



## **ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA**

City Hall - Midwest City Council Conference Room, 100 N. Midwest Boulevard

October 12, 2021 – 5:00 PM

A. **CALL TO ORDER.**

B. **DISCUSSION ITEMS.**

- 1.** Discussion and consideration for adoption, including any possible amendment of, the minutes of the July 14, 2021 special meeting.
- 2.** Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.
- 3.** Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and effective date.
- 4.** Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and effective date.
- 5.** Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210; and providing for repealer, severability and effective date.
- 6.** Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20 Appendix A, Zoning Regulations, Section 8 Definitions, Paragraph 8.3, Words and Terms Defined, Subparagraphs 8.3.13 and 8.3.68; and providing for repealer, severability and an effective date.

C. **ADJOURNMENT.**

Notice of this Ordinance Oversight Council Committee special meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

**Ordinance Oversight Council Committee Minutes**  
**Special Meeting**

July 14, 2021

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma. Chairman Pat Byrne called the meeting to order at 6:00 PM with Mayor Matt Dukes and Councilmember Susan Eads. Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, City Clerk Sara Hancock.

**DISCUSSION ITEMS.**

- 1. Discussion and consideration for adoption, including any possible amendment of, the minutes of the November 2, 2020 special meeting, as submitted.**

Dukes made a motion to approve the minutes, as submitted, seconded by Eads. Voting aye: Dukes, Eads and Byrne. Nay: none. Motion carried.

- 2. Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Nay: Eads. Motion carried.

- 3. Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Section 37, Streets and Sid ewalk s, Article III, Section 37-63, Design Standards for Ingress and Egress Facilities; and Section 37-71, Table 4; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Abstain: Eads. Motion carried.

- 4. Discussion and consideration for adoption , including any possible amendment of, an ordinance amending Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, of the Midwest City Code, by amending Article II, Water Rates and Charges, Section 43-63 (a)(1) through (4), Water Rates inside city; and providing for repealerand severability.**

Eads made a motion to approve and submit to the full City Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

- 5. Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article I, In General, Section 28-11, Warrant Processing Fee; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

- 6. Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 36, Private Security, Article III, Security Alarm Systems, Section 36-32, establishing an effective date; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

- 7. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Section 27-2, Declared Unlawful; Penalties; Section 27-14, Collection and Donation Boxes; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

- 8. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; Creating a new ordinance at Chapter 8, Animals and Fowl, Article XI, Commercial Animal Establishments; Section 8-200 through 8-205; providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

**PUBLIC DISCUSSION.** There was no public discussion.

**ADJOURNMENT.** Chairman Byrne adjourned the meeting at 7:05 PM.

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PAT BYRNE, Chairman



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

**MEMORANDUM**

To: Honorable Mayor and Council

From: Don Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendment to Chapter 2 Administration, put into effect changed adopted by the Oklahoma Legislature during the 2021 legislative session. The Oklahoma Legislature increased the amount when a construction contract must be bid. The legislation changed the amount to \$100,000.00 in certain circumstances and \$50,000.00 in all circumstances. Additionally, Oklahoma State Law has established a process for issuing contracts to sole source vendors that are not required to be bid.

These proposed amendments:

- Change the amount a contract needs City Council approval from \$25,000.00 to \$50,000.00
- Change the amount a contract is required to go through the formal bidding process from \$25,000.00 to \$50,000.00
- Allows for the City to enter into Sole Source Contracts without going through the formal bidding process.

Approval is at the pleasure of the City Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch  
City Attorney



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**Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

**Section 5.** EFFECTIVE DATE. The amendments to the city ordinances for the City of Midwest City shall become effective on **December 1, 2021**.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF MIDWEST CITY, OKLAHOMA**

\_\_\_\_\_  
MATTHEW D. DUKES, II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

Approved as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD D. MAISCH, City Attorney



1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 5.** EFFECTIVE DATE. These amendments to the city ordinances for the City of Midwest  
9 City shall become effective on **December 1, 2021**.

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12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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19 MATTHEW D. DUKES, II, Mayor

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21 ATTEST:

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25 SARA HANCOCK, City Clerk

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28 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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31 \_\_\_\_\_  
32 DONALD D. MAISCH, City Attorney





**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Amusements, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendments to Chapter 5 Alcoholic Beverages makes changes to this chapter of Midwest City Ordinances to bring the ordinances into compliance with the Oklahoma Alcoholic Beverage Control Act (Act) at Title 37A of the Oklahoma Statutes, Section 1-101 *et seq.* Major changes include:

- removal of all licensure of businesses, personnel and operations from the city ordinances as the Act now supersedes city action concerning licensure pursuant to Title 37A of the Oklahoma Statutes, Section 4-101; and
- adoption of the fees established by the Act as occupation taxes on said businesses and personnel as allowed.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch  
City Attorney



1 as that term is defined in section 5-81 of this chapter alcohol, spirits, beer and wine as those terms  
2 are defined herein and also includes every liquid or solid, patented or not, containing alcohol,  
3 spirits, wine or beer and capable of being consumed as a beverage by human beings.

4 (5) *Applicant* means any individual, legal or commercial business entity, or any individual  
5 involved in any legal or commercial business entity allowed to hold any license issued in  
6 accordance with the Oklahoma Alcoholic Beverage Control Act.

7 (6) *Bar* means an establishment that is licensed to sell alcoholic beverages or mixed  
8 beverages by the individual drink for on-premises consumption which is not a restaurant or other  
9 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

10 (7) *Beer* means any beverage of alcohol by volume and obtained by the alcoholic  
11 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"  
12 may or may not contain hops or other vegetable products. "Beer" includes, among other things,  
13 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,  
14 known as Japanese rice wine.

15 (8) *Beer keg* means any brewer-sealed, single container that contains not less than four (4)  
16 gallons of beer.

17 (9) *Beer distributor* means and includes any person licensed to distribute beer for retail  
18 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub  
19 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage  
20 Control Act, shall be construed to refer to a beer distributor.

21 (10) *Bottle club* means any establishment in a county which has not authorized the retail  
22 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix  
23 and serve alcoholic beverages belonging to club members on club premises.

24 (11) *Bottle service* means the sale and provision of spirits in their original packages by a  
25 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

26 (12) *Brand* means any word, name, group of letters, symbol or combination thereof, that  
27 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish  
28 that product from another beer, wine or spirit.

29 (13) *Brand extension* means:

30 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer  
31 in this state which either:

32 (i) incorporates all or a substantial part of the unique features of a  
33 preexisting brand of the same licensed brewer, or

34 (ii) relies to a significant extent on the goodwill associated with the  
35 preexisting brand, or

36 (b) any brand of beer that a brewer, the majority of whose total volume of all brands  
37 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-  
38 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to  
39 continue selling a strong beer in this state which either:

40 (i) incorporates or incorporated all or a substantial part of the unique  
41 features of a preexisting low-point beer brand of the same licensed brewer, or

42 (ii) relies or relied to a significant extent on the goodwill associated with a  
43 preexisting low-point beer brand.

44 (14) *Brewer* means and includes any person who manufactures for human consumption  
45 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a  
46 tax are imposed by any law of this state.

1           (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises  
2 located contiguous to, a small brewer, that prepares and serves food and beverages, including  
3 alcoholic beverages, for on-premises consumption.

4           (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit  
5 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the  
6 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For  
7 the purposes of the distribution of this product, cider may be distributed by either wine and spirits  
8 wholesalers or beer distributors.

9           (17) *Club suite* means a designated area within the premises of a mixed beverage licensee  
10 designed to provide an exclusive space which is limited to a patron or patrons specifically granted  
11 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage  
12 licensee or the public. A club suite must have a clearly designated point of access for a patron or  
13 patrons specifically granted access by the mixed beverage licensee to ensure that persons present  
14 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and  
15 employees providing services to the club suite.

16           (18) *Convenience store* means any person primarily engaged in retailing a limited range  
17 of general household items and groceries, with extended hours of operation, whether or not  
18 engaged in retail sales of automotive fuels in combination with such sales.

19           (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of  
20 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective  
21 of the pronouncement of judgment or the suspension thereof.

22           (20) *Designated products* means the brands of wine or spirits offered for sale by a  
23 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive  
24 distribution.

25           (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by  
26 a manufacturer as a wholesaler appointed to distribute designated products.

27           (22) *Distiller* means any person who produces spirits from any source or substance, or any  
28 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits  
29 (except a person making or using such material in the authorized production of wine or beer, or  
30 the production of vinegar by fermentation), or any person who by any process separates alcoholic  
31 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,  
32 has also in his or her possession or use a still.

33           (23) *Distributor agreement* means the written agreement between the distributor and  
34 brewer.

35           (24) *Drug store* means a person primarily engaged in retailing prescription and  
36 nonprescription drugs and medicines.

37           (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,  
38 was being sold and distributed in this state:

39                   (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect  
40 immediately prior to October 1, 2018, and

41                   (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect  
42 immediately prior to October 1, 2018,

43 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not  
44 include a brand of beer that arose as a result of a brand extension as defined in this section.

45           (26) *Fair market value* means the value in the subject territory covered by the written  
46 agreement with the distributor or wholesaler that would be determined in an arm's length

1 transaction entered into without duress or threat of termination of the distributor's or wholesaler's  
2 rights and shall include all elements of value, including goodwill and going-concern value.

3 (27) Good cause means:

4 (a) failure by the distributor to comply with the material and reasonable provisions  
5 of a written agreement or understanding with the brewer, or

6 (b) failure by the distributor to comply with the duty of good faith.

7 (28) Good faith means the duty of each party to any distributor agreement and all officers,  
8 employees or agents thereof to act with honesty in fact and within reasonable standards of fair  
9 dealing in the trade.

10 (29) Grocery store means a person primarily engaged in retailing a general line of food,  
11 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and  
12 poultry.

13 (30) Hotel or motel means an establishment which is licensed to sell alcoholic beverages  
14 by the individual drink and which contains guestroom accommodations with respect to which  
15 the predominant relationship existing between the occupants thereof and the owner or operator  
16 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of  
17 other legal relationships as between some occupants and the owner or operator thereof shall be  
18 immaterial.

19 (7)(31) Intoxicating beverage: See means and has the same definition as alcoholic  
20 beverage, above.

21 (32) Legal newspaper means a newspaper meeting the requisites of a newspaper for  
22 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City  
23 Ordinances.

24 (8)(33) Licensee means an any person holding a license under the Oklahoma Alcoholic  
25 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such  
26 licensee while in the performance of any act or duty in connection with the licensed business of  
27 on the licensed premises.

28 (9)(34) Manufacturer means a brewer, distiller, winemaker, rectifier or bottler of any  
29 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

30 (35) Manufacturer's agent means a salaried or commissioned salesperson who is the agent  
31 authorized to act on behalf of the manufacturer or nonresident seller in the state.

32 (36) Meals means foods commonly ordered at lunch or dinner and at least part of which is  
33 cooked on the licensed premises and requires the use of dining implements for  
34 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or  
35 desserts shall not be considered "meals".

36 (37) Mini-bar means a closed container, either refrigerated in whole or in part, or non-  
37 refrigerated, and access to the interior of which is:

38 (a) restricted by means of a locking device which requires the use of a key,  
39 magnetic card or similar device, or

40 (b) controlled at all times by the licensee.

41 (40)(38) Mixed beverage cooler means any beverage, by whatever name designated,  
42 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,  
43 dairy products or carbonated water containing more than one-half percent (½ of 1%) of alcohol  
44 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)  
45 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-

1 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly  
2 known as a "wine cooler".

3 ~~(41)~~(39) *Mixed beverage* means one or more servings of a beverage composed in whole  
4 or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for  
5 consumption on the premises where served or sold by the holder of a mixed beverage, beer and  
6 wine, caterer, public event, charitable event or special event license.

7 ~~(12) Oklahoma winemaker~~ means ~~a business premises in Oklahoma license pursuant to~~  
8 ~~the Oklahoma Alcoholic Beverage Control Act wherein wine is produced by the licensee who~~  
9 ~~must be a resident of the state, without regard as to where the grapes, berries or other fruits and~~  
10 ~~vegetables are grown.~~

11 (40) Motion picture theater means an establishment which is licensed by the State of  
12 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are  
13 exhibited, and to which the general public is admitted.

14 (41) Nondesignated products means the brands of wine or spirits offered for sale by a  
15 manufacturer that have not been assigned to a designated wholesaler.

16 (42) Nonresident seller means any person licensed under the requirements of the State of  
17 Oklahoma.

18 (43) Retail salesperson means a salesperson soliciting orders from and calling upon retail  
19 alcoholic beverage stores with regard to his or her product.

20 (44) Occupation as used in connection with "occupation tax" means the sites occupied as  
21 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,  
22 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event  
23 and special event licensees.

24 ~~(13)~~(45) *Original package* means any container of alcoholic beverage filled and stamped  
25 or sealed by the manufacturer or brewer.

26 (46) Package store means any sole proprietor or partnership that qualifies to sell wine,  
27 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store  
28 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises  
29 consumption.

30 (47) Patron means any person, customer or visitor who is not employed by a licensee or  
31 who is not a licensee.

32 (48) Person means an individual, any type of partnership, corporation, association, limited  
33 liability company or any individual involved in the legal structure of any such business entity.

34 ~~(14)~~(49) *Premises* means the grounds and all buildings and appurtenances pertaining to  
35 the grounds including any adjacent premises if under the direct or indirect control of the licensee  
36 and the rooms and equipment under the control of the licensee and used in connection with or in  
37 furtherance of the business covered by the license. Provided that the ABLE Commission shall  
38 have the authority to designate areas to be excluded from the licensed premises solely for the  
39 purpose of:

40 (a) allowing the presence and consumption of alcoholic beverages by private parties which  
41 are closed to the general public, or

42 (b) allowing the services of a caterer serving alcoholic beverages provided by a private  
43 party.

44 This exception shall in no way limit the licensee's concurrent responsibility for any violations of  
45 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.



1           (49) Private event means a social gathering or event attended by invited guests who share  
2 a common cause, membership, business or task and have a prior established relationship. For  
3 purposes of this definition, advertisement for general public attendance or sales of tickets to the  
4 general public shall not constitute a private event.

5           (50) Public event means any event that can be attended by the general public.

6           (51) Rectifier means any person who rectifies, purifies or refines spirits or wines by any  
7 process (other than by original and continuous distillation, or original and continuous processing,  
8 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the  
9 production thereof is complete), and any person who, without rectifying, purifying or refining  
10 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such  
11 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound  
12 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other  
13 name.

14           (52) Regulation or Rule means a formal rule of general application promulgated by the  
15 ABLE Commission as required.

16           ~~(45)~~(53) Restaurant means an establishment that is licensed to sell alcoholic beverages  
17 by the individual drink for on-premises consumption and where food is prepared and sold for  
18 immediate consumption on the premises.

19           ~~(16) Retail alcoholic beverage store means a package store where consumption of~~  
20 ~~alcohol is prohibited by statute or ordinance.~~

21           ~~(17)~~(54) Retail container for spirits and wines means an original package of a capacity  
22 of not less than one twentieth (1/20) gallon specified by the ABLE Commission in its regulations  
23 for the alcoholic beverage concerned, or an original package with a capacity of less than one-  
24 twentieth (1/20) gallon, referred to as miniatures approved by the United States Bureau of  
25 Alcohol, Tobacco and Firearms.

26           ~~(18) Retail dealer means any and all persons who sell, distribute, furnish, provide or~~  
27 ~~dispose within the city any alcoholic beverage to the public for consumption or use on the~~  
28 ~~premises or upon property owned, managed, operated or available for use by the dealer, whether~~  
29 ~~at retail or other remuneration whatsoever, whether actually consumed on the premises or not~~

30           (55) Retailer means a package store, grocery store, convenience store or drug store licensed to  
31 sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits License, Retail  
32 Wine License or Retail Beer License.

33           ~~(19)~~(56) Sale means any transfer, exchange or barter in any manner or by any means  
34 whatsoever, and includes and means all sales made by any person, whether as principal,  
35 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include  
36 the use or consumption in this state of any alcoholic beverage obtained within or imported from  
37 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control  
38 Act has not been paid or exempted.

39           (57) Satellite tasting room means a licensed establishment operated off the licensed  
40 premises of the holder of a small farm winery or winemaker license, which serves wine for on-  
41 premises or off-premises consumption.

42           (58) Short-order food means food other than full meals including but not limited to  
43 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not  
44 be considered "short-order food".

45           (59) Small brewer means a brewer who manufactures less than sixty-five thousand barrels  
46 of beer annually pursuant to a validly issued Small Brewer License hereunder.

1 (60) Small farm wine means a wine that is produced by a small farm winery with seventy-  
2 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

3 (61) Small farm winery means a wine-making establishment that does not annually  
4 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United  
5 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine  
6 Premises Operations (TTB Form 5120.17).

7 (62) Sparkling wine means champagne or any artificially carbonated wine.

8 (63) Special event means an entertainment, recreation or marketing event that occurs at a  
9 single location on an irregular basis and at which alcoholic beverages are sold.

10 ~~(20)(64)~~ Spirits means any beverage other than wine or beer, which contains more than  
11 three and two tenths (3.2) one-half of one percent (1/2 of 1%) alcohol measured by weight  
12 volume and obtained by distillation, whether or not mixed with other substances in solution, and  
13 includes those products known as whiskey, brandy, rum, gin vodka, liqueurs, cordials, fortified  
14 wines and similar compounds, but does not include any alcohol liquid completely denatured in  
15 accordance with the acts of Congress and regulations pursuant thereof.

16 (65) Strong beer means beer which, prior to October 1, 2018, was distributed pursuant to  
17 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma  
18 Statutes.

19 (66) Successor brewer means a primary source of supply, a brewer, a cider manufacturer  
20 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

21 (67) Tax Commission means the Oklahoma Tax Commission.

22 (68) Territory means a geographic region with a specified boundary.

23 ~~(21) Wholesale alcoholic beverage store means a store operated under the authority of a~~  
24 ~~state wholesaler's license.~~

25 ~~(22) Wholesaler means any person doing any such acts or carrying on any such business~~  
26 ~~or businesses as would require such person to obtain a wholesaler's license hereunder.~~

27 (69) Wine and spirits wholesaler or wine and spirits distributor means and includes any  
28 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term  
29 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer  
30 to a wine and spirits wholesaler.

31 ~~(23)(70)~~ Wine means and includes any beverage containing more than one-half of one  
32 ~~(0.5)~~ percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%)  
33 alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural  
34 contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not  
35 other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

36 (71) Winemaker means and includes any person or establishment who manufactures for  
37 human consumption any wine upon which a license fee and a tax are imposed by any law of this  
38 state.

39 ~~(24)(72)~~ Winery means a manufacturing establishment operated under the authority of a  
40 state winemaker's license.

41  
42 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma  
43 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the  
44 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic  
45 Beverage Control Act.



1 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
2 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer’s license authorizes; is  
3 hereby amended to read as follows:  
4

5 **Sec. 5-18. – ~~What Brewer’s license authorizes~~ Compliance with State Requirements**  
6

7 ~~A brewer’s license authorizes the holder thereof to manufacture, bottle, package and store beer~~  
8 ~~on licensed premises; to sell beer in this state to holders of class B wholesale licenses and retail~~  
9 ~~licenses, and to sell beer out of this state to qualified persons.~~

10 A. Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual  
11 doing business within the City of Midwest City shall comply with all applicable requirements of  
12 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section  
13 1-101 et seq.  
14

15 B. Any business, company or individual doing any form of business as defined in the  
16 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-  
17 101 et seq. within the corporate city limits of the City of Midwest City shall comply with the  
18 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.  
19

20 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
21 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;  
22 is hereby amended to read as follows:  
23

24 **Sec. 5-20. – What package store license authorizes.**  
25

26 A package store license shall authorize the holder thereof to purchase alcoholic beverages in  
27 retail containers from the holder of a brewer, wholesaler or ~~Class B~~ wholesaler license and to  
28 sell same on the licensed premises in retail containers to consumers for off-premises  
29 consumption only and not for resale; ~~provided, all alcoholic beverages are to be sold at ordinary~~  
30 ~~room temperature.~~  
31

32 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
33 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to  
34 read as follows:  
35

36 **Sec. 5-25. – Manner of Sale.**  
37

38 ~~Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only~~  
39 ~~alcoholic beverages in retail containers as defined in Section 506 of this title 5-17 of this Chapter,~~  
40 ~~in the original package for consumption off the premises. Provided, all alcoholic beverages are~~  
41 ~~to be sold at ordinary room temperature. All retail sales shall be made on the licensed premises~~  
42 ~~and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited.~~  
43

44 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
45 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is  
46 hereby amended to read as follows:

1           **Sec. 5-51. – Prohibited activities; penalties.**

2  
3 (a) No person shall:

4  
5           (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under  
6 twenty-one (21) years of age;

7           (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person  
8 or to any person who has been adjudged insane or mentally deficient;

9           (3) Drink an intoxicating beverage in public except on the premises of the licensee  
10 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell  
11 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This  
12 provision shall be cumulative and in addition to existing law;

13           (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation  
14 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when  
15 such person knows or should know that such acts are being performed by a state, county or  
16 municipal officer or agent having lawful authority;

17           (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club  
18 membership card or fraternal membership card approved by the ABLE commission without the  
19 permission of the commission;

20           (6) Consume or possess intoxicating beverages on the license premises of a bottle  
21 club or an establishment operated or occupied by a fraternal organization unless such person is  
22 a member or registered guest of the bottle club or fraternal organization;

23           (7) Knowingly possess any form of identification card or document which is false,  
24 has been produced with inaccurate or altered information with regard to the identity or the person  
25 in possession of the identification, or contains information of a person not the holder of the  
26 identification;

27           (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

28           (9) Sell or offer to sell to any person an unlimited number of intoxicating beverages  
29 during any set period of time for a fixed price, except at private functions not open to the general  
30 public;

31           (10) Sell or offer to sell intoxicating beverages to any person or group of persons on  
32 any one (1) day at prices less than those charged the general public on that day, except at private  
33 function not open to the general public;

34           (11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink  
35 without increasing proportionally the price regularly charged for such drink during the same  
36 calendar week;

37           (12) Encourage or permit, on the license premises, any game or contest which involves  
38 intoxicating beverages or the awarding of alcoholic beverages as prizes;

39           (13) Serve, produce, manufacture or sell ~~intoxicating~~ alcoholic beverages without:

40           A. the appropriate and current state and if applicable, local license, and

41           B. payment of all appropriate City of Midwest City occupation taxes;

42           (14) Permit or allow any patron or person to exit the license premises with an open  
43 container containing an intoxicating beverage; or

44           (15) No person operating a restaurant, cafe, club or place of recreation having a state  
45 or local license may allow any person who is drunk or intoxicated to remain on the premises or  
46 person's place of business.

(b) Any person found in violation of the section may be fined an amount not to exceed the amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

(c) Any establishment upon which premises any of the violations of this subsection occurs will also be in violation for allowing such offense to occur upon the premises and shall be fined an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its municipal licensed or permit revoked or suspended for a period of time up to one (1) year. Any subsequent violation by an establishment of this subsection within one (1) year of any prior offense may result in the above fine, plus a permanent revocation of its municipal license or permit.

**Section 7.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

**Sec. 5-121. – Levied.**

(a) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

*Mixed beverages:*

(Initial) .....\$1,005.00

(Renewal) .....905.00

*Caterer:*

(Initial) .....1,005.00

(Renewal) .....905.00

1. Brewer License.....	\$1,250.00
2. Small Brewer License.....	\$125.00
3. Distiller License.....	\$3,125.00
4. Winemaker License.....	\$625.00
5. Small Farm Winery License.....	\$75.00
6. Rectifier License.....	\$3,125.00
7. Wine and Spirits Wholesaler License.....	\$3,000.00
8. Beer Distributor License.....	\$750.00
9. Retail Spirits License.....	\$905.00
10. Retail Wine License.....	\$1,000.00
11. Retail Beer License.....	\$500.00
12. Mixed Beverage License.....	\$1,005.00
	(initial license)
	\$905.00
	(renewal)
13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
14. On-Premises Beer and Wine License.....	\$500.00
	(initial license)
	\$450.00
	(renewal)
15. Bottle Club License.....	\$1,000.00

1		(initial license)
2		\$900.00
3		(renewal)
4	<u>16. Caterer License.....</u>	<u>\$1,005.00</u>
5		(initial license)
6		\$905.00
7		(renewal)
8	<u>17. Annual Special Event License.....</u>	<u>\$55.00</u>
9	<u>18. Quarterly Special Event License.....</u>	<u>\$55.00</u>
10	<u>19. Hotel Beverage License.....</u>	<u>\$1,005.00</u>
11		(initial license)
12		\$905.00
13		(renewal)
14	<u>20. Airline/Railroad/Commercial Passenger Vessel Beverage License</u>	<u>\$1,005.00</u>
15		(initial license)
16		\$905.00
17		(renewal)
18	<u>21. Agent License.....</u>	<u>\$55.00</u>
19	<u>22. Employee License.....</u>	<u>\$30.00</u>
20	<u>23. Industrial License.....</u>	<u>\$23.00</u>
21	<u>24. Carrier License.....</u>	<u>\$23.00</u>
22	<u>25. Private Carrier License.....</u>	<u>\$23.00</u>
23	<u>26. Bonded Warehouse License.....</u>	<u>\$190.00</u>
24	<u>27. Storage License.....</u>	<u>\$23.00</u>
25	<u>28. Nonresident Seller License .....</u>	<u>\$750.00</u>
26	<u>29. Manufacturer License:</u>	
27	<u>A. 50 cases or less sold in Oklahoma in last calendar year.....</u>	<u>\$50.00</u>
28	<u>B. 51 to 500 cases sold in Oklahoma in last calendar year.....</u>	<u>\$75.00</u>
29	<u>C. 501 cases or more sold in Oklahoma in last calendar year.....</u>	<u>\$150.00</u>
30	<u>30. Manufacturer's Agent License.....</u>	<u>\$55.00</u>
31	<u>31. Sacramental Wine Supplier License.....</u>	<u>\$100.00</u>
32	<u>32. Charitable Auction License.....</u>	<u>\$1.00</u>
33	<u>33. Charitable Alcoholic Beverage License.....</u>	<u>\$55.00</u>
34	<u>34. Winemaker Self-Distribution License.....</u>	<u>\$750.00</u>
35	<u>35. Annual Public Event License.....</u>	<u>\$1,005.00</u>
36	<u>36. One-Time Public Event License.....</u>	<u>\$255.00</u>
37	<u>37. Small Brewer Self-Distribution License.....</u>	<u>\$750.00</u>
38	<u>38. Brewpub License.....</u>	<u>\$1,005.00</u>
39	<u>39. Brewpub Self-Distribution License.....</u>	<u>\$750.00</u>
40	<u>40. Complimentary Beverage License.....</u>	<u>\$75.00</u>
41	<u>41. Satellite Tasting Room License.....</u>	<u>\$100.00</u>
42	<u>42. <del>Special event</del>, Special Event, per day .....</u>	<u>\$50.00</u>
43	<i>Beer and wine:</i>	
44	(Initial) .....	500.00
45	(Renewal) .....	450.00
46	<u>43. Interim Retail Spirits License .....</u>	<u>\$ 905.00</u>

1	44. Interim Retail Wine License .....	\$1,000.00
2	45. Interim Retail Beer License .....	\$500.00
3	46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue	
4	Code.....	\$200.00.
5	47. Package Store.....	\$1,005.00
6		(initial license)
7		\$905.00
8		(renewal)

9  
10 (b) ~~The occupation tax for those service organizations which are exempt under Section~~  
11 ~~501(c)(19) of the Internal Revenue Code for mixed beverage license shall be two hundred~~  
12 ~~dollars (\$200.00) per year. Notwithstanding the provisions of subsection (a) of this section:~~

13 1. The occupational tax for a mixed beverage or bottle club license for those service  
14 organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or  
15 (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

16 2. The occupational tax for an airline/railroad/commercial passenger vessel beverage  
17 license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars  
18 (\$100.00).

19  
20 **Section 8.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
21 Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:  
22

23 **Sec. 5-122. – Payment required; penalty.**  
24

25 (a) For any restaurants, bar and/or service organization, Any the state licensee originally  
26 entering upon any business or occupation herein listed shall pay the tax thereof at the office of  
27 the city clerk on or before the date upon which he enters upon such occupation. Said licensee  
28 shall provide a copy of his current state license before payment of an occupation tax will be  
29 accepted.

30  
31 (b) ~~Reserved.~~ (1) For all other businesses and occupations not listed in paragraph (a) above,  
32 any state licensee originally entering upon any occupation herein listed shall pay the tax therefor  
33 at the office of the city clerk on or before the date upon which he enters into such occupation.  
34 Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each  
35 year, and all occupation taxes levied hereunder shall expire on September 30 of each year.

36  
37 (2) The amount of any occupation tax levied shall be computed pro rata upon the  
38 months remaining in the year ending September 30. Such taxes paid on or before the fifteenth  
39 day of any month shall be on the basis of the first day of said month and such taxes paid after  
40 the fifteenth day of any such month shall be on the basis of the first day of the next succeeding  
41 month.

42  
43 (c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state  
44 licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries  
45 on his occupation.

1  
2 (d) Any person or business who engages in any of the occupations or businesses taxed by  
3 this chapter without paying said occupation tax imposed therefor in advance of such operation,  
4 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be  
5 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such  
6 violation shall constitute a separate offense.

7  
8 (e) If the occupation tax due from any person or business under the provisions of this Chapter  
9 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an  
10 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

11  
12 (f) Any state licensee carrying on his occupation in more than one location in the corporate  
13 limits of this city shall be subject to the occupation tax for each such location.

14  
15 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state  
16 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises  
17 wherein the business is operating or wherein the person carries on their occupation.

18  
19 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
20 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

21  
22 **Sec. ~~5-66.~~ 5-127. – Collection by Suit.**

23  
24 All sums due from any person by reason of occupation taxes imposed by this division  
25 and all penalties accruing from such person by reason of failure to pay such tax shall be  
26 recoverable at the suit of the city brought against such person in any court of competent  
27 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover  
28 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty  
29 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including  
30 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,  
31 all to be determined by the court. Prosecution for an offense against the city arising out of the  
32 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued  
33 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and  
34 penalties, if any are due, as herein provided.

35  
36 **Section 10. REPEALER.** The following specific Ordinances are hereby repealed:

37 Midwest City Ordinance, Section 5-19;

38 Midwest City Ordinance, Section 5-21;

39 Midwest City Ordinance, Section 5-28;

40 Midwest City Ordinance, Section 5-43;

41 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66

42 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-  
43 109

44 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
2 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
3 of the ordinance.

4  
5 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be  
6 **December 1, 2021.**

7  
8 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
9 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

10  
11 **THE CITY OF MIDWEST CITY, OKLAHOMA**

12  
13  
14 \_\_\_\_\_  
15 MATTHEW D. DUKES, II, Mayor

16  
17 ATTEST:

18  
19  
20 \_\_\_\_\_  
21 SARA HANCOCK, City Clerk

22  
23  
24 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

25  
26  
27 \_\_\_\_\_  
28 DONALD D. MAISCH, City Attorney







1 (5) *Applicant* means any individual, legal or commercial business entity, or any individual  
2 involved in any legal or commercial business entity allowed to hold any license issued in  
3 accordance with the Oklahoma Alcoholic Beverage Control Act.

4 (6) *Bar* means an establishment that is licensed to sell alcoholic beverages or mixed  
5 beverages by the individual drink for on-premises consumption which is not a restaurant or other  
6 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

7 (7) *Beer* means any beverage of alcohol by volume and obtained by the alcoholic  
8 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"  
9 may or may not contain hops or other vegetable products. "Beer" includes, among other things,  
10 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,  
11 known as Japanese rice wine.

12 (8) *Beer keg* means any brewer-sealed, single container that contains not less than four (4)  
13 gallons of beer.

14 (9) *Beer distributor* means and includes any person licensed to distribute beer for retail  
15 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub  
16 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage  
17 Control Act, shall be construed to refer to a beer distributor.

18 (10) *Bottle club* means any establishment in a county which has not authorized the retail  
19 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix  
20 and serve alcoholic beverages belonging to club members on club premises.

21 (11) *Bottle service* means the sale and provision of spirits in their original packages by a  
22 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

23 (12) *Brand* means any word, name, group of letters, symbol or combination thereof, that  
24 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish  
25 that product from another beer, wine or spirit.

26 (13) *Brand extension* means:

27 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer  
28 in this state which either:

29 (i) incorporates all or a substantial part of the unique features of a  
30 preexisting brand of the same licensed brewer, or

31 (ii) relies to a significant extent on the goodwill associated with the  
32 preexisting brand, or

33 (b) any brand of beer that a brewer, the majority of whose total volume of all brands  
34 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-  
35 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to  
36 continue selling a strong beer in this state which either:

37 (i) incorporates or incorporated all or a substantial part of the unique  
38 features of a preexisting low-point beer brand of the same licensed brewer, or

39 (ii) relies or relied to a significant extent on the goodwill associated with a  
40 preexisting low-point beer brand.

41 (14) *Brewer* means and includes any person who manufactures for human consumption  
42 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a  
43 tax are imposed by any law of this state.

44 (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises  
45 located contiguous to, a small brewer, that prepares and serves food and beverages, including  
46 alcoholic beverages, for on-premises consumption.

1 (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit  
2 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the  
3 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For  
4 the purposes of the distribution of this product, cider may be distributed by either wine and spirits  
5 wholesalers or beer distributors.

6 (17) *Club suite* means a designated area within the premises of a mixed beverage licensee  
7 designed to provide an exclusive space which is limited to a patron or patrons specifically granted  
8 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage  
9 licensee or the public. A club suite must have a clearly designated point of access for a patron or  
10 patrons specifically granted access by the mixed beverage licensee to ensure that persons present  
11 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and  
12 employees providing services to the club suite.

13 (18) *Convenience store* means any person primarily engaged in retailing a limited range  
14 of general household items and groceries, with extended hours of operation, whether or not  
15 engaged in retail sales of automotive fuels in combination with such sales.

16 (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of  
17 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective  
18 of the pronouncement of judgment or the suspension thereof.

19 (20) *Designated products* means the brands of wine or spirits offered for sale by a  
20 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive  
21 distribution.

22 (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by  
23 a manufacturer as a wholesaler appointed to distribute designated products.

24 (22) *Distiller* means any person who produces spirits from any source or substance, or any  
25 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits  
26 (except a person making or using such material in the authorized production of wine or beer, or  
27 the production of vinegar by fermentation), or any person who by any process separates alcoholic  
28 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,  
29 has also in his or her possession or use a still.

30 (23) *Distributor agreement* means the written agreement between the distributor and  
31 brewer.

32 (24) *Drug store* means a person primarily engaged in retailing prescription and  
33 nonprescription drugs and medicines.

34 (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,  
35 was being sold and distributed in this state:

36 (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect  
37 immediately prior to October 1, 2018, and

38 (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect  
39 immediately prior to October 1, 2018,

40 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not  
41 include a brand of beer that arose as a result of a brand extension as defined in this section.

42 (26) *Fair market value* means the value in the subject territory covered by the written  
43 agreement with the distributor or wholesaler that would be determined in an arm's length  
44 transaction entered into without duress or threat of termination of the distributor's or wholesaler's  
45 rights and shall include all elements of value, including goodwill and going-concern value.

46 (27) *Good cause* means:

1 (a) failure by the distributor to comply with the material and reasonable provisions  
2 of a written agreement or understanding with the brewer, or

3 (b) failure by the distributor to comply with the duty of good faith.

4 (28) *Good faith* means the duty of each party to any distributor agreement and all officers,  
5 employees or agents thereof to act with honesty in fact and within reasonable standards of fair  
6 dealing in the trade.

7 (29) *Grocery store* means a person primarily engaged in retailing a general line of food,  
8 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and  
9 poultry.

10 (30) *Hotel* or *motel* means an establishment which is licensed to sell alcoholic beverages  
11 by the individual drink and which contains guestroom accommodations with respect to which  
12 the predominant relationship existing between the occupants thereof and the owner or operator  
13 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of  
14 other legal relationships as between some occupants and the owner or operator thereof shall be  
15 immaterial.

16 (31) *Intoxicating beverage: See* means and has the same definition as *alcoholic*  
17 *beverage*, above.

18 (32) *Legal newspaper* means a newspaper meeting the requisites of a newspaper for  
19 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City  
20 Ordinances.

21 (33) *Licensee* means any person holding a license under the Oklahoma Alcoholic  
22 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such  
23 licensee while in the performance of any act or duty in connection with the licensed business of  
24 on the licensed premises.

25 (34) *Manufacturer* means a ~~brewer~~, distiller, winemaker, rectifier or bottler of any  
26 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

27 (35) *Manufacturer's agent* means a salaried or commissioned salesperson who is the agent  
28 authorized to act on behalf of the manufacturer or nonresident seller in the state.

29 (36) *Meals* means foods commonly ordered at lunch or dinner and at least part of which is  
30 cooked on the licensed premises and requires the use of dining implements for  
31 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or  
32 desserts shall not be considered "meals".

33 (37) *Mini-bar* means a closed container, either refrigerated in whole or in part, or non-  
34 refrigerated, and access to the interior of which is:

35 (a) restricted by means of a locking device which requires the use of a key,  
36 magnetic card or similar device, or

37 (b) controlled at all times by the licensee.

38 (38) *Mixed beverage cooler* means any beverage, by whatever name designated,  
39 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,  
40 dairy products or carbonated water containing more than one-half percent (½ of 1%) of alcohol  
41 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)  
42 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-  
43 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly  
44 known as a "wine cooler".

45 (39) *Mixed beverage* means one or more servings of a beverage composed in whole or  
46 in part of an alcoholic beverage in a sealed or unsealed container of any legal size for

1 consumption on the premises where served or sold by the holder of a mixed beverage, beer and  
2 wine, caterer, public event, charitable event\_or special event license.

3 (40) *Motion picture theater* means an establishment which is licensed by the State of  
4 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are  
5 exhibited, and to which the general public is admitted.

6 (41) *Nondesignated products* means the brands of wine or spirits offered for sale by a  
7 manufacturer that have not been assigned to a designated wholesaler.

8 (42) *Nonresident seller* means any person licensed under the requirements of the State of  
9 Oklahoma.

10 (43) *Retail salesperson* means a salesperson soliciting orders from and calling upon retail  
11 alcoholic beverage stores with regard to his or her product.

12 (44) *Occupation* as used in connection with "occupation tax" means the sites occupied as  
13 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,  
14 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event  
15 and special event licensees.

16 (45) *Original package* means any container of alcoholic beverage filled and stamped or  
17 sealed by the manufacturer or brewer.

18 (46) *Package store* means any sole proprietor or partnership that qualifies to sell wine,  
19 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store  
20 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises  
21 consumption.

22 (47) *Patron* means any person, customer or visitor who is not employed by a licensee or  
23 who is not a licensee.

24 (48) *Person* means an individual, any type of partnership, corporation, association, limited  
25 liability company or any individual involved in the legal structure of any such business entity.

26 (49) *Premises* means the grounds and all buildings and appurtenances pertaining to the  
27 grounds including any adjacent premises if under the direct or indirect control of the licensee  
28 and the rooms and equipment under the control of the licensee and used in connection with or in  
29 furtherance of the business covered by the license. Provided that the ABLE Commission shall  
30 have the authority to designate areas to be excluded from the licensed premises solely for the  
31 purpose of:

32 (a) allowing the presence and consumption of alcoholic beverages by private parties which  
33 are closed to the general public, or

34 (b) allowing the services of a caterer serving alcoholic beverages provided by a private  
35 party.

36 This exception shall in no way limit the licensee's concurrent responsibility for any violations of  
37 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

38 (49) *Private event* means a social gathering or event attended by invited guests who share  
39 a common cause, membership, business or task and have a prior established relationship. For  
40 purposes of this definition, advertisement for general public attendance or sales of tickets to the  
41 general public shall not constitute a private event.

42 (50) *Public event* means any event that can be attended by the general public.

43 (51) *Rectifier* means any person who rectifies, purifies or refines spirits or wines by any  
44 process (other than by original and continuous distillation, or original and continuous processing,  
45 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the  
46 production thereof is complete), and any person who, without rectifying, purifying or refining

1 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such  
2 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound  
3 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other  
4 name.

5 (52) *Regulation or Rule* means a formal rule of general application promulgated by the  
6 ABLE Commission as required.

7 (53) *Restaurant* means an establishment that is licensed to sell alcoholic beverages by  
8 the individual drink for on-premises consumption and where food is prepared and sold for  
9 immediate consumption on the premises.

10 (54) *Retail container for spirits and wines* means an original package of a capacity  
11 approved by the United States Bureau of Alcohol, Tobacco and Firearms.

12 (55) *Retailer* means a package store, grocery store, convenience store or drug store  
13 licensed to sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits  
14 License, Retail Wine License or Retail Beer License.

15 (56) *Sale* means any transfer, exchange or barter in any manner or by any means  
16 whatsoever, and includes and means all sales made by any person, whether as principal,  
17 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include  
18 the use or consumption in this state of any alcoholic beverage obtained within or imported from  
19 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control  
20 Act has not been paid or exempted.

21 (57) *Satellite tasting room* means a licensed establishment operated off the licensed  
22 premises of the holder of a small farm winery or winemaker license, which serves wine for on-  
23 premises or off-premises consumption.

24 (58) *Short-order food* means food other than full meals including but not limited to  
25 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not  
26 be considered "short-order food".

27 (59) *Small brewer* means a brewer who manufactures less than sixty-five thousand barrels  
28 of beer annually pursuant to a validly issued Small Brewer License hereunder.

29 (60) *Small farm wine* means a wine that is produced by a small farm winery with seventy-  
30 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

31 (61) *Small farm winery* means a wine-making establishment that does not annually  
32 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United  
33 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine  
34 Premises Operations (TTB Form 5120.17).

35 (62) *Sparkling wine* means champagne or any artificially carbonated wine.

36 (63) *Special event* means an entertainment, recreation or marketing event that occurs at a  
37 single location on an irregular basis and at which alcoholic beverages are sold.

38 (64) *Spirits* means any beverage other than wine or beer, which contains more than one-  
39 half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether  
40 or not mixed with other substances in solution, and includes those products known as whiskey,  
41 brandy, rum, gin vodka, liqueurs, cordials, fortified wines and similar compounds, but does not  
42 include any alcohol liquid completely denatured in accordance with the acts of Congress and  
43 regulations pursuant thereof.

44 (65) *Strong beer* means beer which, prior to October 1, 2018, was distributed pursuant to  
45 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma  
46 Statutes.



1 (66) *Successor brewer* means a primary source of supply, a brewer, a cider manufacturer  
2 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

3 (67) *Tax Commission* means the Oklahoma Tax Commission.

4 (68) *Territory* means a geographic region with a specified boundary.

5 (69) *Wine and spirits wholesaler or wine and spirits distributor* means and includes any  
6 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term  
7 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer  
8 to a wine and spirits wholesaler.

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

14 (71) *Winemaker* means and includes any person or establishment who manufactures for  
15 human consumption any wine upon which a license fee and a tax are imposed by any law of this  
16 state.

17 (72) *Winery* means a manufacturing establishment operated under the authority of a state  
18 winemaker's license.

19  
20 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma  
21 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the  
22 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic  
23 Beverage Control Act.

24  
25 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
26 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer's license authorizes; is  
27 hereby amended to read as follows:

28  
29 **Sec. 5-18. – Compliance with State Requirements.**

30  
31 (a) Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual  
32 doing business within the City of Midwest City shall comply with all applicable requirements of  
33 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section  
34 1-101 *et seq.*

35  
36 (b) Any business, company or individual doing any form of business as defined in the  
37 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-  
38 101 *et seq.* within the corporate city limits of the City of Midwest City shall comply with the  
39 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.

40  
41 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
42 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;  
43 is hereby amended to read as follows:

44  
45 **Sec. 5-20. – What package store license authorizes.**

1 A package store license shall authorize the holder thereof to purchase alcoholic beverages in  
2 retail containers from the holder of a brewer, or wholesaler license and to sell same on the  
3 licensed premises in retail containers to consumers for off-premises consumption only and not  
4 for resale.

5  
6 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
7 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to  
8 read as follows:

9  
10 **Sec. 5-25. – Manner of Sale.**

11  
12 Package stores may sell only alcoholic beverages in retail containers as defined in Section 5-17  
13 of this Chapter, in the original package for consumption off the premises.

14  
15 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
16 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is  
17 hereby amended to read as follows:

18  
19 **Sec. 5-51. – Prohibited activities; penalties.**

20  
21 (a) No person shall:

22  
23 (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under  
24 twenty-one (21) years of age;

25 (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person  
26 or to any person who has been adjudged insane or mentally deficient;

27 (3) Drink an intoxicating beverage in public except on the premises of the licensee  
28 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell  
29 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This  
30 provision shall be cumulative and in addition to existing law;

31 (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation  
32 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when  
33 such person knows or should know that such acts are being performed by a state, county or  
34 municipal officer or agent having lawful authority;

35 (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club  
36 membership card or fraternal membership card approved by the ABLE commission without the  
37 permission of the commission;

38 (6) Consume or possess intoxicating beverages on the license premises of a bottle  
39 club or an establishment operated or occupied by a fraternal organization unless such person is  
40 a member or registered guest of the bottle club or fraternal organization;

41 (7) Knowingly possess any form of identification card or document which is false,  
42 has been produced with inaccurate or altered information with regard to the identity or the person  
43 in possession of the identification, or contains information of a person not the holder of the  
44 identification;

45 (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

1 (9) Sell or offer to sell to any person an unlimited number of intoxicating beverages  
2 during any set period of time for a fixed price, except at private functions not open to the general  
3 public;

4 (10) Sell or offer to sell intoxicating beverages to any person or group of persons on  
5 any one (1) day at prices less than those charged the general public on that day, except at private  
6 function not open to the general public;

7 (11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink  
8 without increasing proportionally the price regularly charged for such drink during the same  
9 calendar week;

10 (12) Encourage or permit, on the license premises, any game or contest which involves  
11 intoxicating beverages or the awarding of alcoholic beverages as prizes;

12 (13) Serve, produce, manufacture or sell alcoholic beverages without:

13 A. the appropriate and current state and if applicable, local license, and

14 B. payment of all appropriate City of Midwest City occupation taxes;

15 (14) Permit or allow any patron or person to exit the license premises with an open  
16 container containing an intoxicating beverage; or

17 (15) No person operating a restaurant, cafe, club or place of recreation having a state  
18 or local license may allow any person who is drunk or intoxicated to remain on the premises or  
19 person's place of business.

20 (b) Any person found in violation of the section may be fined an amount not to exceed the  
21 amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed  
22 ninety (90) days, or both such fine and imprisonment.

23 (c) Any establishment upon which premises any of the violations of this subsection occurs  
24 will also be in violation for allowing such offense to occur upon the premises and shall be fined  
25 an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its  
26 municipal licensed or permit revoked or suspended for a period of time up to one (1) year. Any  
27 subsequent violation by an establishment of this subsection within one (1) year of any prior  
28 offense may result in the above fine, plus a permanent revocation of its municipal license or  
29 permit.

30  
31 **Section 7.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
32 Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

33  
34 **Sec. 5-121. – Levied.**

35  
36 (a) There is hereby levied and assessed an annual occupation tax on every business or  
37 occupation relating to alcoholic beverages as specifically enumerated herein and in the amount  
38 herein stated:

39	1. Brewer License.....	\$1,250.00
40	2. Small Brewer License.....	\$125.00
41	3. Distiller License.....	\$3,125.00
42	4. Winemaker License.....	\$625.00
43	5. Small Farm Winery License.....	\$75.00
44	6. Rectifier License.....	\$3,125.00
45	7. Wine and Spirits Wholesaler License.....	\$3,000.00
46	8. Beer Distributor License.....	\$750.00



1	9. Retail Spirits License.....	\$905.00
2	10. Retail Wine License.....	\$1,000.00
3	11. Retail Beer License.....	\$500.00
4	12. Mixed Beverage License.....	\$1,005.00
5		(initial license)
6		\$905.00
7		(renewal)
8	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
9	14. On-Premises Beer and Wine License.....	\$500.00
10		(initial license)
11		\$450.00
12		(renewal)
13	15. Bottle Club License.....	\$1,000.00
14		(initial license)
15		\$900.00
16		(renewal)
17	16. Caterer License.....	\$1,005.00
18		(initial license)
19		\$905.00
20		(renewal)
21	17. Annual Special Event License.....	\$55.00
22	18. Quarterly Special Event License.....	\$55.00
23	19. Hotel Beverage License.....	\$1,005.00
24		(initial license)
25		\$905.00
26		(renewal)
27	20. Airline/Railroad/Commercial Passenger Vessel Beverage License	\$1,005.00
28		(initial license)
29		\$905.00
30		(renewal)
31	21. Agent License.....	\$55.00
32	22. Employee License.....	\$30.00
33	23. Industrial License.....	\$23.00
34	24. Carrier License.....	\$23.00
35	25. Private Carrier License.....	\$23.00
36	26. Bonded Warehouse License.....	\$190.00
37	27. Storage License.....	\$23.00
38	28. Nonresident Seller License .....	\$750.00
39	29. Manufacturer License:	
40	A. 50 cases or less sold in Oklahoma in last calendar year.....	\$50.00
41	B. 51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00
42	C. 501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
43	30. Manufacturer's Agent License.....	\$55.00
44	31. Sacramental Wine Supplier License.....	\$100.00
45	32. Charitable Auction License.....	\$1.00
46	33. Charitable Alcoholic Beverage License.....	\$55.00

1	34. Winemaker Self-Distribution License.....	\$750.00
2	35. Annual Public Event License.....	\$1,005.00
3	36. One-Time Public Event License.....	\$255.00
4	37. Small Brewer Self-Distribution License.....	\$750.00
5	38. Brewpub License.....	\$1,005.00
6	39. Brewpub Self-Distribution License.....	\$750.00
7	40. Complimentary Beverage License.....	\$75.00
8	41. Satellite Tasting Room License.....	\$100.00
9	42. Special Event, per day .....	\$50.00
10	43. Interim Retail Spirits License .....	\$ 905.00
11	44. Interim Retail Wine License .....	\$1,000.00
12	45. Interim Retail Beer License .....	\$500.00
13	46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue	
14	Code.....	\$200.00.
15	47. Package Store.....	\$1,005.00
16		(initial license)
17		\$905.00
18		(renewal)

19  
20 (b) Notwithstanding the provisions of subsection (a) of this section:

21 1. The occupational tax for a mixed beverage or bottle club license for those service  
22 organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or  
23 (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

24 2. The occupational tax for an airline/railroad/commercial passenger vessel beverage  
25 license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars  
26 (\$100.00).

27  
28 **Section 8.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
29 Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:  
30

31 **Sec. 5-122. – Payment required; penalty.**

32  
33 (a) For any restaurants, bar and/or service organization, the state licensee originally entering  
34 upon any business or occupation herein listed shall pay the tax thereof at the office of the city  
35 clerk on or before the date upon which he enters upon such occupation. Said licensee shall  
36 provide a copy of his current state license before payment of an occupation tax will be accepted.  
37

38 (b) - (1) For all other businesses and occupations not listed in paragraph (a) above, any  
39 state licensee originally entering upon any occupation herein listed shall pay the tax therefor at  
40 the office of the city clerk on or before the date upon which he enters into such occupation.  
41 Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each  
42 year, and all occupation taxes levied hereunder shall expire on September 30 of each year.  
43

44 (2) The amount of any occupation tax levied shall be computed pro rata upon the  
45 months remaining in the year ending September 30. Such taxes paid on or before the fifteenth

1 day of any month shall be on the basis of the first day of said month and such taxes paid after  
2 the fifteenth day of any such month shall be on the basis of the first day of the next succeeding  
3 month.

4  
5 (c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state  
6 licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries  
7 on his occupation.

8  
9 (d) Any person or business\_who engages in any of the occupations or businesses taxed by  
10 this chapter without paying said occupation tax imposed therefor in advance of such operation,  
11 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be  
12 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such  
13 violation shall constitute a separate offense.

14  
15 (e) If the occupation tax due from any person or business under the provisions of this Chapter  
16 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an  
17 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

18  
19 (f) Any state licensee carrying on his occupation in more than one location in the corporate  
20 limits of this city shall be subject to the occupation tax for each such location.

21  
22 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state  
23 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises  
24 wherein the business is operating or wherein the person carries on their occupation.

25  
26 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
27 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

28  
29 **Sec. ~~5-66.~~ 5-127. – Collection by Suit.**

30  
31 All sums due from any person by reason of occupation taxes imposed by this division  
32 and all penalties accruing from such person by reason of failure to pay such tax shall be  
33 recoverable at the suit of the city brought against such person in any court of competent  
34 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover  
35 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty  
36 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including  
37 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,  
38 all to be determined by the court. Prosecution for an offense against the city arising out of the  
39 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued  
40 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and  
41 penalties, if any are due, as herein provided.

42  
43 **Section 10.** REPEALER. The following specific Ordinances are hereby repealed:  
44 Midwest City Ordinance, Section 5-19;  
45 Midwest City Ordinance, Section 5-21;  
46 Midwest City Ordinance, Section 5-28;

1 Midwest City Ordinance, Section 5-43;  
2 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66  
3 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-  
4 109

5 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

6  
7 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
8 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
9 of the ordinance.

10  
11 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be  
12 **December 1, 2021.**

13  
14 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
15 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

16  
17 **THE CITY OF MIDWEST CITY, OKLAHOMA**

18  
19  
20  
21 \_\_\_\_\_  
22 MATTHEW D. DUKES, II, Mayor

23 ATTEST:

24  
25  
26 \_\_\_\_\_  
27 SARA HANCOCK, City Clerk

28  
29  
30 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

31  
32  
33 \_\_\_\_\_  
34 DONALD D. MAISCH, City Attorney



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Don Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendment to Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License and 7-52 Insurance is needed to:

1. Increases the licensure fee from \$20.00 to \$40.00;
2. Require a circus or carnival that also meets the definition of a “special event” as defined in City Ordinance, to meet all City special event requirements (as promulgated in City Ordinance and as required in City policy).
3. Increase the liability insurance amounts to the current amounts generally requested by the City.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch  
City Attorney



1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances  
9 for the City of Midwest City shall become effective on **December 1, 2021.**

10  
11  
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16  
17  
18 \_\_\_\_\_  
19 MATTHEW D. DUKES, II, Mayor

20  
21 ATTEST:

22  
23  
24 \_\_\_\_\_  
25 SARA HANCOCK, City Clerk

26  
27  
28 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

29  
30  
31 \_\_\_\_\_  
32 DONALD D. MAISCH, City Attorney





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**Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

**Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances for the City of Midwest City shall become effective on **December 1, 2021**.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF MIDWEST CITY, OKLAHOMA**

\_\_\_\_\_  
MATTHEW D. DUKES, II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD D. MAISCH, City Attorney



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210; and providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendments to Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210 establishes a city regulatory process for short-term rentals (Airbnb, VRBO, etc...) within the rental housing chapter of the city ordinances for the City of Midwest City. These amendments were drafted after review of similar ordinances from the City of Oklahoma City, the City of Tulsa, the City of Norman and the City of Stillwater. The ordinances amendments:

- Define what is a short-term rental;
- Establish that a license is required to operate a short-term rental;
- Establish the requirements to submit an application to operate a short-term rental;
- Establish what information will be in the license that is issued and designates the duration of the license at one year;
- Establish a fee schedule that contains: An application fee, A licensure fee, and renewal fee
- Establish the requirements for licensure renewal; and
- Grants the City the authority to suspend, revoke a license or deny a license application or renewal.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D, Maisch  
City Attorney



1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
2 Property, Section 20-205, ~~Reserved~~ License required, application; is hereby amended to read as  
3 follows:  
4

5 **Section 20-205. - License required, application.**  
6

7 (a) Any owner of a short-term rental shall obtain a license from the City Clerk before  
8 commencing operations. No person shall manage or operate a short-term rental without  
9 obtaining a license and pay all appropriate fees as provided herein.  
10

11 (b) To obtain a license, the owner of a short-term rental must submit an application in a  
12 format approved by the City Clerk. The applicant must attest to the following, comply with all  
13 requirements listed below and furnish any necessary documentation upon request of the City:  
14

15 (1) The name, street address, mailing address, and telephone number of the owner of  
16 the short-term rental, which includes the owner's primary physical address, a mailing address,  
17 cell phone number and email address;  
18

19 (2) The name, street address, mailing address, and telephone number, which includes  
20 the primary physical address, a mailing address, cell phone number and email address, of the  
21 local contact available to be reached twenty-four (24) hours per day and seven (7) days per week;  
22

23 (3) A certification by the property owner and, if applicable, property manager, that  
24 the property is not subject to outstanding City Code or state law violations;  
25

26 (4) Proof of current, valid property insurance;  
27

28 (5) Proof of payment of transient guest room tax due as of the date of submission of  
29 the application;  
30

31 (6) The number of bedrooms and the proposed occupancy limits;  
32

33 (7) A diagram showing the proposed layout of the property use and any on-site  
34 parking available, including a floor plan indicating fire exits and escape routes;  
35

36 (8) All required egress windows in bedrooms must be operational;  
37

38 (9) Has operational smoke detectors and carbon monoxide detectors as required by  
39 the Building Code and fire extinguishers as required by the Fire Code;  
40

41 (10) That the property is in compliance with applicable provisions of the City's  
42 minimum property maintenance, building, electrical, mechanical and plumbing codes;  
43

44 (11) An annual fire and life safety inspection;  
45

1           (12) Notification of affected property owners: All recorded property owners  
2 immediately adjacent to or directly across the street or alley in any direction from the subject  
3 property shall be notified of an application for a short-term rental. This notice, as provided by  
4 the City Clerk's Office with the application, shall contain the name, address, phone number,  
5 email of the property owner and the required local contact person, along with contact information  
6 for City offices, such as Code Enforcement, the Midwest City Police Department, Parking  
7 Services and any other necessary contact information;

8  
9           (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a  
10 parent or guardian;

11  
12           (14) The short-term rental shall not be used for any social or commercial event;

13  
14           (15) The short-term rental shall outwardly appear as a residential dwelling;

15  
16           (16) The short-term rental shall not adversely affect the residential character of the  
17 neighborhood, nor shall the short-term rental generate noise, vibration, glare, odors or other  
18 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

19  
20           (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified  
21 music or musical instruments;

22  
23           (18) No guest of a short-term rental shall violate any parking ordinances of the City of  
24 Midwest City;

25  
26           (19) No guest of a short-term rental shall violate any open burning ordinances of the  
27 City of Midwest City, see Section 15-100 et seq. of the City Ordinances for the City of Midwest  
28 City;

29  
30           (20) All short-term rentals shall contain the appropriate amounts of smoke detectors,  
31 carbon monoxide detectors and fire extinguishers for the size and square footage of the rental;

32  
33           (21) If the owner and/or manager of the short-term rental does not reside within the  
34 corporate city limits of the City of Midwest City, then there shall be identified an individual or  
35 individuals to serve as local contacts to respond to emergency conditions. The local contact  
36 must be able to respond to an emergency condition within thirty (30) minutes of notification by  
37 a guest, a Midwest City Employee; by law enforcement, by any first responder, or by any  
38 individual. Any change to the local contact must be provided to the City of Midwest City within  
39 three (3) business days of the date of the change;

40  
41           (22) All advertising shall include the license number issued by the City of Midwest  
42 City;

43  
44           (23) Post the license in a conspicuous location at the short-term rental;

45  
46           (24) Any other information requested by the City; and

1  
2       (25) Any fraud, material misrepresentation, or false statements contained in the  
3 attestations, required documentations, or correlating application material shall be grounds for  
4 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be  
5 continuously maintained throughout the duration of the permit.  
6

7 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
8 Property, Section 20-206, ~~Reserved~~ Issuance of license requirements; is hereby amended to read  
9 as follows:

10  
11       **Section 20-206. - Issuance of license requirements.**  
12

13 (a) Upon satisfactory submission of the required attestations, compliance with all  
14 requirements, payment of all applicable fees and requested documentation, the City may issue  
15 an annual short-term rental license. The license shall contain the following information:  
16

17       (1) Street address of the short-term rental;

18       (2) License holder's name;

19       (3) License number and rental limitations, including bedroom limit and guest  
20 occupancy limit;  
21

22       (4) Contact information (name, cell phone, email) of local contact able to respond to  
23 on-premises complaints;  
24

25       (5) Proof of payment of all applicable fees as of the date of submission of the  
26 application;  
27

28       (6) Dates license is valid;  
29

30       (7) The structure has a valid certificate of occupancy or compliance, as required by  
31 the City Code, issued no more than ten (10) years before the date the application is submitted to  
32 the City, or the structure has been determined by the City Code official not to pose a hazard to  
33 life, health, or public safety, based on a minimum life-safety inspection; and  
34

35       (8) The property is not subject to outstanding City Code or state law violations. A  
36 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,  
37 or revoke a license.  
38

39  
40  
41 **Section 4.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
42 Property, Section 20-207, ~~Reserved~~ Fees; is hereby amended to read as follows:  
43

44       **Section 20-207. – Fees.**  
45

46       (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).

1  
2 (b) The initial license fee for a short-term rental shall be one hundred and fifty dollars  
3 (\$150.00).

4  
5 (c) The renewal license fee for a short-term rental shall be one hundred dollars (\$100.00),  
6 which includes one annual inspection fee.

7  
8 (d) The inspection fee for a short-term rental, in addition to the first annual renewal  
9 inspection if required, shall be fifty dollars (\$50.00) for each inspection thereafter.

10  
11 **Section 5.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
12 Property, Section 20-208, ~~Reserved~~ License renewal; is hereby amended to read as follows:

13  
14 **Section 20-208. - License renewal.**

15  
16 Except as otherwise provided, a license may be renewed annually if:

17  
18 (1) The licensee pays the renewal fee as established herein;

19  
20 (2) The licensee provides updates of any changes to the information required;

21  
22 (3) The annual inspection is completed and there no City Code or state law violations  
23 are discovered;

24  
25 (4) The property is not the subject of outstanding City Code or state law violations;

26  
27 (5) The City may deny an application to renew a license if the applicant does not  
28 provide all information necessary to determine that the dwelling unit meets all requirements for  
29 the issuance or renewal of a license; and

30  
31 (6) A violation of any provision of the City Code or other applicable law is grounds  
32 to deny, suspend, or revoke a license.

33  
34 **Section 6.** That the Midwest City Municipal Code, Chapter 20 Alcoholic Beverages, Section 20-  
35 209, ~~Reserved~~ Denial, suspension or revocation of license; is hereby amended to read as follows:

36  
37 **Section 20-209. - Denial, suspension or revocation of license.**

38  
39 The City of Midwest City may deny a license application, suspend or revoke an existing license  
40 if any of the following are found to exist:

41  
42 (1) Failure to comply with any conditions of the short-term rental requirements;

43  
44 (2) The property is the subject of violations of the City Code or state law during a  
45 twenty-four-month period prior to submitting the application, based on the following:



- 1                   (A) The frequency of any repeated violations;  
2                   (B) Whether a violation was committed intentionally or knowingly; or  
3                   (C) Any other information that demonstrates the degree to which the owner or  
4                   occupant has endangered public health, safety, or welfare; or  
5

6                   (3) During any inspection the City discovers that the property is in violation of any  
7                   provision of the City Code or in violation of any state law.  
8

9 **Section 7.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
10 Property, Section 20-210, ~~Reserved~~ Required information to be posted and provided to guests; is  
11 hereby amended to read as follows:  
12

13                   **Section 20-210. - Required information to be posted and provided to guests.**  
14

15 The license holder shall post the following information in a prominent location in the interior,  
16 clearly visible to guests and provide a packet of the information, summarizing the restrictions  
17 applicable to short-term rental use, including:  
18

- 19                   (1) The license registration, which includes license number;  
20  
21                   (2) Operator's name and number and property manager, if applicable, name and  
22 number;  
23  
24                   (3) Local contact person name and number;  
25  
26                   (4) The location of any on-site and off-site parking spaces available for guests;  
27  
28                   (5) Occupancy limits;  
29  
30                   (6) Noise restrictions, including prohibition on the use of sound equipment, amplified  
31 music and musical instruments;  
32  
33                   (7) Parking restrictions;  
34  
35                   (8) Information on relevant burn bans;  
36  
37                   (9) Information on relevant water restrictions;  
38  
39                   (10) Trash and recycling collection rules and dates;  
40  
41                   (11) Prohibition on the use of the short-term rental for commercial or social events;  
42 and  
43  
44                   (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke  
45 detectors and carbon monoxide detectors.  
46

1 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 10.** EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest  
9 City shall become effective on **December 1, 2021**.

10  
11  
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
15  
16 **THE CITY OF MIDWEST CITY, OKLAHOMA**

17  
18  
19 \_\_\_\_\_  
20 MATTHEW D. DUKES, II, Mayor

21  
22 ATTEST:

23  
24  
25 \_\_\_\_\_  
26 SARA HANCOCK, City Clerk

27  
28  
29 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

30  
31  
32 \_\_\_\_\_  
33 DONALD D. MAISCH, City Attorney



1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
2 Property, Section 20-205, License required, application; is hereby amended to read as follows:  
3

4 **Section 20-205. - License required, application.**

5  
6 (a) Any owner of a short-term rental shall obtain a license from the City Clerk before  
7 commencing operations. No person shall manage or operate a short-term rental without  
8 obtaining a license and pay all appropriate fees as provided herein.  
9

10 (b) To obtain a license, the owner of a short-term rental must submit an application in a  
11 format approved by the City Clerk. The applicant must attest to the following, comply with all  
12 requirements listed below and furnish any necessary documentation upon request of the City:  
13

14 (1) The name, street address, mailing address, and telephone number of the owner of  
15 the short-term rental, which includes the owner's primary physical address, a mailing address,  
16 cell phone number and email address;  
17

18 (2) The name, street address, mailing address, and telephone number, which includes  
19 the primary physical address, a mailing address, cell phone number and email address, of the  
20 local contact available to be reached twenty-four (24) hours per day and seven (7) days per week;  
21

22 (3) A certification by the property owner and, if applicable, property manager, that  
23 the property is not subject to outstanding City Code or state law violations;  
24

25 (4) Proof of current, valid property insurance;  
26

27 (5) Proof of payment of transient guest room tax due as of the date of submission of  
28 the application;  
29

30 (6) The number of bedrooms and the proposed occupancy limits;  
31

32 (7) A diagram showing the proposed layout of the property use and any on-site  
33 parking available, including a floor plan indicating fire exits and escape routes;  
34

35 (8) All required egress windows in bedrooms must be operational;  
36

37 (9) Has operational smoke detectors and carbon monoxide detectors as required by  
38 the Building Code and fire extinguishers as required by the Fire Code;  
39

40 (10) That the property is in compliance with applicable provisions of the City's  
41 minimum property maintenance, building, electrical, mechanical and plumbing codes;  
42

43 (11) An annual fire and life safety inspection;  
44

45 (12) Notification of affected property owners: All recorded property owners  
46 immediately adjacent to or directly across the street or alley in any direction from the subject

1 property shall be notified of an application for a short-term rental. This notice, as provided by  
2 the City Clerk's Office with the application, shall contain the name, address, phone number,  
3 email of the property owner and the required local contact person, along with contact information  
4 for City offices, such as Code Enforcement, the Midwest City Police Department, Parking  
5 Services and any other necessary contact information;

6  
7 (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a  
8 parent or guardian;

9  
10 (14) The short-term rental shall not be used for any social or commercial event;

11  
12 (15) The short-term rental shall outwardly appear as a residential dwelling;

13  
14 (16) The short-term rental shall not adversely affect the residential character of the  
15 neighborhood, nor shall the short-term rental generate noise, vibration, glare, odors or other  
16 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

17  
18 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified  
19 music or musical instruments;

20  
21 (18) No guest of a short-term rental shall violate any parking ordinances of the City of  
22 Midwest City;

23  
24 (19) No guest of a short-term rental shall violate any open burning ordinances of the  
25 City of Midwest City, see Section 15-100 *et seq.* of the City Ordinances for the City of Midwest  
26 City;

27  
28 (20) All short-term rentals shall contain the appropriate amounts of smoke detectors,  
29 carbon monoxide detectors and fire extinguishers for the size and square footage of the rental;

30  
31 (21) If the owner and/or manager of the short-term rental does not reside within the  
32 corporate city limits of the City of Midwest City, then there shall be identified an individual or  
33 individuals to serve as local contacts to respond to emergency conditions. The local contact  
34 must be able to respond to an emergency condition within thirty (30) minutes of notification by  
35 a guest, a Midwest City Employee; by law enforcement, by any first responder, or by any  
36 individual. Any change to the local contact must be provided to the City of Midwest City within  
37 three (3) business days of the date of the change;

38  
39 (22) All advertising shall include the license number issued by the City of Midwest  
40 City;

41  
42 (23) Post the license in a conspicuous location at the short-term rental;

43  
44 (24) Any other information requested by the City; and  
45

1 (25) Any fraud, material misrepresentation, or false statements contained in the  
2 attestations, required documentations, or correlating application material shall be grounds for  
3 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be  
4 continuously maintained throughout the duration of the permit.  
5

6 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
7 Property, Section 20-206, Issuance of license requirements; is hereby amended to read as follows:  
8

9 **Section 20-206. - Issuance of license requirements.**

10  
11 (a) Upon satisfactory submission of the required attestations, compliance with all  
12 requirements, payment of all applicable fees and requested documentation, the City may issue  
13 an annual short-term rental license. The license shall contain the following information:  
14

15 (1) Street address of the short-term rental;

16 (2) License holder's name;

17  
18 (3) License number and rental limitations, including bedroom limit and guest  
19 occupancy limit;  
20

21 (4) Contact information (name, cell phone, email) of local contact able to respond to  
22 on-premises complaints;  
23

24 (5) Proof of payment of all applicable fees as of the date of submission of the  
25 application;  
26

27 (6) Dates license is valid;  
28

29 (7) The structure has a valid certificate of occupancy or compliance, as required by  
30 the City Code, issued no more than ten (10) years before the date the application is submitted to  
31 the City, or the structure has been determined by the City Code official not to pose a hazard to  
32 life, health, or public safety, based on a minimum life-safety inspection; and  
33

34 (8) The property is not subject to outstanding City Code or state law violations. A  
35 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,  
36 or revoke a license.  
37

38  
39 **Section 4.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
40 Property, Section 20-207, Fees; is hereby amended to read as follows:  
41

42 **Section 20-207. – Fees.**

43 (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).  
44  
45

1 (b) The initial license fee for a short-term rental shall be one hundred and fifty dollars  
2 (\$150.00).

3  
4 (c) The renewal license fee for a short-term rental shall be one hundred dollars (\$100.00),  
5 which includes one annual inspection fee.

6  
7 (d) The inspection fee for a short-term rental, in addition to the first annual renewal  
8 inspection if required, shall be fifty dollars (\$50.00) for each inspection thereafter.

9  
10 **Section 5.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
11 Property, Section 20-208, License renewal; is hereby amended to read as follows:

12  
13 **Section 20-208. - License renewal.**

14  
15 Except as otherwise provided, a license may be renewed annually if:

16  
17 (1) The licensee pays the renewal fee as established herein;

18  
19 (2) The licensee provides updates of any changes to the information required;

20  
21 (3) The annual inspection is completed and there no City Code or state law violations  
22 are discovered;

23  
24 (4) The property is not the subject of outstanding City Code or state law violations;

25  
26 (5) The City may deny an application to renew a license if the applicant does not  
27 provide all information necessary to determine that the dwelling unit meets all requirements for  
28 the issuance or renewal of a license; and

29  
30 (6) A violation of any provision of the City Code or other applicable law is grounds  
31 to deny, suspend, or revoke a license.

32  
33 **Section 6.** That the Midwest City Municipal Code, Chapter 20 Alcoholic Beverages, Section 20-  
34 209, Denial, suspension or revocation of license; is hereby amended to read as follows:

35  
36 **Section 20-209. - Denial, suspension or revocation of license.**

37  
38 The City of Midwest City may deny a license application, suspend or revoke an existing license  
39 if any of the following are found to exist:

40  
41 (1) Failure to comply with any conditions of the short-term rental requirements;

42  
43 (2) The property is the subject of violations of the City Code or state law during a  
44 twenty-four-month period prior to submitting the application, based on the following:

45  
46 (A) The frequency of any repeated violations;



- 1 (B) Whether a violation was committed intentionally or knowingly; or  
2 (C) Any other information that demonstrates the degree to which the owner or  
3 occupant has endangered public health, safety, or welfare; or  
4

5 (3) During any inspection the City discovers that the property is in violation of any  
6 provision of the City Code or in violation of any state law.  
7

8 **Section 7.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
9 Property, Section 20-210, Required information to be posted and provided to guests; is hereby  
10 amended to read as follows:  
11

12 **Section 20-210. - Required information to be posted and provided to guests.**  
13

14 The license holder shall post the following information in a prominent location in the interior,  
15 clearly visible to guests and provide a packet of the information, summarizing the restrictions  
16 applicable to short-term rental use, including:  
17

- 18 (1) The license registration, which includes license number;  
19  
20 (2) Operator's name and number and property manager, if applicable, name and  
21 number;  
22  
23 (3) Local contact person name and number;  
24  
25 (4) The location of any on-site and off-site parking spaces available for guests;  
26  
27 (5) Occupancy limits;  
28  
29 (6) Noise restrictions, including prohibition on the use of sound equipment, amplified  
30 music and musical instruments;  
31  
32 (7) Parking restrictions;  
33  
34 (8) Information on relevant burn bans;  
35  
36 (9) Information on relevant water restrictions;  
37  
38 (10) Trash and recycling collection rules and dates;  
39  
40 (11) Prohibition on the use of the short-term rental for commercial or social events;  
41 and  
42  
43 (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke  
44 detectors and carbon monoxide detectors.  
45

1 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 10.** EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest  
9 City shall become effective on **December 1, 2021**.

10  
11  
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16  
17  
18 \_\_\_\_\_  
19 MATTHEW D. DUKES, II, Mayor

20  
21 ATTEST:

22  
23  
24 \_\_\_\_\_  
25 SARA HANCOCK, City Clerk

26  
27  
28 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

29  
30  
31 \_\_\_\_\_  
32 DONALD D. MAISCH, City Attorney



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20 Appendix A, Zoning Regulations, Section 8 Definitions, Paragraph 8.3, Words and Terms Defined, Subparagraphs 8.3.13 and 8.3.68; and providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendments to Appendix A, Zoning Regulations makes changes to two definitions as used in the Appendix, Boarding House and Lodging House. The changes in each definition exempt out the term “short-term rental” as that term is used in City Ordinances. This changes will ensure that the city ordinances adopted to cover “short-term rentals” do not affect the requirements for either Boarding Houses or Lodging Houses

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch  
City Attorney



1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
2 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

3  
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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6  
7  
8 \_\_\_\_\_  
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

11  
12  
13 \_\_\_\_\_  
14 SARA HANCOCK, City Clerk

15  
16  
17 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

18  
19  
20 \_\_\_\_\_  
21 DONALD D. MAISCH, City Attorney

22



1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
2 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

3  
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

5  
6  
7  
8 \_\_\_\_\_  
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

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13 \_\_\_\_\_  
14 SARA HANCOCK, City Clerk

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17 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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20 \_\_\_\_\_  
21 DONALD D. MAISCH, City Attorney

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