



## Legislation Text

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**File #:** O-1819-8, **Version:** 1

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**CONSIDERATION OF ORDINANCE O-1819-8 UPON SECOND AND FINAL READING:** 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.

**BACKGROUND:** Senate Bill ("SB") 383 was approved by Governor Mary Fallin and signed into law on June 6, 2016. On November 8, 2016, Oklahoma State Question ("SQ") 792 passed with a voter approval of more than 65%. These items accomplished several changes to Oklahoma's liquor licensure and other laws, all of which will be effective October 1, 2018, including:

- Abolishment of the Oklahoma Constitution's exclusion of low point beer from ABLE regulation;
- Allowing retail spirits stores (formerly called "package stores") as much as 20% monthly revenue from sales of items other than alcoholic beverages;
- Allowing beer and wine of all strengths to be sold at room temperature or chilled;
- Allowing retail spirits stores owners to own as many as two locations;
- Raising the minimum age to sell beer from 16 to 18;
- Allowing interstate shipments of wine directly to private persons over 21; and
- Extending retail spirits stores' hours to midnight.

These changes significantly affect alcoholic beverage distributors and sellers, and may ultimately signal an end of 3.2 ("low point") beer manufacturing. Thus, with this change in regulation, also comes a significant change to state public consumption laws. Effective October 1, 2018, the public consumption of wine and beer (as defined under Oklahoma law in Title 37A) will be legal, as will the public consumption of spirits within ABLE-licensed premises, including any special event premises allowed by ABLE for festivals and potentially Campus Corner's "game day" area.

**DISCUSSION:** The Council Oversight Committee was presented with information regarding the updates to state law at its April 19, 2018 meeting. At that meeting, the Committee directed City staff to provide the entire City Council with information regarding the recommended amendments, which was accomplished by the City Clerk via email on April 25, 2018. The City Council passed amendments to the City Code concerning licensure of businesses selling alcoholic beverages on June 12, 2018, at which meeting the City Council was also advised regarding the necessary additional updates to the City Zoning Ordinance, as well as certain enforcement provisions relating to public consumption and intoxication. The zoning amendments were passed by City Council upon second reading at its July 24, 2018 meeting.

The attached ordinance contains the third and final set of amendments to the City Code necessary to achieve conformity with the updated state laws. The attached ordinance also amends the code in various other places to ensure consistent use of the same terms and phrases throughout. The attached ordinance, if adopted, would be effective October 1, 2018, when the new state laws also go into effect.

**RECOMMENDATION:** Staff recommends adoption of Ordinance O-1819-8.