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CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

SECTION 9-101 LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS.

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, privilege or other activity for which a license is required or a license fee or tax is levied by any provision of this code or other ordinance of the Town, without paying the license fee or tax and securing and possessing a valid license therefore.

B. A license fee is levied on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this Town, as may be provided by the Town Board.

C. In order to receive a license under this code, 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 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.

*Cross Reference:* See also 3-101 et seq. on alcohol and beer licenses, 5-201 et seq. on plumbers, electricians.

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

SECTION 9-102 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 9-103 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 request to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement device, 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 9-104 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 Town Board after adequate opportunity for a hearing.

SECTION 9-105            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 9-106            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 licensee has in fact lost or destroyed the license without any wrongful act of connivance by the licensee.

SECTION 9-107            ISSUANCE AND EXECUTION.

The Town Clerk shall issue a license required by this code or other ordinance, when the applicant has filed a proper application, therefore, paid the required tax or fee and complied with all other requirements prescribed for obtaining such license. Each such license so issued shall be signed by the mayor and Town Clerk and the corporate seal of the Town shall be affixed thereto. Such license shall be in suitable form and express the purpose for which it is issued.

SECTION 9-108            SUBJECT TO STATE LAW AND TOWN ORDINANCES

All licenses shall be issued subject to the ordinances of the Town and the laws of the state. No license shall be construed as authority to do or omit to do any act in violation of law or ordinance.

SECTION 9-109            APPEALS.

In the event any applicant shall be denied a license by the Town Clerk, said applicant shall have the right to appeal to the Town Board at the next regularly scheduled meeting, and said Town Board shall have the right and power to overrule said denial and to issue a license.

ARTICLE 2

SOLICITORS AND CANVASSEORS

SECTION 9-201.            DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Peddler or Solicitor means any person, whether a resident of the City or not, who travels by foot or

vehicle of any kind or other conveyance from place to place, carrying, selling, or offering for sale items, goods, wares, merchandise, food, produce, or services of any kind; or who, without traveling from place to place, sells or offers the same for sale from a vehicle of any kind, whether motorized or otherwise, or from a stand, booth, display case, or other temporary or portable structure or fixture. The word "peddler" shall include "door-to-door salesperson", "vendor", "hawker", "huckster", "concessionaire" or "solicitor" and shall include route salespersons selling randomly to customers, but not route salespersons supplying only prior customer orders.

SECTION 9-202. GENERAL PROHIBITIONS

No person shall engage in the business of a peddler or solicitor within any residential or mixed residential/commercial area of the Town of Lamont, Oklahoma, except as otherwise set forth herein.

SECTION 9-203 FRAUD, ETC.

It shall be unlawful and an offense for any solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller:

1. To harass, threaten, coerce, or otherwise unreasonably apply duress to any citizen or otherwise breach the peace while attempting to perform the services of a solicitor or coupon book seller;
2. To fail to provide any goods or services which have been paid for, in full or in part;
3. To defraud, trick, cheat or otherwise mislead any person into subscribing for or purchasing any good or service when the solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller knows or should know that the good or service will not be provided or delivered.

Any person denied a license may appeal to the Town Board by filing notice thereof with the Town clerk within five (5) days of the denial. The Town Board shall render a decision at its next regular meeting.

SECTION 9-204 REQUIRED.

PERMIT AND LICENSE REQUIRED. It shall be unlawful for any solicitor or canvasser to engage in such business within the corporate limits of the city without first obtaining a permit and license therefor in compliance with the provisions of this division.

A. No person shall engage in the business of solicitor without first having obtained a solicitor's license, except persons soliciting on behalf of public schools or educational, religious or eleemosynary institutions.

B. No person shall engage in the business of peddler without first having obtained a peddlers license, except persons peddling on behalf of public schools or educational, religious or eleemosynary institutions.

C. No person shall engage in the business of itinerant merchant/transient street vendor without first having obtained an itinerant merchant/transient street vendor's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

D. No person shall engage in the business of coupon book seller without first having obtained a coupon book seller's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

E. No person shall employ any person covered by subsection A or D hereof without having obtained a solicitor's business license or a coupon book seller's business license.

*State Law Reference: Authority to license solicitors, 11 O.S. Section 22-106.*

#### SECTION 9-205. EXEMPTIONS.

- (1) Any person representing any recognized religious, civic, or charitable organization legally established in the Town of Lamont.
- (2) Any person representing any public or private school legally established in the Town of Lamont, provided that sales are sponsored by such school and for the sole benefit of such school.
- (3) Any person selling goods or produce at any farmers' market sanctioned and approved by the Town of Lamont.
- (4) Any person representing the Boy Scouts of America or the Girl Scouts of America.
- (5) Any person who holds a valid transit vendors license issued by the state of Oklahoma pursuant to applicable law and registered with the Town of Lamont.
- (6) Any person who is a registered participant in any community-wide festival, show, or related activity sponsored by the Town of Lamont.

#### SECTION 9-206. PROHIBITIONS APPLICABLE TO ALL PERSONS

No person, including those exempted in Section, shall:

- (1) Remain upon private property after having been asked to leave by the owner or occupant thereof.
- (2) Engage in any conduct in violation of any law of the State of Oklahoma or any Ordinance of the Town of Lamont
- (3) Sell or offer for sale any goods, wares, merchandise, food, produce or other items upon any public street, sidewalk, alley or other public right of way.
- (4) Call on prospective customers between the hours of 9:00 p.m. and 8:00 a.m., unless by previous arrangement with such customer.
- (5) Engage in any activity of solicitation, selling, requesting donations, distribution of literature of any type, or offering of any service upon any public street or at any street intersection.

#### SECTION 9-207 APPLICATION.

Applicants for permit and license under this division must file with the city clerk a sworn application in writing (in duplicate) on a form to be furnished by the city clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods or property is proposed to be sold, where orders are taken for the sale thereof, where such goods or property are manufactured or produced, or where such goods or products are located at the time said application is filed, and the proposed method of delivery;

1. Description and license number or other identification of any vehicle to be used.
2. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefore.
3. Verification of payment of sales tax to the Oklahoma Tax Commission.
4. Whether merchandise or goods are tax exempt and exemption from Oklahoma Sales Tax claimed.
5. The names of at least two (2) reliable property owners in the Town, provided, however, for itinerant merchant/transient street vendors, two (2) reliable property owners from within the state will suffice, who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.
6. Documents from the county court clerk's office that establish that the business has complied with state law, in particular the requirements of posting bond pursuant to Title 19 of Oklahoma Statutes Section 1608. This provision is to apply only to itinerant merchant/transient street vendors.

SECTION 9-208 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE:  
APPLICATION

An application for a solicitor's business license or a coupon book seller's business license shall be sworn to and filed with the Town clerk. It shall contain the following:

1. Name and description of applicant, and, if applicable, corporation, business or firm represented.
2. Address of applicant, both permanent and local, and, if applicable, address of corporation, business or firm represented.
3. A description of the nature and type of business to be carried on, including kinds of goods to be sold. For coupon book sellers, a copy of all contracts with merchants for delivery of goods and services. For solicitors and coupon book sellers, a copy of the sales pitch shall be furnished the Town if one is to be made over the telephone.

4. Description and license number or other means of identification of automobiles or means of transportation to be used, if any.

5. The names of at least two (2) reliable property owners in the Town who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

6. A statement as to whether or not the applicant or any employees of applicant have been convicted of a crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and the punishment assessed therefore.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma and local sales tax claimed.

9. The names, addresses and description of all solicitors and peddlers employed by applicant.

SECTION 9-209 INVESTIGATION AND ISSUANCE.

A. Upon receipt of the application for a solicitor's license, solicitor's business license, coupon book seller's license, or coupon book seller's business license, 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 investigation, the applicant's character and business responsibility are found to be unsatisfactory, the chief of police shall so endorse on the application and return it to the Town Clerk, and no license shall be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse on the application and return it to the Town Clerk who shall then issue the license upon payment of the required fee.

SECTION 9-210 FEE.

No person shall be issued a solicitor's, peddler's, itinerant merchant/transient street vendor's, coupon book seller's license, solicitor's business license or coupon book seller's business license until he pays a license fee as set forth in the Town's fee schedule.

SECTION 9-211 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER.

For purposes of the suspension or revocation of a solicitor's business license or a coupon book seller's license, it shall be sufficient to show that any solicitor or seller in the employ of such license holder has violated any provisions of this article.

SECTION 9-212      TERM.

Any license issued pursuant to the terms of this article shall expire one year from the date of its issuance.

SECTION 9-213      DISPLAY.

Solicitors, peddler, itinerant merchant/transient street vendors and coupon book sellers employing solicitors, peddlers, itinerant merchant/transient street vendors and coupon book sellers shall exhibit their licenses at the request of any person.

SECTION 9-214      TRANSFER.

No license issued under the provisions of this article shall be transferable.

SECTION 9-215      EXCEPTION FOR INTERSTATE COMMERCE.

If any individual, whether a solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller is engaged in interstate commerce, the individual must bring in proof of the interstate commerce nature of his business to the Town Clerk. The Town Clerk will make a determination of whether or not the business does involve interstate commerce. If it does, a license will be issued and the fee will be waived. If not, the individual can be licensed pursuant to the licensing requirements in this chapter. A denial of the interstate commerce exception of the fee process may be appealed to the Town Board.

SECTION 9-216      LEGAL COMPLIANCE

Any person licensed hereunder shall comply in every other respect with the ordinances of the Town of Lamont and the statutes of the State of Oklahoma with respect to the conduct of their business and the use, operation, parking and standing of their vehicles, if any.

ARTICLE 3

SCRAP METAL AND SAVAGE YARDS

SECTION 9-301      REGULATIONS AND RESTRICTIONS

A. For purpose of this section:

1. "Salvage yard" means an establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped or dismantled motor vehicles or buying or selling wrecked, scrapped, or dismantled motor vehicles or motor vehicle parts; or any establishment or place of business dealing with iron, steel, old or scrap ferrous or non-ferrous materials and shall include pipe, batteries, metal debris and engine parts.



2. "Scrap metal processing facility" ,means an establishment having facilities used primarily for processing iron, steel, or non-ferrous metals and whose principal product is such iron, steel or scrap for sale for re-melting purposes only, the processor being considered a manufacturer.

B. No salvage yard or scrap metal processing facility shall be allowed within the town without first securing a permit for the same from the Town Clerk. An application shall be presented to the Town Clerk containing such information as required by the town. The Town Clerk shall ascertain whether the application meets town requirements before issuing the permit. The permit shall be valid for one year from the time of issuance, renewable by the applicant, and carries with it an annual permit fee in such amount as set by the town board of trustees.

C. No permit shall be issued for a salvage yard or scrap metal processing facility unless such facility has a minimum of forty-two thousand (42,000) square feet of area. An exception to this requirement may be allowed by the town board of trustees in the instance of salvage yards in operation at the time of passage of this section.

D. Any salvage yard or scrap metal processing facility lawfully in existence on the effective date of this section shall be screened within eighteen (18) months of the effective date of this section. Such screening shall be with a fence at least six (6) feet in height of a construction approved by the board of trustees, or a hedge or other solid natural planting to be approved by the board of trustees. No salvage yard permit shall be issued unless the type of screening indicated on the application is of a type approved by the town board of trustees.

E. Salvage yard and scrap metal processing facilities licensed under authority of this section shall take care that all scrap, automobiles, or automobile parts shall be kept in an orderly fashion and that no accumulation of trash or rubbish is allowed to accumulate. All grass, weeds and other vegetation shall be neatly kept at all times to prevent any menace to the public health from occurring.

F. Any salvage yard and scrap metal processing facility presently in operation within the town shall have eighteen (18) months from the effective date of this section to come into full compliance with its provisions provided that each such facility shall immediately apply for a permit to operate such a facility.

G. Any violation of this section shall be punishable as provided in Section 1-108 of this code.

