

PART 9
LICENSING AND BUSINESS REGULATIONS

CHAPTER I

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CHAPTER 2

(RESERVED)

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SECTION 9-101 LICENSE TAX LEVIED ON CERTAIN OCCUPATIONS.

A. A license tax is hereby levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in this town, in the amounts respectively indicated:

1. For each itinerant show, exhibition, or entertainment of any kind which charges admission, including all activities under its auspices, Five Dollars (\$5.00) per day. This paragraph shall not apply to circuses, street fairs, and carnivals, nor to any athletic exhibition given by public or private schools, nor to any event given under the auspices of a local non-profit organization, nor to any event from which all the proceeds go to some charitable or eleemosynary cause;

2. For each circus, street fair or carnival, Ten Dollars (\$10.00) per day, or Twenty-five Dollars (\$25.00) per week. This paragraph shall not apply to events sponsored by civic clubs located in the school district or by the town;

3. For 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, Two Dollars (\$2.00) per day, or Five Dollars (\$5.00) per month. This paragraph shall not apply to games under the auspices of street fairs, carnivals, and circuses, nor to family recreation halls or arcades;

4. For each family recreation center or hall or arcade, Fifty Dollars (\$50.00) per year;

5. For each ferris wheel, merry-go-round, small cars, or similar apparatus, when not under the auspices of a street fair, civic club, carnival, or circus, Two Dollars (\$2.00) per day, or Five Dollars (\$5.00) per month; or

6. For each itinerant person, agent, or solicitor selling, offering for sale, taking orders for, auctioning, or offering to take orders for, goods, products, wares, patent medicines, magazines, services, or other things or services of any kind, excepting wholesalers, and persons or organizations licensed or regulated by the State of Oklahoma, Twenty Dollars (\$20.00) per day, Thirty Dollars (\$30.00) per week or Fifty Dollars (\$50.00) per year. The permit shall expire at sunset of the date issued. No

proration of the fee is permitted. This paragraph shall not apply to persons selling farm products produced by themselves in Oklahoma, nor to persons representing any charitable and nonprofit organizations located in or from the county.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk prior to issuance of the town license. The town clerk may require any reasonable information from an itinerant or peddler or solicitor which the clerk deems desirable to protect the public interest. "Itinerant" means not residing in the town.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

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 secure a license or pay a license fee for engaging in a business, occupation, or privilege when he is exempted therefrom by statutes of the state or other provisions of law.

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

A. It is unlawful for any person 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 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 were issued. When an annual license is issued after May 1 for the remainder of the year to a person 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).

SECTION 9-104 SEPARATE LICENSES REQUIRED.

Every person 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.

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 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 above, 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.

SECTION 9-106 LICENSE MAY BE REVOKED.

Any license issued by the town to any person 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 either of 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 local ordinance; or
2. Serious or repeated violation of the law or ordinances.

SECTION 9-107 TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

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 been unable to find it. The fee for every duplicate license issued, payable to the town clerk, shall be set by the town board.

SECTION 9-109 PROPER OPERATION OF POOL, BILLIARD, AND OTHER RECREATION 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 or the sale, furnishing, or drinking of intoxicating and nonintoxicating beverages, 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, or for any person to engage therein in such place.

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; or for any person to engage therein in such place.

C. Any coin-operated amusement device, including pool and billiard tables, shall be properly licensed pursuant to state law in order to operate lawfully in the town.

D. Pool, billiard and other recreation halls shall be closed between the hours of 12:00 A. M. midnight and 7:00 A. M. each day.

State Law Reference: Towns authorized to license pool and billiard tables, family amusement centers 68 O.S. Section 50004; state tax on coin operated amusement devices definitions, 68 O.S. Sections 1501 et seq.

SECTION 9-110 FEE 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.

SECTION 9-111 PENALTY.

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.