

Ordinance O-1819-8

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 13-2502 AND 13-2712 OF CHAPTER 13, LICENSES AND OCCUPATIONS; AMENDING SECTION 15-102, 15-301 THROUGH 15-305 AND 15-506, AND AMENDING AND RESERVING SECTION 15-105 ALL IN CHAPTER 15, OFFENSES; AND AMENDING SECTION 20-527. OF CHAPTER 20, TRAFFIC REGULATIONS, OF THE CODE OF THE CITY OF NORMAN TO CONFORM TO STATE REGULATIONS CONCERNING THE DEFINITION(S) OF ALCOHOLIC BEVERAGES AND "INTOXICATING BEVERAGE" AND ADDRESSING THE CONSUMPTION OF SPIRITS IN A PUBLIC PLACE EFFECTIVE OCTOBER 1, 2018; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That effective October 1, 2018, Section 13-2502 of the Code of the City of Norman shall be amended to read as follows:

SEC. 13-2502. - ATTENDANTS.

(a) A self-service station shall have at least one (1) attendant on duty while the self-service station is open to the public. The attendant on duty shall be mentally and physically capable of performing the functions and assuming the responsibilities prescribed to him.

(b) Any attendant at a self-service station shall supervise, observe and control the dispensing of liquids while such liquids are actually being dispensed. He shall prevent the dispensing of liquids into a portable container unless the container is metal or is approved by the Fire Marshal of the City, has a tight closure with screwed or spring cover, and is fitted or so designed that the contents can be poured without spilling. The attendant shall control sources of ignition and immediately handle accidental spills and fire extinguishers.

(c) No attendant shall permit anyone to use nor shall any person use self-service pumps who is:

- (1) Under fifteen (15) years of age,
- (2) Under the influence of alcoholic beverage(s), or
- (3) Smoking.

* * * * *

§ 2. That effective October 1, 2018, Section 13-2712 shall be amended to read as follows:

SEC. 13-2712. - SAFETY REQUIREMENTS.

* * *

(d) A permittee shall comply with the all requirements of the Alcohol Beverage Licensing Enforcement Commission, Oklahoma Tax Commission, Cleveland County Court Clerk's Office, and City of Norman Code of Ordinances, if alcoholic beverages are to be sold at the event.

* * * * *

§ 3. That effective October 1, 2018, Section 15-102 shall be amended to read as follows:

SEC. 15-102. - ALCOHOLIC BEVERAGES DEFINED.

(a) "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;

(b) "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;

(c) "Beer" means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer" may or may not contain hops or other vegetable products. "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;

(d) "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;

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

* * * * *

§ 4. That effective October 1, 2018, Section 15-105 of the Code of the City of Norman shall be amended and reserved to read as follows:

SEC. 15-105. - RESERVED

* * * * *

§ 5. That effective October 1, 2018, Section 15-301 shall be amended to read as follows:

SEC. 15-301. - AGE MISREPRESENTATION.

No person under twenty-one (21) years of age shall misrepresent his age in writing or present any false documentation of age for the purpose of inducing any person to sell or furnish him alcoholic beverages, or for the purpose of gaining entry to any Class "B" establishment.

* * * * *

§ 6. That effective October 1, 2018, Section 15-302 shall be amended to read as follows:

SEC. 15-302. - CONSUMING SPIRITS IN A PUBLIC PLACE.

No person shall consume spirits in any public place except on the premises of a licensee of the ABLE Commission who is authorized to sell or serve spirits by the individual drink, nor shall any person be intoxicated in such public place.

* * * * *

§ 7. That effective October, 2018, Section 15-303 shall be amended to read as follows:

SEC. 15-303. - ENTRY OF MINORS WHERE ALCOHOLIC BEVERAGES ARE SOLD OR CONSUMED.

(a) No person under twenty-one (21) years of age shall enter, attempt to enter, or remain within, any premises which has as its main purpose the sale or serving of alcoholic beverages for consumption on the premises. (b) If a premises contains a separate or enclosed bar area which has as its main purpose the sale or serving of alcoholic beverages for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said area. (c) The provisions of this section 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 said 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 section.

* * * * *

§ 8. That effective October 1, 2018, Section 15-304 shall be amended to read as follows:

SEC. 15-304. - POSSESSION OF ALCOHOLIC BEVERAGES.

No person under twenty-one (21) years of age shall, in any public or private place, possess, consume or have control over any alcoholic beverage as defined in sections 15-102~~5~~ and 15-106.

* * * * *

§ 9. That effective October 1, 2018, Section 15-305 shall be amended to read as follows:

SEC. 15-305. - FURNISHING ALCOHOLIC BEVERAGES.

(a) No person shall sell, deliver, give, share, dispense or furnish alcoholic beverages to any person under the age of twenty-one (21). (b) It shall be unlawful for any person who holds a license from the City of Norman to sell and dispense alcoholic beverages to sell, barter, or give away, or to allow or permit any agent, servant or employee of said license holder to sell, barter, or give away to any person under the age of twenty-one (21) any alcoholic beverage.

* * * * *

§ 10. That effective October 1, 2018, Section 15-506 shall be amended to read as follows:

SEC. 15-506. - NUISANCE PARTY.

* * *

(b) A social gathering shall be deemed to constitute a public nuisance when, by reason of the conduct of persons in attendance, it results in three (3) or more of the following violations of the Code of the City of Norman, Oklahoma, and which violations occur at the site of the social gathering or on neighboring public or private property:

- (1) Any violation of Chapter 9 of the City Fire Prevention Code;
- (2) Any of the following violations from Chapter 10 of the City Code:
 - i. 10-107 Open burning prohibited.
 - ii. 10-203 Health nuisances.
 - iii. 10-205 Obstructions in easements a nuisance.
 - iv. 10-307 Noises prohibited.
- (3) Any of the following violations from Chapter 15 of the City Code:
 - i. 15-302 Consuming spirits in a public place.
 - ii. 15-304 Possession of alcoholic beverages.

* * * * *

§ 11. That effective October 1, 2018, Section 20-527 shall be amended to read as follows:

SEC. 20-527. - DRIVING: TRANSPORTATION OF ALCOHOLIC BEVERAGES.

No person shall transport in any vehicle upon any public street or alley any alcoholic beverage unless such is:

- (1) In an unopened original container with seal unbroken and the original cap or cork not removed from the container; or
- (2) The container is in the trunk or other closed compartment out of public view and inaccessible to the driver or any other occupant while the vehicle is in motion or while the driver is in actual physical control.

* * * * *

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

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 2018.

of _____, 2018.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)