

PART 9

LICENSING AND BUSINESS REGULATIONS

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CHAPTER 1

OCCUPATIONAL LICENSE TAX

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SECTION 9-101 LICENSE TAX LEVIED.

A. A license tax is hereby levied on every person, firm, association or corporation engaging in, exercising or pursuing any of the following businesses, professions, trades, occupations or privileges in this town, in such amount as the town board of trustees may set by motion or resolution. A copy of the applicable fees shall be kept on file in the clerk's office:

1. Each skating rink;
2. Each itinerant show, exhibition or entertainment of any kind which charges admission (including all activities under its auspices), provided that this paragraph shall not apply to circuses, menageries, street fairs and carnival;
3. Each circus, street fair, or carnival, including all activities under their auspices;
4. Each shooting gallery, skill or strength game or game of chance, such as knife boards, rag or wooden images or other thing or things at which rings, balls or other things are thrown, pitched or shot, lung-testing or striking machine, or similar device, provided that this shall not apply to games under the auspices of street fairs, carnivals and circuses;
5. Each ferris wheel, merry-go-round, small cars, or similar apparatus, when not under the auspices of the street fair, civic club, carnival or circus;
6. Each peddler, street vendor, itinerant person, agent or solicitor selling, offering for sale, taking orders for, or offering to take orders for, goods, products, wares, patent medicines, magazines, services, or other things of any kind, excepting wholesalers, provided that this shall not apply to persons selling farm products produced by themselves in the state;
7. Each medicine show;
8. Each itinerant photographer or agent or employee thereof, taking pictures or taking orders for pictures, or assisting therein;
9. Each itinerant person selling merchandise by auction; and
10. Each retail business or person selling services or products in the town.

B. Before issuing a license to a peddler, solicitor or other itinerant vendor, the town clerk may require of the applicant any reasonable information which he deems desirable to protect the public interest. A valid state sales tax permit shall be evidenced by any peddler, solicitor or vendor for which such a permit is required by state law. (Prior Code, Sec. 5-1)

Cross Reference: For licensing and registering plumbers and electricians, see Part 5 of this code.

State Law Reference: Authority of town to levy license and occupational taxes, 11 O.S. Section 22-106; state licensing of itinerant merchants, 47 O.S. Sections 421 et seq.

SECTION 9-102 EX-SERVICE PERSONS.

Nothing in this chapter or in other ordinances of the town shall be deemed to require ex-service persons to pay a license fee for engaging in a business, occupation or privilege when he is exempted therefrom by Sections 1 through 6 of Title 72 of the Oklahoma Statutes or other provisions of state law. (Prior Code, Sec. 5-1)

SECTION 9-103 PAYMENT OF LICENSE TAX; ISSUANCE OF LICENSE; EXPIRATION DATES.

A. It is unlawful for any person, firm, association, or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege for which a license tax is levied by Section 9-101 of this code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the town clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law and/or ordinance, the town clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the town.

B. Annual licenses shall expire on the 30th day of April of the year for which they are issued. When an annual license is issued after May 1 for the remainder of the year to a person, firm, association or corporation just beginning to engage in, exercise or pursue a business, profession, trade, occupation or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum of Five Dollars (\$5.00). (Prior Code, Sec. 5-2)

State Law Reference: Issuance and expiration of licenses, 11 O.S. Section 22-107.

SECTION 9-104 SEPARATE LICENSES REQUIRED.

Every person, firm, association or corporation who engages in, exercises or pursues a business, profession, trade, occupation or privilege for which a license is required, at or from more than one place in the town, or who engages in, exercises or pursues more than one such business, profession, trade, occupation or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation or privilege. (Prior Code, Sec. 5-3)

SECTION 9-105 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place

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may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided in this section, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible; and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section. (Prior Code, Sec. 5-4)

SECTION 9-106 LICENSE MAY BE REVOKED.

Any license issued by the town to any person, firm, association or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege, may be revoked by the board of trustees after adequate opportunity for a hearing, for the following reasons:

1. The licensee is engaging in, exercising or pursuing the business, profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by state law; or

2. Serious or repeated violation of the law or ordinances.

(Prior Code, Sec. 5-5)

SECTION 9-107 TRANSFER OF LICENSE PROHIBITED.

Any assignment or transfer of licenses shall not be permitted in this town. (Prior Code, Sec. 5-6)

SECTION 9-108 DUPLICATE LICENSE.

Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the town clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has not been able to find it. The fee for every duplicate license issued, payable to the town clerk, shall be One Dollar (\$1.00). (Prior Code, Sec. 5-8)

CHAPTER 2

OTHER BUSINESS REGULATIONS

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Section 9-203	Shooting galleries.
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Section 9-206	Dancing licenses.

SECTION 9-201 PROPER OPERATION OF POOL HALLS; TIME WHEN CLOSED.

A. It is unlawful for the owner, manager or operator of a pool, billiard or other recreation hall to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise or music, profane language, or any other violation of the laws of the state or of the ordinances of the town.

B. It is unlawful for the owner, manager or operator of such a hall to permit therein fighting, boxing, wrestling, or other contests of physical strength. (Prior Code, Secs. 5-13, 5-14 in part)

State Law Reference: Municipalities authorized to license pool and billiard tables, family amusement centers, 68 O.S. Section 50004.

SECTION 9-202 FEES FOR FORTUNE TELLING PROHIBITED.

It is unlawful for any person or persons pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyance, or otherwise, plying his or her trade, art or vocation within this town, to make any charge therefor either directly or indirectly, or to receive any gift, donation or compensation by any means whatsoever for the same. (Prior Code, Sec. 5-10)

SECTION 9-203 SHOOTING GALLERIES.

Every shooting gallery constructed, established, set up or operated hereafter shall be constructed, established, set up, and operated in accordance with the standards, specifications, and requirements of Sections 701 through 708 of Title 63 of the Oklahoma Statutes, and comply with all the requirements thereof. No shooting gallery shall be operated until a license has been secured therefor in accordance with this chapter. Any violation of any provision of this section or of any provisions of Sections 701 through 708 of Title 63 of the Oklahoma Statutes shall be deemed an offense against the town, and shall be punishable as such. (Prior Code, Sec. 5-9)

SECTION 9-204 CONSENT REQUIRED FOR SALE OF PERSONAL PROPERTY ON PREMISES OF ANOTHER.

It is unlawful for any person, firm or corporation, including a civic or religious organization, to sell, barter, trade or transfer any merchandise or other personal property of any kind on premises belonging to another without the consent of the owner or person in control of the premises.

SECTION 9-205 SHORT WEIGHTS AND MEASURES PROHIBITED.

It is unlawful for any person, firm or corporation to sell, or offer for sale, any food, fuel, clothing, or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the state, as the weight or measure for which it is sold or offered for sale. (Prior Code, Sec. 5-12)

SECTION 9-206 DANCING LICENSES.

A. It is unlawful for an individual, company, association or corporation to conduct, aid, abet or assist in any dance in any form whatever within the incorporated town limits without proper license issued by the board of trustees or their appointed designee.

B. It is the duty of any individual, association, or corporation to apply for a license to conduct a dance not less than seventy-two (72) hours prior to the time of holding or conducting the dance.

C. There are two (2) types of licenses: annual and single. The annual license shall be valid from the date of issue to the next succeeding April 1 unless revoked by the board of trustees at any time prior to the expiration of the license. The fee for the annual license shall be One Hundred Dollars (\$100.00). An annual license fee may be pro-rated when issued for periods less than one year, however the minimum fee is Fifty Dollars (\$50.00). The single license shall be valid for one date and time only, as specified on the license. The fee for the single license shall be Five Dollars (\$5.00). (Prior Code, Sec. 5-15 to 5-17)

CHAPTER 3

COIN OPERATED DEVICES

Section 9-301 Coin operated devices.
Section 9-302 Fee.
Section 9-303 Time of operation.

SECTION 9-301 COIN OPERATED DEVICES.

It is unlawful and an offense for any person, partnership, or corporation to keep, maintain or operate any machine, instrument, mechanism or device that operates or may be operated or played mechanically, electrically, automatically or manually, and which can be played or operated by any person by inserting in any manner into the machine, instrument, mechanism or device, a coin, chip, token, check, credit, money representative of value, or thing of value, and by which play or operation such person will stand to win or lose whether by skill or chance, or by both, anything other than the vending of merchandise, without first having obtained and paid the town clerk of the town, the license fee herein provided. (Ord. No. 82-1, 5/4/82)

State Law Reference: Municipal powers to license coin operated devices; devices defined, 68 O.S. Sections 50001 and 50004.

SECTION 9-302 FEE.

The license fee for keeping, operating, maintaining, controlling, or being in charge of any device or machine as set forth herein shall be Ten Dollars (\$10.00) per machine per year or fractional part thereof. All such licenses shall expire April 30 of each year. (Ord. No. 82-1, 5/4/82)

SECTION 9-303 TIME OF OPERATION.

Businesses operating such coin operated devices shall not be operated later than 11:00 P.M. Monday through Thursday nights. Businesses operating the devices shall not be open later than 12:00 midnight Friday and Saturday nights and shall only be allowed to do the business between the hours of 1:00 P.M. and 11:00 P.M. on Sunday. (Ord. No. 82-1, 5/4/82)

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CHAPTER 4

PENALTY

Section 9-401 Penalty.

SECTION 9-401 PENALTY.

Any person, firm, association or corporation who shall engage in any business, profession, trade or occupation, or exercise any privilege, for which a license is required by this part, without a valid license as thereby required, or who shall violate any provision of this part, shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 5-18)