PART 9

LICENSING AND BUSINESS REGULATIONS

Chapters:

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3 Construction Equipment Licenses
4 Garage Sales
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Chapter 1

OCCUPATIONAL LICENSE TAX

(RESERVED)

Chapter 2

SOLICITORS

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9-201 Permit and license required.

It is unlawful for any person to engage in the business of solicitor as herein defined without first having obtained a permit therefor, excepting individuals or persons soliciting on behalf of local public schools, or educational, religious or eleemosynary institutions. (Prior Code, Chapter 5)

State Law Reference: Peddlers licensing, city authority 11 O.S. Section 22-106; exservicemen exempt, 72 O.S. Section 1; state licensing of itinerant merchants, 47 O.S. Section 421.

9-202 Definitions.

"Solicitor" as used in this chapter means any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, for contacting persons by telephone, taking or attempting to take orders for sale of goods, wares and merchandise, personal or real property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. (Prior Code, Chapter 5)

9-203 Application.

Application for permit and license hereunder must be filed with the city clerk upon sworn application showing the following:

1. Name and description of the applicant;
2. Address;
3. A brief description and nature of the type of business to be carried on, together with the name of employer, if any;
4. The length of time for which the license is desired;
5. Description of automobile or means of transportation to be used, if any;
6. Fingerprints of the applicant;
7. The names of at least two (2) residents of the city who will certify as to the applicant's character and business responsibility, or other equivalent evidence as to character and business responsibility of the applicant;
8. A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and punishment assessed therefor; and
9. The names of other cities in this area where applicant has been licensed or worked as a solicitor, if any.

False statement in the application shall be grounds for non-issuance or revocation of the license. (Prior Code, Chapter 5)

9-204 Bond may be required.

If after the investigation required by this chapter either the chief of police or the city clerk determines that there are insufficient grounds to deny a license to the applicant, but that due to the nature of the product to be sold or services to be rendered, or the background of the applicant or firm which he represents, the safety or financial security of the inhabitants of the city should be further protected, either of the officials may require, as a condition precedent to the issuance of a license, that such applicant file with the city clerk a surety bond to be approved by him, running to the city in an amount not to exceed Two Thousand Dollars ($2,000.00) with a surety company licensed to do business in this state conditioned that:

1. The applicant will comply fully with all of the ordinances of the city relating to and regulating the business of solicitor;
2. As to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor; and
3. As to any citizen of the city doing business with the solicitor, that the property purchased will be delivered according to the representations of the solicitor or that the services to be performed will be performed as represented by the solicitor. Any aggrieved citizen of the city shall have a right to bring an action of the bond. (Prior Code, Chapter 5)

9-205 Investigation and issuance of license.

A. Upon receipt of such application, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

B. If, as a result of such application, the applicant's character and business responsibility is found to be unsatisfactory, the chief of police shall so endorse on the application and return the application to the city clerk and no license shall be issued.

C. If, as a result of such application, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse the same on the application, and the city clerk shall then issue the license upon payment of the fees herein required, and subject to the provisions of the preceding section. (Prior Code, Chapter 5)

9-206 Appeal.

Any person denied a license may appeal to the mayor and city council by filing notice thereof with the city clerk within thirty (30) days after receiving notice of the denial. (Prior Code, Chapter 5)

9-207 Fees.

Prior to the issuance of a license as set forth in this chapter, a fee of Twenty-five Dollars ($25.00) per week and any partial week thereafter shall be tendered to the city clerk. A license shall be valid only for the week or weeks for which the fee has been tendered. (Ord. No. 4-18-94B)

9-208 License.

The license issued to the licensee shall contain the words "Licensed Solicitor - City of Bristow, Oklahoma", a brief description of the licensee, the period of time for which the license is issued, the number of the license, a brief description of the products or services to be sold by the licensee and it shall bear the signature of the city clerk and the seal of the city. This license shall be non-assignable and shall be carried on his person by the licensee at all times during which he is engaged in soliciting. (Prior Code, Chapter 5)

9-209 Exhibition of license.

Solicitors are required to exhibit their licenses at the request of any citizen. (Prior Code, Chapter 5)

9-210 Duty of police to enforce.

It is the duty of any police officer of the city to require any person seen soliciting, and who is not known by such officer to be duly licensed, to produce his solicitors license and to enforce the provisions of this chapter against persons found to be violating the same. (Prior Code, Chapter 5)

9-211 Penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be guilty of an offense and shall be fined as provided in Section 1-108 of this code. (Prior Code, Chapter 5)

Chapter 3

CONSTRUCTION EQUIPMENT LICENSES

Sections:

9-301 Definitions.
9-302 License required.
9-303 License term, bond.
9-304 License number displayed on equipment.
9-305 Notice to owner of damages.
9-306 Revocation of license.
9-307 Penalty.

9-301 Definitions.

The following terms, as used in this chapter, shall have the meanings respectively ascribed to them in this section:

1. "Bond" means an agreement executed by a licensed bonding company or by any individual or entity, other than the equipment owner, residing in or at all times subject to service in Creek County having at all times during the duration of the bond a net worth of Ten Thousand Dollars ($10,000.00), whose terms shall provide that if the particular equipment owner does not promptly pay for or promptly repair damage caused by construction equipment to public property or public lands then the surety will pay for the damages;
2. "Construction equipment" means powered machinery or powered tools used to dig, scrape or otherwise move earth;
3. "Equipment owner" means the owner or lessee of construction equipment;
4. "Public lands" mean land owned or leased by the city or easements and rights of way dedicated to the public of the city; and
5. "Public property" means any personal property or improvements owned or leased by the city, by any trust established for the benefit of the city, by any public utility or by any public service company. (Ord. No. 626)

9-302 License required.

No equipment owner shall use or direct or permit the use of any construction equipment on, below or above any public lands unless the equipment owner has obtained a license and is properly bonded as set out in this chapter. (Ord. No. 626)

9-303 License term, bond.

The city clerk shall issue a license to any equipment owner upon written request in such form as he may reasonably require accompanied by a good and sufficient bond in the principal amount of Ten Thousand Dollars ($10,000.00). The license shall be good for ten (10) years or the term of the bond, whichever shall expire first. (Ord. No. 626)

9-304 License number displayed on equipment.

The equipment owner shall be given a license number which shall be displayed prominently upon any construction equipment used within the city limits. Failure to display the number shall constitute a violation of this chapter. (Ord. No. 626)

9-305 Notice to owner of damages.

Any equipment owner whose construction equipment, whether owned or leased, damages or destroys public land or public property shall immediately notify the owner of the public land or public property. (Ord. No. 626)

9-306 Revocation of license.

After reasonable notice, the city council may revoke any license for any of the following reasons:

1. Destruction of public property by the licensee in conditions which indicate a careless disregard for the safety of the same;
2. Failure of the licensee to abide by the terms of this chapter;
3. Failure of the licensee to promptly repair damage to public property;
4. Failure of the surety to promptly pay for damage to public property; and
5. Cancellation, by the surety, of his bond. (Ord. No. 626)

9-307 Penalty.

Failure to comply with the terms of this chapter shall constitute an offense punishable as provided in Section 1-108 of this code. (Ord. No. 626)

Chapter 4

GARAGE SALES

Sections:

9-401 Garage sales--Limitation on number of days.

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A. Definitions.

"Garage sale" means and includes all sales enTitled "garage sale," "lawn sale," "office sale," "rummage sale," "porch sale" or any other similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

"Goods" are meant to include any goods or other property capable of being the object of a sale regulated hereunder.

"Person" means and includes individuals, partnerships, voluntary associations and corporations.

B. Length of Sale. It is unlawful for a person to conduct a yard sale for a period of time in excess of two (2) consecutive days. Each day of violation shall constitute a separate offense.

C. Date of Sale. It is unlawful for a person to conduct a yard sale at a residence or location in excess of one yard sale per three month period. Each day of violation shall constitute a separate offense.

D. Persons and Sale Excepted. The provisions of this section shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
2. Persons acting in accordance with their power and duties as public officials;
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in an advertisement and which separate items do no exceed five (5) in number.

E. Penalty. Any person who violates any provision of this section shall be guilty of an offense and upon conviction shall be punished in Part 1, Chapter 1, Section 1-108 of this code. (Ord. No. 11584, 11/5/84; Ord. 1-92198 § 1)

Chapter 5

COMMUNITY DEVELOPMENT, BLOCK GRANT ECONOMIC DEVELOPMENT

Sections:

9-501 Agreement to provide employment and beneficiary information.
9-502 Time for providing information.

9-501 Agreement to provide employment and beneficiary information.

As a condition of using the Community Development Block Grant - Economic Development funded electric utility extensions designed to First Wave Aviation located within the city of Bristow, Oklahoma, any entity so using such must agree to and shall provide employment and beneficiary information as deemed necessary and requested by proper governmental agencies. (Ord. 5-5-97 § 2; Ord. 72-010306 § 1)

9-502 Time for providing information.

The employment and beneficiary information to be provided shall be provided on a quarterly basis during a period of time starting with the date the Oklahoma Department of Commerce on behalf of the state of Oklahoma, awards the Community Development Block Grant - Economic Development funds to the city of Bristow, Oklahoma, and ending one year after the physical completion of the Community Development Block Grant - Economic Development funded infrastructure improvement and closeout of the project. (Ord. 5-5-97 § 3; Ord. 72-010306 § 2)

Chapter 6

TRANSIENT MERCHANTS

Sections:

9-601 Definitions.
9-602 License required.
9-603 License fee.
9-604 Penalty.

9-601 Definitions.

A. A "transient merchant" means any person, firm or corporation whether as owner, consignee or employee, or whether a resident within the city limits, that:

1. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants; or

2. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities during the course of or any time within six (6) months after a lecture or public meetings on said goods, wares, services, franchises, business opportunities, contacts or distributorships.

B. The foregoing notwithstanding, however, a transient merchant, for the purposes of this section, shall not include the following:

1. A person, firm or corporation who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein; provided however, that no person, firm or corporation shall be relieved from the provisions of this chapter by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as part of or in the name of any local dealer, trader, merchant or auctioneer; or

2. Any sates of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the city therefore regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by new goods; or

3. A person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention;

4. A person who sells his own property which was not acquired for resale, barter or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year;

5. Art exhibits, where participating artists sell their original works and which do not contain any sales of art works purchased elsewhere and held for resale, providing such art exhibits are sponsored by a local, responsible organization. Each organization which seeks an exemption under this subsection shall submit an application to the city clerk's office specifying the sponsoring organization, the location where such show is to be held, the purpose of the show, and the names of participating artists. The mayor shall, upon receipt of the application, review the application and grant or deny the exemption. A person aggrieved by the decision of the mayor may petition the city council for their review. (Ord. 2-16-98L § 1)

9-602 License required.

A. It is unlawful for any person, firm or corporation or for any agent, servant or employee of any person, firm or corporation to engage in, carry on or conduct the business of a transient merchant without first obtaining

a license so to do. The license shall be prominently displayed and available for inspection during all times that any person, firm or corporation or any agent, servant, or employee of such person, firm or corporation is engaged in, carrying on or conducting the business of a transient merchant.

B. The license issued to the licensee shall contain the words “Licensed Transient Merchant - City of Bristow.” The license shall contain the period of time for which the license is issued, a brief description of the products or services to be sold, and shall bear the signature of the licensee and the city clerk. This license shall be nonassignable. (Ord. 2-16-98M § 1)

9-603 License fee.

The license fee for engaging in carrying on or conducting business as a transient merchant shall be the sum of twenty dollars ($20.00) per day payable in advance for each day such business shall continue. Prior to the issuance of a license, all persons making application for a license shall provide a copy of a sales tax permit to the city clerk. (Ord. 2-16-98N § 1)

9-604 Penalty.

Any person, firm or corporation found guilty of violating any provision of this chapter shall be punished in accordance with the provisions of Part 1, Chapter 1, Section 1-108 of this code. (Ord. 2-16-98O § 1)