

## **Administrative Policy 11-1**

**DISTRIBUTION:** City Manager, All Departments

**SUBJECT: Sale and Dispensing of Alcoholic Beverages and Low-point beer on City Property**

**PURPOSE:** To establish the policies and procedures to regulate the dispensing of alcoholic and low-point beer on City owned property.

**BACKGROUND:** This policy is intended to set forth guidelines and requirements for the sale and distribution of alcoholic beverages and low-point beer on City Property. Historically, alcoholic beverages and low-point beer have been permitted to be sold in certain areas within the City Parks, the Civic Center, and other venues which the City owns which can be rented or leased for private events. However, beyond provisions in State Law or City Code, there exists no specific policies or other guidelines to regulate such sale, particularly as it relates to training requirements of those who serve such beverages. This policy is intended to initiate such a requirements.

**POLICY/**

**PROCEDURES: Sale and Dispensing of Alcoholic Beverages and Low-point beer on City Property**

**A.** Subject to regulations established by the Oklahoma Alcoholic Beverage Laws Enforcement Commission ("ABLE") and other similar regulations established by City Code, it is the policy of the City of Muskogee to permit the sale or distribution of alcoholic beverages or low-point beer (collectively "beverages") on certain City owned property upon the following conditions:

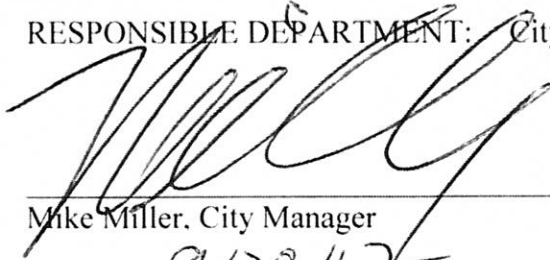
1. All sale or distribution of such beverages must be contained within the confines of the building or within a temporary structure such as a tent.
2. Individuals who are already intoxicated shall not be served additional beverages containing alcohol of any kind.
3. Adequate provisions for the disposal of such drink containers shall be provided by the holder of the permit or lease.
4. Area ingress and egress shall be restricted and controlled by means of an enclosure consisting of walls, barricades, fences, partitions and/or ropes so as to prevent the sale, distribution and consumption of low-point beer beyond or outside the confines of such enclosure.

5. No person under the age of twenty one (21) years shall be allowed in the building area or within the tent where such beverages are sold or distributed or consumed, unless accompanied by a parent or legal guardian. But in no case, shall a person under the age of twenty one (21) be permitted in any area of restricted alcohol sale as provided for under the rules of the ABLE Commission.
  6. The festival or event at which the sale, distribution or consumption of such beverages occurs shall not exceed three (3) consecutive days' duration. The applicant must have all county and state licenses prior to obtaining the City's approval. The applicant's proposed operation and use thereof must comply with all applicable rules, regulations, codes and ordinances of the city and applicable Oklahoma law, including, but not limited to, food service requirements as required by the city, Muskogee County and the state of Oklahoma. For any event lasting longer than three (3) hours, at least one person who has been trained in responsible beverage sales and service by a certified trainer from Neighbors Building Neighborhoods or the ABLE Commission, or an equivalent program must be on duty at all times that said beverages are being sold, dispensed, or consumed.
  7. The person or legal entity holding the permit or lease shall have a manager on site whose responsibility it is to enforce the above criteria at all times that such beverages are being sold, distributed or consumed.
- B. An applicant seeking to sell or distribute such beverages shall include such information written in its application for permit or lease of city property. The applicant shall include a detailed map/drawing with its completed application to include the following: identification of enclosure size with dimensions; location of each proposed entrance and exit; the physical location of the structure on the premises on which the license is to be issued; and the physical location of the bar area within the enclosure from which the low point beer is to be sold and distributed. Such sale or distribution shall only be allowed if the City Clerk has reviewed and approved the application in a form which includes such terms within the permit or lease.
- C. The holder of the permit or lease shall be liable for the following:
1. Posting its permit in a prominent public place on the premises where the stated beverages are sold.
  2. Checking and verifying that no employee, agent or any other person involved in the service of such beverages is allowed to sell, distribute, barter or give any low point beer to any person under twenty one (21) years of age, such verification to be by means of: a) valid Oklahoma driver's license or other valid photo identification issued by a governmental entity or within the United States which contains proof of age or a valid passport or valid driver's license containing proof of age and photo identification of another country printed in the English language; or b) a valid international driver's license containing proof of age and photo identification printed in the English language.

D. Failure to comply with any of the provisions outlines in this policy may result in a revocation of such permission to sell and distribute alcoholic beverages or low point beer on any City property in the future, as well as, subject the individual responsible for such violations to any and all fines permitted within the City of Muskogee Code of Ordinances.


EFFECTIVE DATE: This policy shall be effective on execution.

RESPONSIBLE DEPARTMENT: City Manager


  
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Mike Miller, City Manager

9/28/17  
Date



  
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Tammy L. Tracy, City Clerk

APPROVED as to form and legality this 28 day of September, 2017.

  
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Roy D. Tucker, City Attorney