



BOARD OF COMMISSIONERS DELAWARE COUNTY

**DAVID POINDEXTER, DISTRICT ONE
DRAWER 550
JAKE CALLIHAN, DISTRICT TWO
DAVID BECK, DISTRICT THREE
JAY, OK 74346**

RESOLUTION

Guidelines for Sale and Consumption of Beer at Non-Youth Events at the Delaware County Fairgrounds

WHEREAS, the Board of County Commissioners of Delaware County (Board) as a matter of policy, wants to encourage the general public to attend and participate in activities held at the Delaware County Fairgrounds (Fairgrounds),

WHEREAS, it is the intention of the Board to both generate revenue for Delaware County and adhere to the wishes of its citizens,

WHEREAS, a non-youth event is defined in this Resolution as any organized event which is not intended primarily for the entertainment of persons under eighteen (18) years of age and/or an event which does not involve activities primarily directed at persons under eighteen (18) years of age or where the primary participants in the event are not persons under eighteen (18) years of age.

WHEREAS, Beer is defined in this Resolution as any beverage containing more than one-half of one percent (0.50%) of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, sugar, malt or similar products. For the purposes of taxation, distribution, sales, and regulation, seltzer shall mean the same as beer as provided in this section. Beer may or may not contain hops or other vegetable products. Beer includes, among other things, beer, ale, stout, lager beer, porter, seltzer, and other malt or brewed liquors, but does not include sake, known as Japanese rice wine.

WHEREAS, a special event shall be defined in this Resolution as an event conducting lawful sales to the public and/or consumption of beer by the public on specified dates and times in compliance with all state, county and municipal laws, codes and regulations.

WHEREAS, the Oklahoma Alcoholic Beverage Laws Enforcement Commission (ABLE) requires its licensees, including special event licensees and licensed vendors such as "caterers," to comply with multiple rules, pursuant to Oklahoma statutes and ABLE regulations, which include but are not limited to the following examples relevant to future special events held at the Fairgrounds:

ABLE licensees are prohibited from selling beer to a person under 21 years of age.

ABLE licensees are prohibited from selling more than two drinks to one person at a time.

ABLE licensees are prohibited from selling beer to a person who is intoxicated.

ABLE licensees cannot allow a person who is drunk or intoxicated, due to any substance, to remain in or on the temporarily licensed premises.

ABLE licensees cannot sell beer at significantly discounted prices;

ABLE licensees cannot sell an unlimited number of beers during a set period of time for a fixed price;

ABLE licensees cannot encourage or permit any game or contest which involves drinking beer or the awarding of beer as a prize;

ABLE licensees cannot permit people attending the special event to exit the temporarily licensed premises with open containers of beer;

ABLE licensees are not allowed to permit any person to be drunk or intoxicated within the temporarily licensed premises;

ABLE licensees cannot allow any self-service of beer by patrons without use of ABLE approved devices and processes;

BE IT RESOLVED, to achieve the above-described goals and subject to the definitions, requirements, and prohibitions herein, the Board approves the sale, serving, possession, and consumption of beer at the Fairgrounds.

BE IT RESOLVED, that only beer, as previously defined, and no other beverages or other substances containing alcohol will be sold and/or served at special events at the Fairgrounds.

BE IT RESOLVED, that beer sales, service, possession, and consumption shall only be allowed at special events held at the County Fairgrounds and shall not be allowed at any other Delaware County owned, leased, or operated properties or facilities.

BE IT RESOLVED, that beer sales, service, possession, and consumption at the County Fairgrounds shall only be allowed at non-youth events, as defined above.

BE IT RESOLVED, that beer shall only be sold and/or served at the Fairgrounds by vendors who are appropriately licensed by the ABLE Commission and will only be sold and/or served to persons 21 years of age and older.

BE IT RESOLVED, that the Board restricts said sale and service of beer to established areas within the Fairgrounds subject to clearly defined boundaries which shall be separated by physical barriers from the other areas of the Fairgrounds premises and said defined temporarily licensed area(s) shall be posted with signs which prohibit persons under 21 years of age from entering the defined area(s).

BE IT RESOLVED, that the Board approves the possession and consumption of the beer sold by approved, licensed vendors only within the boundaries of the following approved locations within the Delaware County Fairgrounds property, by people over the age of twenty-one (21) while they are attending these non-youth events at the Fairgrounds:

Approved Locations:

All areas inside the confines of the Delaware County Fairgrounds Building to exclude all office spaces, all bathrooms, and the mechanical equipment room.

The area within a 100-foot perimeter surrounding the structure of the outdoor arena seating area.

BE IT RESOLVED, that beer sales, service, possession, and consumption at the County Fairgrounds shall not be allowed on Sundays and that beer will only be sold and served during the time period approved by the ABLE Commission which is between the hours of 8:00 AM and 2:00 AM or during the hours specifically allowed in the Special Event License granted, but all sales and service of beer will be stopped one hour prior to the ending time of any special event.

BE IT RESOLVED, that promotion of the use of alcohol is prohibited in the Fairgrounds unless the BOCC and Fair Board grant an exception in the case of a specific special event sponsored in whole or part by a brewery, winery or distillery.

BE IT RESOLVED, special event holders will be required to provide uniformed security personnel at all special events.

BE IT RESOLVED, people, groups, and/or entities renting Fairground facilities to hold a special event where beer will be sold, served, and consumed will be required to sign and comply with the Delaware County Fairgrounds Beer Sales and Use Guidelines Agreement (Guidelines Agreement) which requires compliance with all applicable state, county and municipal laws, codes and regulations in addition to compliance with the specific requirements set forth in this Resolution.

BE IT RESOLVED, that, pursuant to this Guidelines Agreement, people, groups, and/or other entities renting the Fairgrounds facilities to hold a special event where beer will be sold, served, and consumed and the licensed vendors who will sell and serve this beer will both be required to possess liability insurance which specifically includes liquor liability insurance.

NOW, THEREFORE, this Resolution is hereby approved and adopted.

ADOPTED THIS 20 **DAY OF** February, 2024.

BOARD OF

COMMISSIONERS

DELAWARE COUNTY, OKLAHOMA

ATTEST:

Barbara Barnes
BARBARA BARNES- COUNTY CLERK

David Poindexter
DAVID POINDEXTER, CHAIRMAN

Jake Callihan
JAKE CALLIHAN, MEMBER

David Beck
DAVID BECK, MEMBER





BOARD OF COMMISSIONERS DELAWARE COUNTY

DAVID POINDEXTER, DISTRICT ONE
JAKE CALLIHAN, DISTRICT TWO
DAVID BECK, DISTRICT THREE

DRAWER 550

JAY, OK 74346

#12

MOTION MADE BY Callihan SECONDED BY Beck

TO DISCUSS WITH POSSIBLE ACTION ADOPTION OF THE RESOLUTION FOR GUIDELINES FOR SALE AND CONSUMPTION OF BEER AT NON-YOUTH EVENTS AT THE DELAWARE COUNTY FAIRGROUNDS.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 20TH DAY OF FEBRUARY, 2024.

*Motion to Accept
Guidelines for Sale
and Consumption of Beer at
None Youth Events at the
Delaware County Fairgrounds*

mCallihan s Beck

Y D.P. Y J.C. Y D.B.

BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA

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Jake Callihan
JAKE CALLIHAN, MEMBER

David Beck
DAVID BECK, MEMBER

ATTEST: *Barbara Barnes*
BARBARA BARNES, COUNTY CLERK

