

License and Business Regulations

PART 9

LICENSE AND BUSINESS REGULATIONS

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CHAPTER 1

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SECTION 9-101 LICENSE REQUIRED.

It is unlawful for any person, firm, corporation or other entity, either as principal, officer, agent, manager, servant or employee, to engage in any of the callings, trades, professions or occupations for which a license is required, without first paying to the town the fee or tax required, and procuring from the town a license.

SECTION 9-102 ISSUANCE.

All licenses shall be issued by the town clerk-treasurer. No license shall be issued until all conditions prescribed by the ordinance have been complied with. Any applicant for a license shall make application upon such forms as may be prescribed by ordinance or may be prescribed by the town clerk- treasurer.

SECTION 9-103 LICENSE PERIOD.

All licenses shall be issued for the current fiscal year and shall expire on June 30th of the year for which they are issued, unless a different date of expiration is provided by the ordinance providing for the particular license.

SECTION 9-104 PAYMENT OF FEES; PRO-RATION.

All license fees shall be paid in advance for the license period for which issued. License fees for existing license holders shall be payable on July 1. The license fee may be pro-rated for a new business in proportion to the amount of the year remaining during which time it will operate. However, at the direction of the town board, the town clerk-treasurer may issue licenses to licensees, sending them statements for fees due, and if the same is not paid within thirty (30) days from the due date, the license shall thereupon become null and void.

SECTION 9-105 TRANSFER.

No license shall be sold or otherwise transferred.

SECTION 9-106 LICENSE DISPLAY.

It is the duty of any person, having obtained a license for any authorized purpose, to have the same placed or posted in a secure manner in some public place on the premises occupied and used for such business and where the license may be readily seen at any time by any person entering the place of business. Any licensee who does not occupy any certain premises for the conduct of such licensed business, shall carry his license on his person and shall display the same whenever requested.

SECTION 9-107 REVOCATION OR SUSPENSION OF LICENSE, APPEAL.

All licenses issued by the town shall be subject to revocation by a duly authorized officer of the town upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or in the event such licensee operates such licensed occupation or business in violation of the laws of the town or the state, or in violation of any law or regulation of the United States Government. The duly authorized officer shall mean the town clerk-treasurer or town administrator in all instances except when some other person or board is given the authority by motion, resolution or ordinance to revoke or suspend the particular license. The duly authorized officer shall either give written notice by personal service, or by mail to the licensee, of the revocation of his license, or the suspension of the same, which notice, if mailed, shall be mailed to the address given on the application or license. The license shall stand revoked or suspended from the time of the giving of such notice. Any licensee, however, may appeal to the town board from such decision within ten (10) days after the aforesaid notice by filing a written request with the town clerk-treasurer for a hearing. The hearing shall be held by the town board at the next regular meeting following the filing of the appeal, but may be continued from day to day. The appealing licensee may be represented by counsel. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence. The board may affirm, modify or vacate the order of revocation or suspension, and its decision shall be final.

SECTION 9-108 EXEMPTIONS.

The following shall be exempt from the provisions of this chapter:

1. A farmer selling in town produce actually produced by him in Osage or Tulsa County;
2. All scientific or literary entertainers or lecturers;
3. All concerts, musicals or other entertainment given exclusively by the citizens of the town; and

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4. All entertainments, the proceeds from which are to be devoted to charity or to public uses or improvements.

SECTION 9-109 LICENSE FEE SCHEDULE.

A. There is hereby assessed and levied a license fee, which fee shall be set by the town board by motion, resolution or ordinance, upon each of the persons engaging in any of the occupations, trades or businesses, for which a license is required by the town. Any person who shall engage in more than one business, trade or occupation on which any license fee is required by town ordinances, so long as such businesses are operated under one roof and one ownership, shall pay only one license fee.

B. The license schedule sets forth each of the businesses or occupations subject to license herein, to be established by ordinance or resolution of the town board of trustees. Fees for each license are adopted by motion, resolution or ordinance of the town board of trustees.

CHAPTER 2

ITINERANT VENDORS

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SECTION 9-201 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meaning respectively ascribed to them herein:

1. "Commercial" means soliciting for a business purpose which is intended to be for profit and is not intended to be for a charitable, religious, not for profit, or political purpose.

2. "Itinerant" means having no regular, established and fixed place of doing business or soliciting in the town and includes, but is not limited to, making regular delivery or providing goods over an established route through the town, and also means providing goods, services, or merchandise on a temporary basis within the town.

3. "Peddler" means a person soliciting commercial orders for goods or services which are to be provided from stocks or goods carried with the peddler or which are services provided by the peddler at the time the order is made;

4. "Soliciting" means all activities of peddlers, solicitors and vendors attempting to obtain business. Such activities may include, but are not limited to, distribution of handbills or leaflets to the public directly or by placing them in a mailbox, on a doorknob or otherwise on any property; coming personally onto any property for the purposes defined herein; calling the occupants of any property by telephone for the purposes herein defined; or calling or inviting any prospective customers to purchase or obtain merchandise, product or service;

5. "Solicitor" means a person soliciting commercial orders for goods or services which are to be provided or shipped to the consumer at a later date; and

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6. "Vendor" means any person engaged in a business or occupation selling or offering to sell any merchandise, product or service, and includes but is not limited to peddlers and solicitors.

SECTION 9-202 LICENSE REQUIRED, BLANKET LICENSES.

A. Any itinerant vendor, solicitor or peddler shall obtain a license from the town prior to any soliciting or conducting any business in the town, unless exempted herein, to cover each person who will be soliciting and each location or separate place of business.

B. Owners or lessees of buildings or other premises, whether in a building or not, in which itinerant vendors operate or locate must obtain a blanket license covering all itinerant vendors who will be established in the building controlled by the owner or lessee. Governmental agencies owning public buildings may arrange a letter of agreement with the town in lieu of a license if licensing is contrary to the regulations governing the governmental agency. In such a case, the letter of agreement will provide for the same requirements as are shown in this chapter and will provide that the town receive half the rental fee paid by each itinerant vendor until the town's receipts equal the amount required for a license fee for each itinerant vendor operating or located within the building

SECTION 9-203 FEE.

The fee for licenses herein required shall be as set by the town board of trustees by motion or resolution. The fees may be waived for educational, charitable, or religious groups, qualifying as 501(c)(3) organizations. The fee for licenses set forth in this Chapter shall not be required of a local, state, tribal, or federal governmental entity.

SECTION 9-204 APPLICATION FOR LICENSE.

A. Applicants for licenses shall file during regular business hours a written application signed by the applicant, if an individual, by a partner if a partnership, and by a qualified corporate officer, if a corporation, or a manager, if a limited liability company, with the Town Clerk, showing:

1. Name and address of person or persons having the management or supervision of the applicant's business during the time that it is proposed to be carried on in the town; the location or address of such person or persons when engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; the name and address of the person, firm or corporation for whose account the business will be carried on, if any, and if a corporation, under the laws of what state the same is incorporated;

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2. The place or places in the town within the proper zoning classification, where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business be conducted;

3. Place or places, other than permanent place of business of the applicant, within the six (6) months next preceding the date of the application, where the applicant has conducted a transient or permanent business;

4. The nature of the goods or products being sold, that is whether they are "seconds," rejects or first-line quality, and whether any warranty applies to the items being sold; if a warranty applies, the period of the warranty and the name and address of the warrantor and the procedures for filing for the adjustment of refund shall be specified;

5. A statement that the applicant agrees to the requirement to pay all state, county and town sales taxes due on all items which are subject to sales taxes and recognizes that a copy of all applications will be provided to the Oklahoma Tax Commission;

6. A copy of a sales tax permit issued by the Oklahoma Tax Commission to the applicant and/or vendor, unless the applicant can prove to the Town Clerk's satisfaction that a sales tax permit is not legally required of the vendor;

7. Current license or permit, if any, which may be required by state law or ordinances of the town for the particular activity or business;

8. If a motor vehicle is to be used in the business, a description of the vehicle together with motor vehicle registration number and the license number for the vehicle, and:

- a. Proof of liability insurance required by state law; and
- b. Proof or verification from the insurance carrier that the town clerk-treasurer will be provided at least ten (10) days notice of any cancellation; and

9. Proof of 501(c)(3) tax status if claiming exemption from the license fees.

10. A letter, where applicable, providing for authorization from the property owner or persons legally in control of the property for the applicant to engage and peddle

B. Applicants for a blanket itinerant vendor license shall file during regular business hours a written application signed by the applicant, if an individual, by all partners, if a partnership, by a corporate officer, if a corporation, or by a manager, if a limited liability company, with the license and permits clerk-treasurer showing:

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1. Name and address of person or persons having the management or supervision of the building, structure, or other means by which itinerant vendor shall conduct business;

2. Name and address of the person or persons having the management or supervision of the applicant's business during the time that is proposed to be carried on in the town; the location or address of such person or persons when engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; the name and address of the person, firm or corporation for whose account the business will be carried on, if any" and if a corporation, under the laws of what state the same is incorporated and licensed to operate in the state;

3. A general description of the products or services that will be sold by the itinerant vendor;

4. A statement that the applicant shall establish the following controls over itinerant vendors and shall maintain records concerning each itinerant vendor for one year after the engagement dates involving the itinerant vendors:

- a. The applicant shall determine the names and addresses of each salesperson involved locally for an itinerant vendor and determine the names and permanent addresses of the parent company, if any, controlling the itinerant vendor;
- b. The applicant shall inform each vendor of the requirement to pay state and town sales taxes and shall forward the name, product involved, and dates of the vendor's engagement to the local office of the state tax commission. Further, the applicant will furnish the vendor with one copy of the state sales tax report form and require him to certify that he will submit a sales tax report at the conclusion of his engagement in the town;
- c. The applicant shall provide copies of all ordinances, regulations, tax forms, etc., to itinerant vendor and provide the town with a statement signed by the vendor agreeing to comply with same; and

SECTION 9-205 INVESTIGATION, APPROVAL OR DISAPPROVAL.

A. All applications for licensing or registration shall be immediately referred for investigation as to the accuracy thereof, which investigation shall be conducted within ten (10) business days after the application and license fee are deposited with the town. All fees are nonrefundable.

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B. If the town finds no past history of the applicant indicating violations of this code and that the application is properly made and submitted, a license shall be issued to the approved applicant.

C. In all matters of denial of the license or registration, the applicant shall be forthwith advised thereof. The applicant shall be advised that an appeal of a denied license may be submitted to the town board of trustees.

SECTION 9-206 SALE OF FOODS; FOOD TRUCKS.

A. All applicants for license to sell food, merchandise, and/or beverages for human consumption as an itinerant vendor, including a food truck vendor, shall complete and submit an application to the Town Clerk-Treasurer pursuant to Section 9-204 of this Chapter, together with the license fee. It is unlawful and an offense for any person, firm, organization, or entity to operate as an itinerant vendor selling food, merchandise and/or beverages, including operating a food truck, without a license to do so issued by the town. For the purposes of this section, "food truck" means a vehicle, trailer, wagon, pushcart, or other mobile equipment or means from which food and/or beverages for human consumption are sold, which is not located at a fixed place or location. The sale of foods and/or beverages requires an individual license not covered by blanket licenses.

B. Food trucks shall be well-constructed and enclosed with a roof and four sides. The interior walls must be of smooth, non-porous durable material capable of withstanding repeated washing and scrubbing. Each food truck must be kept in good repair and in a clean, sanitary condition. The food truck shall not be used for any other purpose. Surfaces of all floors, walls and compartment tops where foods are kept shall be smooth, non-porous, washable, and clean. Food trucks must have their own source of electrical power and must have a supply of fresh potable water.

C. No food truck operator shall park the food truck or sell food on a bridge, alley, sidewalk street, road, or in the public right-of-way. Food trucks must be placed on private property, with property zoned for the sale of food and/or beverages, unless during a permitted special event approved by the Town Board of Trustees. An applicant for a food truck license must provide written authorization from the owner of the property where the food truck is to be located that the food truck is approved to be located there.

F. Any licensed itinerant vendor selling food and/or beverages for human consumption, including a food truck vendor, shall follow and observe all state, county, and local laws and regulation related to food preparation, storage, and handling. Failure to do so is cause for revocation of the license issued by the town.

SECTION 9-207 IDENTIFICATION TAG OR BADGE, DISPLAY.

At all times there shall be posted in a conspicuous place upon each:

1. Licensee if an individual;

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2. Vehicle or booth used by a licensee; or
3. Building or premises utilized by the licensee to conduct business in the town;

a badge, tag or card issued by the town as proof of issuance of a license. The card, tag or badge shall state the name of the licensee and the date of expiration of the license. Blanket licenses shall be displayed and readily available for inspection by the town.

SECTION 9-208 EXCEPTIONS.

- A. The following are exempt from the license requirements of this chapter:
 1. Farmers and truck gardeners from lands owned, cultivated or controlled by them, who offer for sale or sell, or who solicit and sell from house to house, vegetables, butter, eggs and farm products produced and raised by the farmers and truck gardeners from such land or produced thereon;
 2. Needy ex-service persons holding a certificate duly issued by a district judge having jurisdiction as provided by law.

B. Any person who desires to be exempt from the license fees levied under this chapter due to engaging in interstate commerce shall provide sufficient data on transactions and proof to the town to establish the interstate commerce nature of his business and transactions. If the town refuses to issue an interstate commerce exemption for the license fees to a commercial business activity, then the applicant is entitled to a hearing before the town judge.

SECTION 9-209 PROVISIONS CUMULATIVE, REVOCATION, APPEAL.

- A. The requirements of this chapter are cumulative to any provisions of state law or town ordinances regulating or governing any of the activities licensed herein. In the case of any conflict between the provisions of this chapter and those of any other town ordinance or state law, the more restrictive requirements shall apply.
- B. Licenses issued under the provisions of this Chapter may be revoked for the following causes:
 1. Fraud, misrepresentation, or false statement contained in the application for a license;
 2. Fraud, misrepresentation, or false statement made in the course of carrying on the business as a peddler or solicitor;
 3. Any violation of this Chapter;
 4. Conviction of any crime or misdemeanor involving moral turpitude;

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5. Conducting the business of peddling or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a nuisance affecting the health, safety or welfare of the public; or
 6. Violation of any local, state or federal law.
- C. Any person aggrieved by the denial or revocation of an itinerant vendor's, license shall have the right of appeal to the town board of trustees. Such appeal shall be in writing and shall be taken by filing with the Town Clerk-Treasurer within ten (10) days after notice of the denial or revocation has been given to the applicant or licensee. The appeal shall state the specific objection to the denial or revocation. The Town Clerk-Treasurer shall set a date and time for the appeal hearing and shall mail notice to the applicant or licensee of the hearing date and time at least seven (7) business days prior to the date of the appeal hearing. The board of trustees may affirm the denial or revocation, reverse the denial or revocation, or may make such other order as is appropriate. The decision by the board of trustees shall be final.

SECTION 9-210 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.

CHAPTER 3

RECREATION CENTERS AND AMUSEMENT DEVICES

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Section 9-311	Supervision and inspection of pool and billiard halls.
Section 9-312	Operation of pool or billiard tables incidental to other principal business.
Section 9-313	Penalties.

SECTION 9-301 DEFINITIONS.

A. As used in this chapter, the following words and phrases shall have the meanings respectively given to them in this section:

1. "Amusement device" means and includes any and all mechanical and/or electrical devices which, upon the payment or insertion of a coin, paper currency, script, token, similar object, or other means of payment, causes or permits, or is incentive for, the propelling or motivating of any ball, marble, electronic simulation, or other gadget or object that produces or creates, or makes possible the production or creation of a game of skill, amusement, entertainment, luck, or test of strength, including, but not limited to, shuffleboards, devices utilizing tables, boards, or cases of any size whatsoever, balls, sticks, cues, pegs or marbles; and whether or not any motivating force involved is furnished by the player or the device; and including what are commonly referred to and described as "video games".

2. "Music device" means and includes any such music device which is operated, motivated, released or played by or upon the payment or insertion of a coin, paper currency, script, token or similar object, or other means of payment, whether there is one or more boxes or devices on the premises for the reception of such coin, script, tokens or similar objects; coin-operated radios or television receiving sets in hotels or motels shall not be included in such definition;

3. "Pool, billiard or snooker tables" are defined as amusement devices, in accordance with paragraph 1 above, and operated as such.

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4. "Family Amusement Center" means an establishment where more than two (2) pool or billiard tables and/or five (5) or more amusement devices are maintained and operated for a profit and offered to persons of all ages and designed to furnish recreation; and

5. "Pool, billiard or snooker table" means any table specifically manufactured for the purpose of playing pool, billiards or snooker, if not operated as set forth in subsection 1 above as an amusement device.

B. "Music device" and "amusement device" as defined herein shall not include currency-operated vending machines, whether by coin, paper money, or electronic means, or credit or debit card used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps or other merchandise; or services, such as pay telephones, parking meters, gas and electric meters, or other distribution of needful service.

SECTION 9-302 LICENSE FEE.

Every person who owns and has available to the public, or who permits to be operated by the public in or on his place of business, any music device, amusement device, or pool, billiard or snooker table, shall obtain and pay for an annual license for each such device or table. There is hereby levied an annual license fee on such coin-operated devices, non-coin operated devices and pool tables as set by the board of trustees by motion or resolution. These fees apply whether the tables are currency operated or otherwise. These fees do not apply to pool or billiard tables operated in a family amusement center.

SECTION 9-303 APPLICATION FOR LICENSE.

Application for an annual license regulated by this chapter shall be made to the town. The application form shall contain the name of the applicant, a description of the device, location of the device and such other information deemed necessary by the licensing officer to identify the device. Any number of machines may be included in one application. Upon payment of the license fee and approval of the application, the license may be issued or the device or devices covered by the application.

SECTION 9-304 DISPLAY OF LICENSE.

Before any music device, amusement device, or pool, billiard or snooker table is put into operation or placed where the same may be operated by the public, and at all times when the same is being operated, or is available to the public for operation, a license, issued by the town, shall be firmly affixed to the device covered thereby, or displayed with other licenses or permits on a wallboard, and plainly visible to and readable by the public.

SECTION 9-305 PROHIBITED DEVICES NOT LEGALIZED.

Nothing in this chapter shall be construed to legalize any device that may be prohibited by the laws of this state or the ordinances of the town. The town may assume that any device described in any application, and for which a license fee is paid, is lawful. No claim for a refund of any license fee will be entertained based upon an owner's or operator's inability to operate such device because of any law of this state or town or for any other reason.

SECTION 9-306 LICENSE REQUIRED FOR FAMILY AMUSEMENT CENTERS.

A. No person shall conduct, engage in, or operate in any manner a family amusement center within the town without having first obtained a license as provided for in this chapter. A separate license shall be required for each location at which a family amusement center shall be operated.

B. The annual license fee shall be as set by the town board of trustees. There shall be no additional fee for the operation of pool or billiard tables or other amusement devices, whether currency operated or not.

SECTION 9-307 LICENSE APPLICATION.

An applicant for a license for a recreation center shall furnish to the town the following information:

1. Full name and address of the applicant;
2. The location at which the family amusement center is to be operated;
3. The applicant shall provide evidence that individual amusement device license requirements in accordance with this Chapter have been met; and
4. The applicant shall furnish sufficient evidence of his ownership or right to possession of premises upon which the recreation center will be located.

SECTION 9-308 TERM OF LICENSE; RENEWALS.

Licenses shall expire annually on the anniversary date of issue. Applications for renewal of such permits shall be made in conformance with this code.

SECTION 9-309 DISPLAY OF LICENSE.

Every family recreation center shall place and exhibit its license at all times in a conspicuous place on its premises.

SECTION 9-310 SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

No beer or other alcoholic beverages may be sold or consumed on the premises of any family amusement center.

SECTION 9-311 SUPERVISION AND INSPECTION OF POOL AND BILLIARD HALLS.

The police department is directed to maintain supervision and inspection of all pool and billiard halls with the view to enforcement of Sections 1101 to 1105 of Title 21 of the Oklahoma Statutes, the same being the state statutes governing the operation of public pool or billiard halls, and in addition to the regulations provided in such statutory provisions, to enforce the requirements of this chapter.

SECTION 9-312 OPERATION OF POOL OR BILLIARD TABLES INCIDENTAL TO OTHER PRINCIPAL BUSINESS.

Any local place of business may operate not to exceed two pool or billiard tables, or combination thereof, when the operation of the same are incidental to some other principal business, without the necessity of the purchase of any license for the location, and such tables may be in operation during the regular and lawful hours that the place of business is open.

SECTION 9-313 PENALTIES.

Any owner of a music device, amusement device, pool, billiard or snooker table, or recreation center, who places such device in operation or in a place available to the public for operation, and any person who permits such a device to be in operation or accessible to the public for operation in his place of business without attaching and displaying the license provided for by this chapter, if required, shall be guilty of an offense. Any person who conducts, engages in or operates a recreation center without obtaining and displaying the permit required herein shall be guilty of an offense. Upon conviction of a violation of this chapter such person shall be punished as provided in Section 1-108 of this code. Each unlicensed device shall constitute a separate violation.