed beverage, beer and wine, caterer, special event or bottle club licensee from employing or hiring musical bands who have musicians who are under twenty one (21) 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 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.~~

- ~~5. The incidental service of meals or short order foods in a lounge or bar area shall not exempt an establishment from the prohibitions set forth in this section.~~

Section 54. Section 4-3-1-310 is hereby repealed in its entirety:

~~**4-3-1-310 Prohibited acts in relation to Oklahoma driver license or identification card— Fines and punishments.**~~

~~It shall be unlawful for any person to commit any of the acts specified in this section in relation to an Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of Title 47 of the Oklahoma Statutes or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.~~

- ~~1. It is an offense for any licensee:
 - a. To lend one's own license or identification card to any other person or knowingly permit the use thereof by another;
 - b. To display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number;
 - c. To permit any unlawful use of a license or identification card issued to oneself; or
 - d. To add to, delete from, alter, or deface the required information on a driver license or identification card.~~
- ~~2. Any person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).~~

Section 55. 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, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 56. Effective Date. This ordinance shall be effective on October 1, 2018.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 28th day of August, 2018.

FRED L. FITCH, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2018.

FRANK V. JENSEN, CITY ATTORNEY