

**ORDINANCE NO. 2021-08-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TONKAWA, OKLAHOMA, AMENDING CHAPTER 3, SECTION 3-202 OF THE TONKAWA MUNICIPAL CODE 2021 ENTITLED "DRINKING IN PUBLIC", PROVIDING THAT THE CITY MANAGER MAY AUTHORIZE SPECIAL EVENTS WHEREIN ALCOHOLIC BEVERAGES MAY BE CONSUMED AND DELETING THE CITY COUNCIL AUTHORIZATION; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; PENALTY; AND DECLARING AN EMERGENCY.**

**EMERGENCY ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONKAWA, OKLAHOMA:

Section I: Chapter 3 of the Tonkawa Municipal Code 2021 is hereby amended by the amendment of Section 3-202 which shall read as follows:

Section 3-202 DRINKING IN PUBLIC.

It is unlawful for any person to drink any alcoholic beverage, to include beer and wine (hereinafter "alcoholic beverage"), while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the City. This Section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises or any person who is of age who is consuming any alcoholic beverage at any special event from an authorized seller, which special event is authorized in writing by the City Manager ~~City Council~~. The specific site at any such authorized special event wherein alcoholic beverages shall be permitted to be consumed shall be plainly and clearly marked with signage warning the public that no consumption is permitted outside the area completely encircled with appropriate barriers and any person who shall consume alcoholic beverages outside the designated barrier or who shall consume alcoholic beverages from any source other than an authorized seller and not in an otherwise authorized location shall be guilty of an offense of Section 3-202. Any person desiring a special event permit shall fill out a written application on a form provided by the City Clerk, at least 72 hours in advance of such special event, signed by the person filing such application, and with such application providing the proposed site, date, time, purpose and nature of the special event, and the exact placement of the barriers as provided hereinabove; provided the holding of such special event shall be contingent upon approval.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

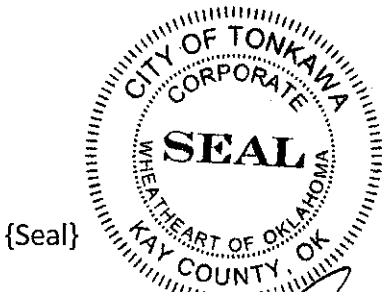
Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Tonkawa that this section of the Tonkawa Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. PENALTY. Any person who shall violate the terms and conditions of this ordinance by act or omission shall be guilty of an offense and if convicted shall be fined in the maximum amount of \$250.00, together with state assessments, fees and court costs; provided each day of continued violation shall be considered a separate offense.

Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect to amend the person or party authorized to permit special events where alcohol may be consumed; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 17<sup>th</sup> day of August 2021.

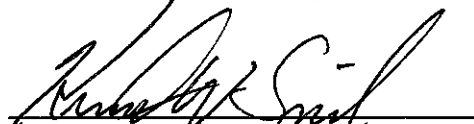


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ATTEST:

  
NANCY C. SKIPPER, CITY CLERK

THE CITY OF TONKAWA, OKLAHOMA

  
KENNETH W. SMITH, MAYOR

APPROVED AS TO FORM AND LEGALITY:

  
BRYCE S. KENNEDY, CITY ATTORNEY