

ORDINANCE NO. 2020-05

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING PART II, CHAPTER 4 OF THE BLACKWELL MUNICIPAL CODE 2019 BY THE AMENDMENT OF SECTION 4-2 ENTITLED “OCCUPATION TAX LEVIED”; DECREASING THE OCCUPATION TAX FOR CERTAIN BUSINESSES AND OCCUPATIONS REQUIRED TO HAVE A LICENSE FROM THE ALCOHOLIC BEVERAGE LAW ENFORCEMENT COMMISSION; PROVIDING FOR AN AMENDMENT TO SECTION 4-6 ENTITLED “ISSUANCE OF CERTIFICATES”, BY THE AMENDMENT OF SUBSECTION C INCREASING THE FEE FROM ZERO TO TWENTY-FIVE DOLLARS (\$25.00) TO MAKE SUCH CERTIFICATION; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; PENALTY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

Section I: Chapter 4, Section 4-2 and Section 4-6C the Blackwell Municipal Code 2019 are hereby amended in pertinent and referenced part to shall read as follows:

Sec. 4-2 OCCUPATION TAX LEVIED.

There is hereby levied and assessed an annual occupation tax on every business or occupation that has its principal place of business in Blackwell, Oklahoma and is required to have a licensee from the Alcoholic Beverage Law Enforcement Commission as specifically enumerated hereinbelow, and in the amount therein stated:¹

Brewer	\$100.00 ²
Small Brewer	\$100.00 ³
Small Brewer Self-Distribution	\$100.00 ⁴
Brew Pub	\$100.00 ⁵
Brew Pub Self-Distribution	\$100.00 ⁶
Distiller	\$100.00 ⁷
Winemaker	\$100.00 ⁸
Winemaker Self-Distribution	\$100.00 ⁹
Small Farm Winery	\$75.00 ¹⁰
Wine and Spirits Wholesaler	\$100.00 ¹¹

¹ Maximum fines permitted to be charged are shown in the following footnotes:

² \$1250.00

³ \$125.00

⁴ \$750.00

⁵ \$1005.00

⁶ \$750.00

⁷ \$3125.00

⁸ \$725.00

⁹ \$750.00

¹⁰ \$75.00

¹¹ \$3000.00

Beer Distributor	\$100.00 ¹²
Retail Spirits	\$100.00 ¹³
Retail Wine	\$100.00 \$50.00 ¹⁴
Retail Beer	\$100.00 \$50.00 ¹⁵
Mixed Beverage Initial	\$100.00 ¹⁶
Mixed Beverage Renewal	\$100.00 ¹⁷
Mixed Beverage/Caterer Combination	\$100.00 ¹⁸
On Premises Beer and Wine Initial	\$100.00 ¹⁹
On Premises Beer and Wine Renewal	\$100.00 ²⁰
Bottle Club Initial	\$100.00 ²¹
Bottle Club Renewal	\$100.00 ²²
Caterer	\$100.00 ²³
Caterer Renewal	\$100.00 ²⁴
Annual Special Event	\$55.00 ²⁵
Quarterly Special Event	\$55.00 ²⁶
Hotel Beverage Initial	\$100.00 ²⁷
Hotel Beverage Renewal	\$100.00 ²⁸
Charitable Auction	\$1.00 ²⁹
Charitable Alcoholic Beverage	\$55.00 ³⁰
Annual Public Event	\$350.00 ³¹
One-time Public Event	\$100.00 ³²

Such tax rate shall only be effective upon initiation or renewal of the license, as applicable, and no refund shall be made for any prior occupation tax paid which was higher than as established by this section.

¹² \$750.00

¹³ \$905.00

¹⁴ \$1000.00

¹⁵ \$500.00

¹⁶ \$1005.00

¹⁷ \$905.00

¹⁸ \$1250.00

¹⁹ \$500.00

²⁰ \$450.00

²¹ \$1000.00

²² \$900.00

²³ \$1005.00

²⁴ \$905.00

²⁵ \$55.00

²⁶ \$55.00

²⁷ \$1005.00

²⁸ \$905.00

²⁹ \$1.00

³⁰ \$55.00

³¹ \$1005.00

³² \$225.00

Sec. 4-6 Issuance Of Certificates

C. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city, required by ABLE Commission, shall pay a verification and certification fee in the amount of ~~zero dollars (\$0.00)~~ twenty-five dollars (\$25.00) at the time of filing.

Section II. REPEALER. The above referenced ordinances referenced in Section III hereinabove, together with 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 Blackwell that this section of the Blackwell 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 pay an occupation tax when due and shall nevertheless conduct the alcohol business thereby regulated shall be guilty of an offense and if convicted shall pay the fine as provided in the Blackwell Municipal Code 2019, together with court costs, state assessments and fees.

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 in order to amend the occupation taxes for certain alcohol businesses; 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 16th day of January 2020.



THE CITY OF BLACKWELL, OKLAHOMA

T. J. Greenfield
T. J. Greenfield, Mayor

Approved as to Content:


Janet Smith
Janet Smith, City Manager

(Seal)

ATTEST:

Traci Hanebrink
Traci Hanebrink, City Clerk

Approved as to Form and Legality:


Bryce S. Kennedy, Jr., City Attorney

_NOTICE

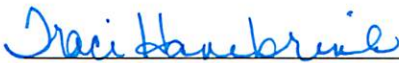
On the 16th day of January 2020, the City Council of the City of Blackwell, Oklahoma, approved Ordinance No. 2020-05 which amended Section 4-2 of the Blackwell Municipal Code 2019, Entitled Occupation Tax Levied.

A copy of the ordinance is available at City Hall or by calling the City Clerk at 580-363-7250. It is presented for publication by title only:

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THE CITY OF BLACKWELL, OKLAHOMA



Traci Hanebrink, City Clerk