

PART 9

LICENSING AND BUSINESS REGULATIONS

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SECTION 9-101 LICENSE DEFINED; LEVY.

A license is the written authority of the City, issued by its duly authorized agent, employee, or officer, conferring permission on some person to pursue and exercise a trade, occupation, or business, including the receipt or delivery of gas through use of any City franchise holder's distribution system located in the public ways of the City, for a definite period of time within the limits of the City, under the conditions prescribed by ordinance. A license fee is hereby levied on every person engaging in, exercising, or pursuing any business, profession, trade, occupation, or privilege in this City, for the annual amount as set forth in the Master Fee Schedule. [Ord. 2770, 12/19/2016; Ord. 2791, 03/19/2018]

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

SECTION 9-102 ADMINISTRATION.

The issuance of all licenses, collection of all license fees, inspection of all licenses, and the enforcement of license conditions and revocation of licenses shall be under the jurisdiction of the City Clerk, except where such duties are placed elsewhere by the ordinance prescribing the particular license. [Ord. 2770, 12/19/2016]

SECTION 9-103 LICENSE REQUIRED.

It shall be and is hereby declared to be unlawful for any person, either as principal, officer, agent, servant or employee or any corporation, partnership, limited liability company

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and/or other business entity formed for the purpose of engaging in any trade, profession, business or occupation, to engage in any calling, trade, profession or occupation without first procuring from the City a license and paying to the City the fee required as set forth in the Master Fee Schedule. [Ord. 2770, 12/19/2016]

SECTION 9-104

ISSUANCE OF LICENSE.

- A. All licenses shall be issued by the City Clerk. No license shall be issued until all conditions prescribed by ordinance have been complied with by the applicant. All applicants for a license shall make application upon such forms as may be prescribed by ordinance or by the City Clerk.
- B. In order to receive a license under this chapter, all persons, principals, officers, agents, servants, employees, corporations, partnerships, limited liability companies, or other business entities, which are subject to collection and payment of sales or use taxes in connection with their business activities, are required to possess a valid and current state sales tax permit. A copy of this permit shall, upon obtaining or renewing the license from the City required herein, be presented as a part of the application or renewal request.
- C. Upon making proper application to the City Clerk, the payment of the license fee and fulfillment of any other condition which may be prescribed by law or ordinance, the City Clerk shall issue a license therefor. Such license fees shall be credited to the general fund of the City.
- D. The City Clerk shall keep a record of each license issued under the ordinances of this City, showing the date of issuance of each license, to whom issued, the time for which the license is issued, the amount paid to the City Clerk, the receipt number, and the nature of the license.
- E. Any person who shall engage in more than one (1) business, trade or occupation on which any license fee is required shall pay the license fee required for each of such business, trade or occupation, the same as if each were maintained, operated, or exercised independently and exclusively of all others. Businesses housed or located on separate premises shall be considered as separate businesses for the purpose of levying this fee.

[Ord. 2770, 12/19/2016]

SECTION 9-105

LICENSE PERIOD.

Annual licenses shall expire on April 30 of each year except as may be otherwise

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provided. 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 fee collected shall be a fractional part of the annual fee equal to the fraction of the year remaining, with a minimum amount as set by the Master Fee Schedule. Any license issued between March 1, 2017 and April 30, 2017 shall not be prorated and shall be valid until April 30, 2018. [Ord. 2770, 12/19/2016]

SECTION 9-106 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. [Ord. 2770, 12/19/2016]

SECTION 9-107 TRANSFER OF LICENSE PROHIBITED.

No license shall be sold or otherwise transferred. Each and every license is for a particular business or person and is issued on consideration of the peculiar fitness to pursue the occupation, as determined by previous examination or inspection, and the same shall not be transferred. [Ord. 2770, 12/19/2016]

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 City Clerk, on application, will issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the City 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 City Clerk, is set forth in the Master Fee Schedule. [Ord. 2770, 12/19/2016]

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SECTION 9-109

LICENSE MAY BE REVOKED.

All licenses issued by the City shall be subject to revocation by the duly authorized officer of the City Council upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation, including Ordinance No. 2787, or if the licensee operates the licensed occupation or business in violation of the laws of the City or the State or in violation of any law or regulation of the United States government. The duly authorized officer shall mean the City Clerk in all instances except when some other person or board is given the authority by 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. [Ord. 2770, 12/19/2016, Ord. 2791, 03/19/2018]

SECTION 9-110

APPEALS.

The license shall stand revoked or suspended from the time of the giving of such notice; provided, that any licensee may appeal to the City Manager from such decision within ten (10) days after the aforesaid notice by filing a written request with the City Clerk for a hearing.

- A. The hearing shall be held by the City Manager within ten (10) business days following the filing of the notice of appeal, but may be continued from day to day.
- B. The appealing licensee may be represented by counsel.
- C. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence.
- D. The City Manager may affirm, modify, or vacate the order of revocation or suspension, and its decision shall be final.
- E. No suspension shall be in excess of sixty (60) days.

[Ord. 2770, 12/19/2016]

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

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code. Violation of this chapter shall also be grounds for revocation or suspension of license granted. [Ord. 2770, 12/19/2016]

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Section 9-215	Renewal of License.

SECTION 9-201

DEFINITIONS.

For the purpose of this chapter, the following terms and phrases used shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Outdoor seller” means any person offering or exposing for retail sale, or making retail sales of, any foodstuffs, beverages, goods, products, wares or merchandise or other personal property of any type, at any fixed outdoor business location. “*An outdoor seller*” also means and includes all persons, firms or corporations, as well as their agents and employees who engage in temporary or transient business in the City of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the City in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

“Temporary” as used in the definition of “outdoor seller”, means any such business transacted or conducted in the City for which definite arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon

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which such business is to be operated or conducted.

“Transient” as used in the definition of “outdoor seller”, means any such business of any such vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the City or who have fixed places of business in places other than the City or who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing them, or the unsold portion thereof, away from the City before the expiration of one hundred (100) days.

“Public right-of-way” means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, canal, plaza, pedestrian bridge, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

“Retail sale or sales” means any sale or sales transactions of foodstuffs, beverages, goods, products, wares, merchandise or other personal property, except as made by a person engaged in selling such personal property at wholesale to dealers in such property.

Exceptions: The term “outdoor seller” shall not include or be construed to include merchants who ordinarily and regularly offer such items for retail sale within permanent structures located on the same premises, nor a vendor of fireworks who has been permitted for such sales under the Code. In addition, the term “outdoor seller” shall not include a vendor who offers items for retail sale at a “special event” licensed and permitted under the Code. In addition, the term "outdoor seller" shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce.

SECTION 9-202

USE OF PUBLIC RIGHT-OF-WAY; PROHIBITION; EXCEPTION.

No outdoor seller shall engage in business within any portion of any public right-of-way; provided, the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portions of any public right-of-way for his or her business purposes or to the lawful successor(s) or assign(s) of any such landowner.

SECTION 9-203

PENALTY.

Any person violating any provision of this chapter shall be guilty of an offense and, upon conviction, subject to the penalty provided in Section 1-108. Every act of outdoor

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selling without a license or otherwise in violation of this chapter shall constitute a separate offense.

SECTION 9-204 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of outdoor seller within the corporate limits of the City without first obtaining a license from the City Clerk.

SECTION 9-205 LICENSE APPLICATION PROCEDURE.

- A. Contents of application. Applicants for a license under this section shall file with the City Clerk, a verified application on a form to be furnished by the City Clerk, which shall contain the following information:
1. The full name, description, and birth date of the applicant.
 2. The applicant's address, both legal and physical location.
 3. A brief description of the business to be conducted, items to be sold, and the legal description and address of any fixed outdoor location desired for business.
 4. The time period for which the applicant desires to do business.
 5. The license number and description of any vehicle to be used (if applicable).
 6. A verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid on the items sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
 7. The content of any signs to be used.
 8. A site plan depicting the fixed outdoor location desired, if any, and the location of any structure, vehicle, sign or display to be used while conducting the business at such fixed location.
 9. A written notarized statement by the legal owner of the land upon which any fixed outdoor business location shall be located authorizing the use of the land for the purposes desired by the applicant.

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10. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship.
- B. Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the City Clerk.

SECTION 9-206

LICENSE APPLICATION FEE.

Any person making application for a license required by the provisions of this Chapter shall pay to the City Clerk an application fee as established in the Master Fee Schedule. Any application on file with the City Clerk which results in approval of a license hereunder shall be valid for two hundred forty (240) days and may be used without an additional application fee to justify issuance of another license hereunder to the same applicant for the same location provided that (i) no alteration in the site plan on file is required, (ii) applicant verifies as correct the matters attested to in the original application, and (iii) in the event ninety (90) days or more has elapsed since issuance of the prior license, applicant submits a current criminal history report with the request for a subsequent license.

SECTION 9-207

APPLICATION REVIEW AND INVESTIGATION.

- A. Upon receipt of an application for a license and criminal history information as required by this chapter, the City Clerk shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant's proposed activity is or will be in compliance with the provisions of all laws and ordinances applicable to outdoor selling as well as other applicable provisions of this Code.
- B. Upon completion of any investigation as provided for by this section, the City Clerk shall review the application to ensure:
 1. That the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he or she has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
 2. That the applicant or the applicant's employer is aware of the responsibility to collect and pay sales tax, unless exempt;

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3. That the site chosen for any fixed outdoor business location is appropriately zoned for such a land use, is otherwise in full compliance with Chapter 12 of the City Code, and that the said location does not extend onto any portion of the public right-of-way;
 4. That the applicant's character or business responsibility is not "unsatisfactory" (as defined in Subsection (D) of this section);
 5. That the applicant's proposed signs and locations therefor comply with all of the provisions of the Sapulpa Zoning Code §12-201 *et seq.*; and
 6. That the application and proposed use otherwise complies with all other provisions of this Code.
- C. Within twenty (20) business days after receipt of the application, the City Clerk shall either approve or disapprove of the application. Grounds for disapproval shall be the following:
1. A finding that the application is incomplete;
 2. Nonpayment of the application fee;
 3. Failure of the applicant to verify that he or she, or the applicant's employer, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on items sold; or that he or she, or the applicant's employer, is otherwise exempt from payment of sales tax;
 4. A finding that the site chosen for a fixed outdoor business location is not properly zoned for the proposed land use or that said site extends onto a portion of the public right-of-way;
 5. A finding that the applicant's proposed signs and locations therefor are not in compliance with the applicable Sapulpa City Code;
 6. A finding that the application is not in conformance with other applicable provisions of this Code or other state law; or
 7. A finding that the applicant's character or business responsibility for an outdoor seller license is "unsatisfactory" (as defined in Subsection (D) of this section); or if the application is approved, the City Clerk shall issue the permit. If the application is disapproved, the City Clerk

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shall state in writing and with specificity the reason(s) for disapproval. The City Clerk shall immediately notify the applicant of such disapproval. Mailing a copy of the letter of disapproval to the address shown on the application shall be deemed to be adequate notification of the applicant.

- D. For the purpose of this section, “unsatisfactory character or business responsibility” of an applicant shall be defined as follows:
1. A finding that the applicant has been convicted of two (2) or more violations of the provisions of this chapter within the preceding twenty-four (24) months; or
 2. A finding that a previous license held by the applicant pursuant to the provisions of this chapter was revoked within the previous twelve (12) months; or
 3. A conviction, within the previous ten (10) years, of either a felony or misdemeanor offense involving fraud or dishonesty, including but not limited to larceny, burglary, robbery, embezzlement, crimes involving fraud, etc.

SECTION 9-208

COMPLIANCE WITH SITE PLAN; AMENDED SITE PLAN; FEE.

- A. All outdoor sellers shall comply with the site plan submitted pursuant to the provisions of this chapter in regard to the fixed outdoor location specified therein, and in regard to the location of any structure, vehicle, sign, or display to be used while conducting business at such fixed outdoor location.
- B. An outdoor seller who desires a different fixed outdoor location for conducting business, or who desires to otherwise amend the submitted site plan, shall file an amended site plan prior to deviating from the site plan then on file with the City Clerk.
- C. Upon the filing of an amended site plan, the City Clerk shall review it to ensure compliance with the provisions of this chapter and all other applicable provisions of this Code. If the amended site plan is approved, the City Clerk shall amend the license to indicate any new fixed outdoor location for the conduct of the business.
- D. Failure of an outdoor seller to comply with the original or amended site plan on file with the City Clerk shall constitute a violation of this chapter subject

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to the penalty specific in this chapter.

- E. Outdoor sellers who file amended site plans shall pay to the City Clerk a fee as provided in and by the Master Fee Schedule.

SECTION 9-209

SITE PLAN REQUIREMENTS; REVIEW CRITERIA.

- A. The site plan to be submitted by the applicant shall contain the following information:
 - 1. A plan which shows the location of existing and proposed structures, access, equipment, customers service areas, display areas, existing and proposed utilities, and parking (customer and employee);
 - 2. Type of operation to be conducted, including the particular type of service, goods, wares, or merchandise to be sold;
 - 3. A description of the design of any vehicle, cart, kiosk, table, chair, stand, box, container, or other structure or display device to be used in the operation by the applicant, including the size and color, together with any logo, printing, or sign which will be utilized by the applicant; and
 - 4. The proposed period, hours, and days of operation.
- B. The site plan shall be reviewed and a determination made as to whether the issuance of a license would be compatible with the public interest. In making such a determination, the following factors shall be considered to protect the health, safety and welfare of the public:
 - 1. The degree of congestion of any public right-of-way which may result from the proposed use, design, and location, including the probable impact of the proposed use on the safe flow of vehicular and pedestrian traffic. Factors considered shall include but not be limited to the width of streets and sidewalks, the volume of traffic, and the availability of off-street parking;
 - 2. The proximity, size, design, and location of existing street fixtures and furniture at or near the proposed location, including but not limited to sign posts, lampposts, bus stops, benches, telephone booths, planters, and newspaper vending devices;
 - 3. The probable impact of the proposed use on the maintenance, care,

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and security of the proposed location;

4. The recommendations of the Assistant City Manager, Urban Development Director, City Fire Marshall, and Chief of Police, insofar as the proposed location may affect the operation of those service areas, based upon the factors recited herein; and
5. The conformance of the proposed use to the requirements of the Zoning Code and the Flood Damage Prevention Ordinance as applied to the subject location.

SECTION 9-210 ISSUANCE OF LICENSE; BOND; FEE; FIXED LOCATION.

An applicant determined to be in compliance with this Chapter shall be issued an approved license by the City Clerk upon payment of the fee set forth in the Master Fee Schedule and provision of a Certificate of Insurance for a general liability insurance policy issued by a company authorized to do business in the state and insuring the outdoor seller activities and location by providing coverage in an amount not less than One Hundred Thousand Dollars (\$100,000.00). The Certificate shall require thirty (30) days advance notice be provided to the City Clerk before expiration or cancellation of coverage. The approved license shall be effective for thirty (30), sixty (60), or ninety (90) days as applicable and shall automatically expire thirty (30), sixty (60), or ninety (90) days after the date of issuance as applicable, unless sooner revoked or renewed under the terms of this Chapter. The City Clerk shall specify on the face of each approved license the address of the fixed outdoor location desired for business by any outdoor seller. The outdoor seller shall engage in business only at the fixed outdoor location specified on the face of the license.

SECTION 9-211 APPEAL TO CITY MANAGER.

An applicant who has been determined not to be in compliance and denied a license under this Chapter by the City Clerk may appeal such denial to the City Manager within ten (10) days from notice of denial.

SECTION 9-212 DISPLAY OF LICENSE.

Outdoor sellers are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in outdoor selling.

SECTION 9-213 REVOCAATION.

Licenses issued under the provisions of this chapter may be revoked for reasons that include, but are not be limited to, the following:

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- A. Fraud, misrepresentation, or any false statement contained in the application for the license.
- B. Conviction of the licensee of a felony.
- C. Conviction of a misdemeanor involving fraud or dishonesty including, but not limited to, fraud, larceny, burglary, robbery, embezzlement, etc.
- D. A conviction of the licensee for one or more violations of the provisions of this chapter within the preceding twelve (12) months.
- E. A finding that the licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

SECTION 9-214

SURRENDER UPON EXPIRATION OR REVOCATION.

When a license issued pursuant to the provisions of this chapter expires, or is revoked, its holder shall surrender it to the City Clerk and the license shall become the property of the City. Upon expiration or revocation of a license issued under this Chapter, another license cannot be issued hereunder for the same use at the same location until a period of thirty (30) days has passed from the date of expiration or revocation of the prior license.

SECTION 9-215

RENEWAL OF LICENSE.

The holder of any expiring license in good standing issued under this chapter may apply for a thirty (30) day renewal with the City Clerk by submitting a completed renewal request to the City Clerk upon an approved form and payment of the fee established by the Master Fee Schedule. The renewed license shall expire thirty (30) days from issuance.

[Ord. 2607, 02/01/2010]

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CHAPTER 3

AMUSEMENT DEVICES

Section 9-301	Definitions.
Section 9-302	Amount of Fee in Lieu of Sales Tax, Special Decal.
Section 9-303	Exempted Devices.
Section 9-304	Application and Issuance of Decal, Display.
Section 9-305	Taxable Year, Decal for Remainder of Year.
Section 9-306	Operation without Decal, Fee and Penalty.
Section 9-307	Seizure and Forfeiture of Devices without Decal Affixed.
Section 9-308	Operating Device without Decal, Punishment.

See also chapter 6 of this part on youth recreational facilities.

SECTION 9-301

DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

"Coin-operated amusement device" means any and all non-gambling mechanical or electronic machines which, upon the payment or insertion of a coin, token, or similar object, provide music, games as pool, phonographs, video television, shooting galleries, pinball, fooseball, bowling, shuffle board, or any other amusement device with or without a replay feature which can be legally shipped interstate according to federal law;

"Coin-operated music device" means any such music device which is operated, motivated, released, or played by or upon the payment or insertion of a coin, token, or similar object, whether there is one or more boxes or devices in the premises for the reception of such coin, tokens, or similar objects; coin-operated radio or television receiving sets in hotels, motels, or tourist cabins for the use and benefit of the guests and visitors of such hotels, motels, or tourist rooms or cabins shall be included in such definition;

"Music device" means any and all mechanical devices which render, cause to sound, or release music where the same may be heard by one or more public patrons, and each separate loudspeaker, phonograph, juke box, or outlet from which such music emits shall each be construed to be a separate "music device" as herein defined; except in the case where the music emits from more than one speaker transmitting from the same music-producing mechanism, in which case the several outlets or speakers in each place of business shall be collectively considered one such music device; and

"Person" means any individual, partnership, association, or corporation.

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[Ord. 2120, 2/7/94]

SECTION 9-302

AMOUNT OF FEE, IN LIEU OF SALES TAX, SPECIAL
DECAL.

- A. Every person who owns and has available to any of the public for operation, or who permits to be operated in or on his place of business, coin-operated devices shall pay for such privilege an annual fee as set by the Master Fee Schedule. Said fee shall be required for each machine, regardless of the number of coin slots, if the machine, upon insertion of a coin, token or similar object, provides music, amusement or entertainment or dispenses one or more products separate and apart from any other provider of music, amusement or entertainment or dispenser of one or more products. The test to determine whether the machine can operate separate and apart from any other shall be whether the provider or dispenser can still function if separated from the others to which it is attached. When multiple machines are placed on a single stand, a decal shall be required for each machine.
- B. The annual fee required by this section shall be in lieu of sales tax.
- C. In those instances where it is shown to the satisfaction of the City that a coin-operated device, upon which an annual fee is imposed, will be placed available for use by the public for a definite but limited period of time less than one (1) year, such as where displayed in connection with fairs, carnivals, and places of amusement that operate only during certain seasons of the year. The City may issue a special decal therefor. Such special decal may be issued for any number of thirty (30) day periods less than a full year, and shall indicate that it is a special decal; and shall be for one (1) or more thirty (30) day periods and shall state the precise dates for which issued and shall not be transferred from one machine to another. The fee shall be computed and paid on the basis of one-tenth (1/10) of the annual rate for the type of device operated, for each thirty-day period for which such special decal is issued. In the event the mechanical device is made available to the public for a period beyond that for which the special decal is issued, then a full year's fee and penalty, as set out in the Master Fee Schedule shall be due. [Ord. 2120, 2/7/94]

SECTION 9-303

EXEMPTED DEVICES.

The following coin-operated vending devices shall be exempt from the provisions of this chapter:

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- A. All coin-operated vending devices owned by and located in a public or private school, a church, or a governmental entity;
- B. All coin-operated vending devices which dispense only newspapers or periodicals;
- C. All coin-operated vending devices which dispense only postage stamps; and
- D. All coin-operated vending devices installed on federal military bases.

[Ord. 2120, 2/7/94]

SECTION 9-304 APPLICATION AND ISSUANCE OF DECAL, DISPLAY.

Any person owning a coin-operated device or operating the premises where the same is to be operated or exposed to the public, shall apply to the City for a decal for such device and shall, at the same time, pay to the City the annual fee provided for by the Master Fee Schedule. The City shall, upon receipt of such payment and approval of such application, issue a decal for the type of coin-operated device covered by such application and payment. The decal and application provided for herein shall be prescribed by the City, and shall contain such information and description as shall be required by rule of the City. Any number of coin-operated devices may be included in one application. Before any coin-operated device is put in operation or placed where the same may be operated by any of the public, and at all times when the same is being operated or available to any of the public for operation, a decal shall be firmly affixed to the coin-operated device covered thereby, and plainly visible to and readable by the public. [Ord. 2120, 2/7/94]

SECTION 9-305 TAXABLE YEAR, DECAL FOR REMAINDER OF YEAR.

For the purpose of the decal issued under this chapter, the fee year shall begin on July 1st and end on the last day of the following June; and shall be divided into two (2) halves. The City shall in each instance issue decals for the remainder of the fee year upon payment of the fee on the bases of the current and remaining half of such fee year. Any product purchased for resale, through a vending machine where fees have been paid and decals affixed, shall not be subject to sales tax. [Ord. 2120, 2/7/94]

SECTION 9-306 OPERATION WITHOUT DECAL, FEE AND PENALTY.

Any owner of a coin-operated device who places such device in operation or in a place available to the public for operation, and any person who permits a coin-operated device to be in operation or accessible to the public for operation in his place of business, without a decal affixed as required, shall be liable for the fee on such device at the full annual rate as herein levied by the Master Fee Schedule. [Ord. 2120, 2/7/94]

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SECTION 9-307

SEIZURE AND FORFEITURE OF DEVICES WITHOUT
DECAL AFFIXED.

Where any coin-operated device as hereinbefore defined is placed on location, or, after having been placed on location is there left without the decal affixed thereon as herein provided, the device, including all cash in the receptacle thereof, shall be considered forfeited to the City, and may be sealed until released by the City or seized by any authorized agent of the City, or any sheriff, constable, or other peace officer of this state, and upon so being seized shall, together with the cash, if any, contained in the receptacle of such device, forthwith, be delivered to the City. The City shall then proceed to hear and determine the matter of whether or not the device and cash, if any, should, in fact, be forfeited to the City. The owner of the device shall be given at least ten (10) days' notice of the date of the hearing. In the event the City finds that the device including the cash contents, if any, should be forfeited to the City, it shall make an order forfeiting the same to the City, and directing the sale of such device. The device shall be sold in the county where seized after ten (10) days' notice, which notice shall be by posting five (5) notices in conspicuous places in the county where the sale is to be made, one of which notices shall be posted on the bulletin board at the county courthouse of the county. The sale shall be for cash, and the proceeds thereof shall be applied as follows:

- A. To the payment of the costs incident to the seizure and sale;
- B. To the payment of any taxes, including penalties, that may have accrued against the device; and
- C. The balance, if any, shall be remitted to the owner.

The cash contained in any device and forfeited under the provisions of this section shall be forfeited as an additional tax penalty and shall be in addition to this title. The order of the City, declaring a forfeiture of the device including the cash contents thereof, if any, and directing the sale of such device shall be a final order and may be appealed from as provided for in the Uniform Tax Procedure Act. It shall be the duty of all sheriffs, constables and other peace officers to cooperate with the City in the enforcement of the seizure and forfeiture provisions of this section. [Ord. 2120, 2/7/94]

SECTION 9-308

OPERATING DEVICE WITHOUT DECAL AFFIXED,
PUNISHMENT.

Any owner of a coin-operated device who places such device in operation or in a place available to the public for operation, and any person who permits a coin-operated device to be in operation or accessible to the public for operation in his place of business, without attaching the decal herein provided for, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1-108 of this code. [Ord. 2120, 2/7/94]

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CHAPTER 4

TAXICABS

Section 9-401	Definitions.
Section 9-402	Services to Be Rendered.
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Section 9-404	Manifest.
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SECTION 9-401

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:

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“Driver” means one who is authorized by a taxicab company as an operator of a taxicab for public hire.

“Driver's license” shall mean the permission granted by the City Clerk to a person to drive a taxicab upon the streets of the City.

“Manifest” shall mean a daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

“Passenger” means a person riding in an automobile or vehicle for hire as distinguished from a person operating the same.

“Person or persons” mean and include any person, individual, firm, association, copartnership, or corporation.

“Taxicab” shall mean a four-door motor vehicle for hire and regularly engaged in the business of carrying passengers, having a seating capacity of not less than five (5) nor more than eight (8) persons, and not operating on a fixed route.

“Taxicab company” includes any person or persons, as defined in this section, engaged in the business of operating an automobile or vehicle for hire for the purpose of carrying passengers.

“Rate card” shall mean a card for display in each taxicab which contains the rates of fare then in force.

SECTION 9-402

SERVICES TO BE RENDERED.

All persons engaged in the taxicab business in the City operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs. Holders of taxicab licenses shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for service inside the corporate limits as soon as they can do so; and if the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who refuses to accept a call anywhere in the corporate limits when such holder has available cabs, or who fails or refuses to give overall service, shall be deemed a violator of this section; and the licenses issued shall be revoked at the discretion of the City Clerk.

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SECTION 9-403

DELAY OF PASSENGERS PROHIBITED.

When one or more persons employ a taxicab and occupy the same as a passenger or passengers, the driver shall not cause the vehicle to remain parked and delay the transporting of the passenger or passengers to the requested destination for a period in excess of two (2) minutes after the passenger or passengers shall have entered therein.

SECTION 9-404

MANIFEST.

Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of such trip and the amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner.

Every holder of a taxicab license shall preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and the manifests shall be available to the police department at all times.

SECTION 9-405

RECORDS AND REPORTS.

Every holder of a taxicab license required by this chapter shall keep accurate records of receipts from operations, expenses, capital expenditures and such other operating information as may be required. Every holder shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the police department.

SECTION 9-406

INSURANCE REQUIRED.

No taxicab license shall be issued under this chapter until the owner or operator has filed with the City Clerk proof that a policy of insurance has been issued to the applicant by an insurance company authorized to do business in the state, providing liability insurance coverage for each and every vehicle to be operated by the applicant, with a liability coverage of not less than Ten Thousand Dollars (\$10,000.00) for the bodily injury to or death of any one person in any one accident and, subject to said limit for one person, Twenty Thousand Dollars (\$20,000.00) for the bodily injury to or death of two or more persons in any one accident, and with the coverage of at least Ten Thousand Dollars (\$10,000.00) for property damage in any one accident. The insurance coverage shall be effective whether the vehicle was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee. The policy also shall provide that it cannot be canceled until ten (10) days notice of such cancellation shall have been filed with the City Clerk. If the policy is canceled and the applicant fails to provide, within ten (10) days, another policy of insurance complying with the provisions hereof, the license issued for the

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operation of the vehicle or vehicles covered thereby shall automatically become void and of no effect. The policy of insurance shall be for a period of not less than one year, and a new policy shall be furnished at the expiration of any existing policy if the operation of the vehicle covered thereby is to be continued. If for any reason the policy of insurance shall terminate, lapse, or become void or ineffective, the license on such vehicle insured thereunder shall automatically become void and of no effect unless a new policy is provided or the existing policy is reinstated in full within ten (10) days from the date the policy lapses, terminates or becomes ineffective.

SECTION 9-407 SAME-NONTRANSFERABLE, SUSPENSION AND REVOCATION.

A taxicab license shall not be transferable. A taxicab license may be revoked or suspended if operations are discontinued by any taxicab company for a continuous period of one (1) month.

SECTION 9-408 TAXICAB LICENSES REQUIRED; FEE.

No person or any owner, agent, employee, or driver shall operate or permit to be operated any motor vehicle as a taxicab unless a proper license has been issued to the owner or operator there of and the license is in full force and effect.

A separate nontransferable taxicab license shall annually be issued to the taxicab company for each taxicab it operates in the form of serially numbered taxicab licenses bearing the signature of the City Clerk.

The taxicab license shall show the expiration date of the license, the name of the taxicab company, the name of the manufacturer of the vehicle, the year of the manufacturer, the engine number, and the number of the license plate issued by the Oklahoma Tax Commission.

There shall be paid to the City Clerk for the each vehicle to be so used a fee in the annual sum as set by the Master Fee Schedule.

Each taxicab license issued pursuant to this chapter shall expire the thirtieth (30th) day of June next succeeding its issuance. License fees shall not be prorated for a fractional part of a fiscal period and no refund shall be made for any reason.

SECTION 9-409 DISPLAY OF LICENSE.

A taxicab license shall be displayed in a prominent place within each licensed taxicab.

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SECTION 9-410

VEHICLE REQUIREMENTS.

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition.

Each motor vehicle operating under the terms of this chapter shall be kept in safe mechanical condition and in compliance with the Oklahoma safety inspection standards. An official Oklahoma safety inspection sticker shall be shown to the City Clerk or his authorized representative and shall be satisfactory evidence, for the purposes of this section, of safe mechanical condition of such motor vehicle for a period of twelve (12) months after its issuance; provided, that any motor vehicle which shall be used for the first time under the terms of this chapter shall not be operated for such purpose without first obtaining such an inspection sticker or such certification within thirty (30) days immediately prior thereto.

SECTION 9-411

SAME-APPLICATION.

An application for the operation of taxicab companies shall include:

- A. Full name, address and age of the applicant, and his permanent business location; if a partnership, the name and address of all of the partners; if a corporation, the names and addresses of the officers and directors thereof.
- B. A complete description of each vehicle, including the length of time the vehicle has been in use, the number of persons it is constructed or built to carry, the model, motor and chassis number, state license plate number, and a statement of the ownership of each vehicle;
- C. The trade name under which the applicant does, or proposes to do business, and the color or distinctive design of the body, if any, of each vehicle, proposed to be used;
- D. The name and local agent for the company issuing public liability and property damage insurance on each vehicle proposed to be used.
- E. The State of Oklahoma Certificate of Title for each vehicle shall be exhibited to the City Clerk when the application is filed.
- F. No person who has been convicted of a felony within the prior ten (10) year period to application for a license shall be issued a license to operate a taxicab service. Applications of person previously convicted of murder, manslaughter, kidnaping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to

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determine fitness to hold a license to operate a taxicab service. The review board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

SECTION 9-412

COLOR SCHEME; REQUIRED INFORMATION TO BE DISPLAYED ON TAXIS.

Every taxicab operated under the terms of this chapter may be painted in a color scheme as is desired by the holder of a taxicab license.

All taxicabs, whether painted in a particular color scheme or not, shall have the name of the owner or trade name and the word "taxicab," if not appearing in the trade name.

All mandatory lettering and wording, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, shall be at least two (2) inches in height, and shall be of such color as will contrast distinctly with the color of the body of the taxicab. Whenever the word "paint" or "painted" is used in this section, it means the application of coloring matter in oil solution and not in water solution.

It shall be unlawful to cause or permit any taxicab to appear with a trade name, design, color scheme or method of painting, lettering or numbering for the vehicle concerned that is not in accordance with the terms of this section; and it shall be unlawful for any motor vehicle to be operated upon the streets of the City with any lettering or wording painted or attached thereto, indicating that such motor vehicle is held out to the public for use as a taxicab unless the motor vehicle is licensed as provided in this chapter.

After the City Clerk is notified, a taxicab may be repainted with a new or different design if the provisions of this section and other provisions of the ordinances of the City are complied with.

No vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the City Clerk, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public. If, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the City Clerk, in conflict with or to imitate any person, owner or operator in such a manner as to be misleading, or to tend to deceive the public, the license covering such taxicab shall be suspended or revoked.

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SECTION 9-413

DRIVER-OPERATOR LICENSE-REQUIRED; FEE.

No person shall drive a taxicab for a licensed taxicab company within the City without first obtaining a license from the City Clerk. Such license shall be issued by the City Clerk after compliance with other provisions of this chapter and upon payment of the required annual fee as set by the Master Fee Schedule. The fees shall not be prorated or refunded for any reason.

Each driver's license issued pursuant to this chapter shall expire the thirtieth (30th) day of June next succeeding its issuance. It shall be the responsibility of the driver-operator to renew the license.

SECTION 9-414

SAME-DESCRIPTION.

The driver-operator license shall be on a card of appropriate size. There shall be placed thereon in easily readable letters the name of the driver to whom it is issued. The driver-operator license card shall be displayed on the front interior of the taxicab above the windshield. Such driver-operator license card shall be displayed in such a manner that the entire card shall be visible at all times to any person riding in any seat of the taxicab. No driver-operator license shall be displayed except the one (1) issued to the driver who is on duty in that particular taxicab at that time. It shall be a violation of this article for any driver to drive a taxicab at any time without displaying his driver-operator license as provided in this section. The driver shall be responsible for keeping his driver-operator license in good condition, and it is unlawful to display a torn or illegible license.

SECTION 9-415

SAME-APPLICATION.

The application for a driver-operator's license shall contain the following information:

- A. Name, age, sex, weight, height, color of eyes and hair of applicant, his residence or address, and length of residence in the City, and place of residence and employment during the past three (3) years;
- B. Whether or not the applicant has heretofore been licensed as a chauffeur or taxicab driver, and, if so, when and by what state and whether such license has been revoked or suspended, and, if so, the date of and reason for such revocation or suspension.
- C. The name of the person by whom the applicant is employed.
- D. The number of times and places arrested or convicted for traffic violations.
- E. The experience the applicant has had in driving motor vehicles.

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- F. Whether or not the applicant has ever been convicted of a felony or misdemeanor, giving particulars of each such conviction.
- G. Each applicant shall submit himself to be photographed by the police department.
- H. The applicant must name three (3) reputable persons who have known him for one (1) year or more immediately prior to such application. Such persons given as references must be residents of the county.
- I. Each applicant must provide to the City Clerk a copy of a motor vehicle report, current within the last seven (7) days.

SECTION 9-416

SAME-QUALIFICATIONS OF APPLICANTS.

No person shall be issued a license to drive a taxicab if they have:

- A. More than three (3) moving or hazardous traffic violations within the prior twelve (12) month period of the application for a license; or
- B. A conviction for driving under the influence of intoxicating substances or a plea to reduced charges of driving under the influence within the prior five-year period to application for a license; or
- C. A misdemeanor conviction involving a violent crime where physical force is exerted so as to cause damage, abuse or injury to persons or property; or
- D. A felony conviction within the prior ten (10) year period to application for a license, unless it is a conviction for the crime of murder, manslaughter, kidnaping, robbery, rape, arson, burglary, or grand larceny, as defined by state and federal law. Applications of persons previously convicted of murder, manslaughter, kidnaping, robbery, rape, arson, burglary, and grand larceny shall be reviewed by a review board to determine fitness to hold a license to drive a taxicab. The review board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

SECTION 9-417

LOSS OF LICENSE IDENTIFICATION CARD; DUPLICATE.

In case of the loss of a license identification card, the owner may file with the City Clerk a sworn statement of the facts concerning such loss; and if the City Clerk is satisfied that the facts justify the issuance of a replacement card, he shall, after payment to the City of the fee set by the Master Fee Schedule, issue a replacement card. The replacement

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card shall be plainly marked "Duplicate;" and the number of the original card shall be furnished to the police department, which shall be on the alert for the original card.

SECTION 9-418

REVOCAION AND SUSPENSION AUTHORIZED; GROUNDS.

A driver's license issued under this division may be revoked by the City Clerk, upon the recommendation of the chief of police, for any of the following reasons:

- A. Conviction or violation of any federal law, state law or municipal ordinance involving moral turpitude.
- B. Operating a taxicab while ability impaired by alcohol or while under the influence of intoxicating substances.
- C. Leaving the scene of an accident.
- D. Failure to make full report of an accident to the police department within twenty-four (24) hours of the time of occurrence.
- E. Permitting any other person to use his license.
- F. Obliterating or erasing any official entry on his license identification card.
- G. Conviction of a third major traffic violation during any license year. A major traffic violation is hereby defined to be:
 - 1. Speeding;
 - 2. Reckless driving;
 - 3. Nonobservance of traffic signal lights or stop signs;
 - 4. Improper brakes;
 - 5. Making a left turn or U-turn where not permitted;
 - 6. Driving on the wrong side of a street.
- H. Misrepresentation of any material facts by a driver in his application for license.
- I. Charge and collection of more fare than authorized.

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- J. Driving a taxicab without having a valid license issued by the State of Oklahoma.

A taxicab driver's license may be suspended by the City Clerk, upon the recommendation of the Chief of Police, for a period of not to exceed ninety (90) days for any of the following reasons:

- A. First and second offenses of any major traffic violation.
- B. Repeated infractions of minor traffic laws.

No person whose license has been revoked shall be eligible to receive a new license until one year from the date of such revocation.

SECTION 9-419 REFUSAL TO CARRY PASSENGERS PROHIBITED.

No driver shall refuse or neglect to convey any orderly person upon request unless previously engaged or unable or forbidden by the provisions of this chapter to do so. Individual service shall be accorded to all passengers requesting it at the rate of fare designated by the rate card of schedule of rates posted in the taxicab.

SECTION 9-420 RECEIPT AND DISCHARGE OF PASSENGERS.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers. Passengers may be discharged on either side of a one-way street.

SECTION 9-421 RECEIPTS.

The driver of any taxicab shall, upon demand by the passenger, give to such passenger a receipt for the amount charged, either by a mechanically printed receipt or a specially prepared receipt, on which shall be the name of the owner, tag number or motor number, amount of meter reading or charges and date of transaction.

SECTION 9-422 RATES TO BE POSTED.

It shall be unlawful for any person to operate any taxicab for hire within the City without posting, within the taxicab, a schedule or map showing the rates to be charged for such service. The rates to be charged shall be printed on a card, the letters and figures to be not less than one-half (1/2) inch black, boldface type, and placed where they are clearly visible and can be read by a passenger sitting anywhere in the taxicab.

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It shall be unlawful for any person to charge, receive or collect any fares for transporting passengers within the City greater than the rate posted in the taxicab.

SECTION 9-423 NUMBER OF PASSENGERS.

No driver shall permit more persons to be carried in a taxicab than the rated seating capacity of the vehicle. A child in arms shall not be counted as a passenger.

SECTION 9-424 REPORT OF ACCIDENTS.

It shall be the duty of any driver of any motor vehicle regulated under the terms of this chapter to report immediately to the police station of the City any collision or accident in which any such motor vehicle may be involved.

SECTION 9-425 SOLICITING PASSENGERS.

It shall be unlawful for any driver of a taxicab to solicit passengers except when sitting in the driver's compartment of the taxicab when it is parked immediately adjacent to the curb. In no event shall any driver solicit passengers in a loud or annoying voice or in any other way so as to annoy or obstruct any person, nor shall he solicit passengers at any intermediate stopping point along any established route of another common carrier.

SECTION 9-426 SOLICITING FOR HOTELS OR OTHER ESTABLISHMENTS.

It shall be unlawful for any driver of a taxicab to solicit business for any hotel or motel or to attempt to divert patronage from any hotel or motel to another. Neither shall such driver engage in selling intoxicating liquors, or solicit business for any house of ill repute, or use his vehicle for any purpose other than the transporting of passengers.

SECTION 9-427 REVOCAION OF LICENSES GENERALLY.

Any license issued under the provisions of this chapter may be revoked by the City Clerk for failure to comply with the provisions of this chapter.

SECTION 9-428 NOTICE OF REVOCATION OR SUSPENSION TO BE GIVEN; HEARING.

Before the City Clerk revokes or suspends any drivers' license or any taxicab license, he shall cause a written notice to be sent to the holder of the license involved by either having it delivered to the holder in person or by mailing it to the business address of the holder on file in the office of the City Clerk. Such notice shall be sent at least seven (7) days prior to the time a hearing is to be held and shall advise the holder of the license involved, as to the nature of the reason for suspension or revocation, and advise that such

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holder shall have an opportunity to show why the license should not be suspended or revoked. The City Clerk, at the time and place stated in the notice, shall hold a hearing to determine whether the license should be suspended or revoked for any of the reasons provided in this article.

SECTION 9-429 DENIAL; REAPPLICATION.

In the event any applicant for a taxicab driver's license is disapproved because it is found that such applicant fails to meet the requirements of this chapter, the applicant shall not be eligible to apply for a driver's license until the expiration of six (6) months from the date of such disapproval.

SECTION 9-430 APPEAL.

Any person, organization, society, or corporation whose application for a permit has been denied may appeal to the City Council of the City by giving written notice of intent of appeal within ten (10) days from the date of the hearing. Said notice of appeal shall be filed with the City Manager. The City Council shall at the next regular meeting hear the appeal and may affirm or reverse the action of the City Clerk.

SECTION 9-431 REFUSAL TO PAY FARE.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab or to engage any such vehicle with the intent to defraud the operator of the vehicle.

SECTION 9-432 PARKING RESTRICTIONS.

It shall be unlawful for any person operating motor vehicles for hire within the City to park any such vehicle on Poplar Street, Main Street, Water Street, Park Street or Elm Street between Hobson Street and Lee Avenue, or on Hobson Street, Dewey Avenue, or Lee Avenue between Poplar and Elm Streets, except while receiving and discharging passengers, baggage or other property; provided, that the City Council is hereby empowered and authorized, without ordinance, to grant to hotels special parking space sufficient to accommodate one or more taxis on the front and side streets adjoining their hotel building, for the purpose of accommodating their guests; provided further, that no such parking space so reserved on Main Street shall be occupied by any hotel bus for a longer time than is necessary to load and unload its passengers or baggage. The parking space so reserved shall be marked off by plain and distinct lines, and with curb signs indicating that same is reserved for the use of the hotel taxi.

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CHAPTER 5

GARAGE SALES

Section 9-501	"Garage Sale" Defined.
Section 9-502	Exemptions from Chapter.
Section 9-503	License, Required; Application.
Section 9-504	Revocation.
Section 9-505	Term; New License when Sale Prevented by Inclement Weather; Maximum Number of Sales per Year.
Section 9-506	Signs.

SECTION 9-501 "GARAGE SALE" DEFINED.

A "garage sale," as regulated by this chapter, is defined as a sale of tangible personal property had in a district of the City so zoned as not to permit a regular established business engaged in the sale of merchandise, to which sale the public is invited by an advertisement or otherwise, and shall include but not be limited to:

- A. "Lawn sales";
- B. "Attic sales";
- C. "Flea market sales"; or
- D. Similar sales.

[Prior Code, Sec. 11A-1; Ord. 1405]

SECTION 9-502 EXEMPTIONS FROM CHAPTER.

The provisions of this chapter shall not apply to the following:

- A. Sales held pursuant to the order or process of a court of competent jurisdiction;
- B. Persons acting pursuant to their duties as public officials;
- C. Persons offering or selling personal property specifically described in the advertisement thereof, such items not to exceed ten (10) in number;
- D. Duly licensed auctioneers selling at auctions;

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- E. Sales of other character and nature regulated by other ordinances of the City; or
- F. Sales by business establishments from locations in areas properly zoned therefor.

[Prior Code, Sec. 11A-2; Ord. 1405, 07/19/1971]

SECTION 9-503 LICENSE REQUIRED; APPLICATION.

It shall be unlawful for any person, firm, organization, or corporation to hold or advertise a garage sale, as defined herein, without first obtaining a license therefor from the City Clerk. Such license shall be issued without charge pursuant to an application made by the person or organization to hold or conduct such sale. Such application shall give the following information:

- A. The date and location of the sale;
- B. The number of days on which the sale is to be held which shall not exceed the limit set forth herein;
- C. The date of any prior similar sale by the applicant;
- D. The description of the property to be sold; and
- E. A statement as to how the goods to be sold were acquired.

[Prior Code, Sec. 11A-3; Ord. 1405, 07/19/1971]

SECTION 9-504 REVOCACTION.

If false information or representations are contained in such application, the license issued thereon shall be void and subject to revocation by the City Clerk. [Prior Code, Sec. 11A-4; Ord. 1405, 07/19/1971]

SECTION 9-505 TERM; NEW LICENSE WHEN SALE PREVENTED BY INCLEMENT WEATHER; MAXIMUM NUMBER OF SALES PER YEAR.

No license for a garage sale shall be issued for a longer period than two (2) days, and the same person or organization shall not hold more than two (2) such sales within a period of one (1) year, nor shall more than two (2) sales be held at the same place within a period of one (1) year. If a sale is prevented by inclement weather, a new license

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therefor may be issued. A license shall not be issued for goods or merchandise acquired by the applicant for the purpose of resale. [Prior Code, Sec. 11A-5; Ord. 1405, 07/19/1971]

SECTION 9-506

SIGNS.

Signs advertising garage sales shall not be placed on the streets of the City, on the property of persons other than the one(1) holding such sale without express permission, nor at a distance of more than three hundred (300) feet from the location of the sale. [Prior Code, Sec. 11A-6; Ord. 1405, 07/19/1971]

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CHAPTER 6

YOUTH RECREATIONAL FACILITIES

Section 9-601	Definition.
Section 9-602	Identification.
Section 9-603	Regulations for Operation.
Section 9-604	Provisions of Article Cumulative.
Section 9-605	License Required.
Section 9-606	Application; Fee.
Section 9-607	Investigation of Applicant and Premises; Premises for which License not to be Issued.
Section 9-608	Issuance.
Section 9-609	Action by City Manager; Denial of License Generally.
Section 9-610	Appeals from Denial of License.
Section 9-611	License Fee.
Section 9-612	Display.
Section 9-613	Expiration.
Section 9-614	Suspension or Revocation.

SECTION 9-601 DEFINITION.

As used in this chapter, the term "youth recreational facility" means a place or premises open to the public wherein persons not less than thirteen (13) years of age (unless accompanied by a parent) and under the age of twenty-one (21) years may engage in recreational activities which shall include ping pong tables, pinball machines, pool tables, and similar devices permitted by law, and also dancing and other entertainment. [Prior Code, Sec. 4-27; Ord. 1291, 11/04/1968; Ord. 1926, 03/03/1986]

SECTION 9-602 IDENTIFICATION.

The entrance of every youth recreational facility shall be plainly marked, "Youth Recreational Facility, Persons 21 Years or Older Prohibited." [Prior Code, Sec. 4-28; Ord. 1291, 11/04/1968]

SECTION 9-603 REGULATIONS FOR OPERATION.

It shall be unlawful and constitute an offense punishable as set forth in this chapter and grounds for revocation or suspension of a license as required by this chapter for any youth recreational facility operator, manager, employee, or person having supervision thereof to permit any of the following acts upon the licensed premises:

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- A. Violation of any of the provisions of this chapter or of the statutes of the state;
- B. Operation or being open for operation during hours other than specified as follows:
 - 1. Ages thirteen (13) through fifteen (15):
 - a. Monday through Thursday - 11:00 a.m. to 10:00 p.m.;
 - b. Friday through Saturday - 11:00 a.m. to 11:00 p.m.; and
 - c. Sunday of each week - 1:00 p.m. to 10:00 p.m.;
 - 2. Ages sixteen (16) through twenty (20):
 - a. Monday through Thursday - 11:00 a.m. to 11:00 p.m.;
 - b. Friday through Saturday - 11:00 a.m. to 1:00 a.m.; and
 - c. Sunday of each week - 1:00 p.m. to 10:00 p.m..
- C. Permitting a person other than an operator or employee to remain on the licensed premises more than fifteen (15) minutes after closing time;
- D. Operating without having at least two (2) adults, with the qualifications required by this chapter, to be present on the premises at all times;
- E. Permitting a person twenty-one (21) years of age or over, other than the parent of a youth on the premises, or an operator or employee, to be present on the premises directing recreational activities;
- F. Permitting breaches of the peace or public disturbances upon the premises;
- G. Permitting beer or intoxicating beverages or any intoxicated person to be on the premises.

[Prior Code, Sec. 4-29; Ord. 1291, 11/04/1968; Ord. 1926, 03/03/1986]

SECTION 9-604

PROVISIONS OF ARTICLE CUMULATIVE.

The provisions of this chapter shall not exempt the owners, operators, managers, or employees thereof, or the youth recreational facility from compliance with the other

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provisions of this code and other ordinances of the City not in conflict herewith. [Prior Code, Sec. 4-30; Ord. 1291,11/04/1968]

SECTION 9-605

LICENSE REQUIRED.

- A. It shall be unlawful for any person to maintain, operate or manage within the City a youth recreational facility as defined in Section 9-601 without first obtaining a license therefor as provided in this chapter.
- B. A separate license shall be required for each youth recreational facility owned, maintained or operated.

[Prior Code, Sec. 4-31; Ord. 1291, 11/04/1968]

SECTION 9-606

APPLICATION; FEE.

- A. An application for the license required by the preceding section shall state:
 - 1. The name of the owner of the youth recreational facility and the location of the establishment. If the applicant is not the owner, a copy of the lease or other arrangement under which applicant holds possession thereof shall be attached to the application;
 - 2. The name, age, residence, And previous employment record of the applicant and of the operators, employees, partners or other persons having an interest in or supervisory control over the proposed youth recreational facility;
 - 3. The length of time the applicant has been a bona fide resident of the state immediately preceding the filing of the application;
 - 4. Any other information that the City Manager shall find reasonably necessary to carry out the general purpose and intent of this chapter and make a determination of the moral qualifications of the applicant, his employees, managers, and operators; and
 - 5. The application shall contain an agreement that the premises covered by such application may be inspected at any reasonable time by a police officer or other designated employee of the City.
- B. Such applications shall be accompanied by an application fee as set by the Master Fee Schedule which shall be paid to the City Clerk.

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[Prior Code, Sec. 4-32; Ord. No. 1291, 11/04/1968]

SECTION 9-607 INVESTIGATION OF APPLICANT AND PREMISES; PREMISES FOR WHICH LICENSE NOT TO BE ISSUED.

- A. Upon the receipt of an application for license for a youth recreational facility, the City Manager shall promptly cause an investigation to be made of the applicant and the manner in which the facility is to be operated and any other matters deemed necessary for the purpose of this chapter.

- B. A license for such youth recreational facility shall not be issued unless the premises are properly ventilated, supplied with sufficient toilet conveniences, adequately lighted, and in a safe and proper location. No youth recreational facility shall be located nearer than one hundred fifty (150) feet from a beer tavern, school, or church.

[Prior Code, Sec. 4-33; Ord. No. 1291, 11/04/1968]

SECTION 9-608 ISSUANCE OF LICENSE.

- A. A license for the operation of a youth recreational facility shall be issued by the City Clerk if the requirements of this chapter are complied with and if it is determined that the owners, operators or employees of such facility are adults, have never been convicted of a felony or an offense involving moral turpitude, and the applicant does not propose to operate such facility in a manner which will violate any provisions of the laws of the United States, the statutes and regulations of the state and the provisions of this code and other ordinances and regulations of the City.

- B. If a material misstatement of fact is made by the applicant, it shall be grounds for denial of the issuance of a license or revocation of any license issued to the applicant.

[Prior Code, Sec. 4-34; Ord. 1291, 11/04/1968]

SECTION 9-609 ACTION BY CITY MANAGER; DENIAL OF LICENSE GENERALLY.

The City Manager shall act upon the application for the license required by this chapter within fifteen (15) days after the filing thereof. If any such application is denied, the applicant shall be notified within five (5) days after such denial, giving reasons therefor.

[Prior Code, Sec. 4-35; Ord. No. 1291, 11/04/1968]

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SECTION 9-610

APPEALS FROM DENIAL OF LICENSE.

If an application for a license for a youth recreational facility is denied, the applicant shall have the right to appeal to the City Council of the City. Notice of the appeal, stating the grounds therefor, shall be filed with the City Manger within five (5) days after the receipt of the notice of denial. Within ten (10) days thereafter, the City Council shall hold a public hearing, at which such denial shall be reversed or affirmed. [Prior Code, Sec. 4-36; Ord. 1291, 11/04/1968]

SECTION 9-611

LICENSE FEE.

The fee for a license for a youth recreational facility shall be set by the City Council in the Master Fee Schedule. If more than five (5) pool tables are to be operated, a fee as set by the Council shall be added to such fee for each additional table. [Prior Code, Sec. 4-37; Ord. 1291, 11/04/1968]

SECTION 9-612

DISPLAY OF LICENSE.

Every youth recreational facility shall display in a conspicuous place the license therefor issued yearly. [Prior Code, Sec. 4-38; Ord. 1291, 11/04/1968]

SECTION 9-613

EXPIRATION OF LICENSE.

Licenses issued yearly under the provisions of this chapter shall expire on December 31 of each year; provided, that the first license fee shall be prorated on a quarterly basis. Thereafter, the full annual fee shall be collected regardless of the license date. [Prior Code, Sec. 4-39; Ord. 1291, 11/4/1968]

SECTION 9-614

SUSPENSION OR REVOCATION OF LICENSE.

The City Council may issue or revoke licenses issued under the provisions of this chapter if, after a public hearing, the board finds the holder of the license has made material misstatement in the application for a license or violated any of the provisions of this chapter. [Prior Code, Sec. 4-40; Ord. 1291, 11/4/1968]

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CHAPTER 7

MESSAGE BUSINESS

Section 9-701	Definitions.
Section 9-702	License.
Section 9-703	Exemptions.
Section 9-704	Fees and Renewal.
Section 9-705	Applications.
Section 9-706	Denial and Issuance.
Section 9-707	Display of License and Identification Card.
Section 9-708	Transfer Prohibited.
Section 9-709	Bogus Checks.
Section 9-710	Operating Requirements.
Section 9-711	Records to be Kept.
Section 9-712	Inspections.
Section 9-713	Revocation.
Section 9-714	Notice.
Section 9-715	Enforcement.
Section 9-716	Appeals.
Section 9-717	Sale.
Section 9-718	Branch Operations.
Section 9-719	Existing Operations.
Section 9-720	Penalty.
Section 9-721	Remedies Cumulative.

SECTION 9-701

DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meaning given herein.

“City”: The City of Sapulpa, Oklahoma, a municipal corporation.

“Clerk” The City Clerk of the City of Sapulpa or her authorized representative.

“Direct Supervision means on-the-premise control and responsibility for the massage apprentice by and in the physical presence of the massage technician.

“External Bath” The bathing of another person by a massage technician or massage apprentice by immersion, shower or steaming any part of the body.

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“Licensee”: Any massage establishment operator, outcall massage service operator, massage technician or massage apprentice appropriately licensed by the City of Sapulpa.

“Massage” Any method of pressure on, or friction against by stroking, rubbing, kneading, tapping, pounding, manipulating, vibrating or stimulating the external parts of the human body with the hands, feet or otherwise, with or without such supplementary aids as rubbing alcohol, infrared heat, vibrators, mechanical or electrical appliances and external baths, for any type of consideration or gratuity.

“Massage Apprentice” Any person employed by a massage establishment or outcall massage service and directly supervised by a massage technician for the purpose of learning the method and practice of massage.

“Massage Establishment” Any establishment or place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any business of the manipulation of the body by means of massage as herein defined.

“Massage Technician” Any person who administers to another person for any consideration or gratuity, a massage, external bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure.

“Operator, Massage Establishment Operator, or Outcall Massage Service Operator” Any person owning or operating a massage establishment or an outcall massage service. In the event of a corporate owner, operator shall mean the manager or person in charge. If a sole proprietorship, operator shall mean such individual alone.

“Outcall Massage Service” A business which provides licensed massage technicians or massage apprentices to perform a massage at a private location.

“Patron” Any person eighteen (18) years of age or older who receives a massage.

“Person” Any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

“Personal Pronouns” when used in the masculine or neuter gender, mean the masculine, feminine, and neuter gender.

“Sexual Body Areas” The genitals, pubic area, buttocks, anus, and perineum of any person and the vulva and breasts of a female person.

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SECTION 9-702

LICENSE.

- A. It shall be unlawful and an offense for any person to operate a massage establishment in the City without having first obtained a license to do so as herein provided.
- B. It shall be unlawful and an offense for any person to perform or offer or agree to perform the services of a massage technician or massage apprentice in the City without first having obtained a license to do so as herein provided.
- C. It shall be unlawful and an offense for an operator of a massage establishment to permit any person in his massage establishment to act as a massage technician or massage apprentice in the City unless such person is duly licensed as provided in this chapter.
- D. It shall be unlawful and an offense for a person to operate an outcall massage service in the City without first having obtained a license to do so as herein provided.
- E. It shall be unlawful and an offense for any outcall massage service operator, owner, or manager to permit any person to work out of such service who is not a duly licensed massage technician or massage apprentice as provided in this chapter, regardless of where the massage is performed.
- F. It shall be unlawful and an offense for any outcall massage apprentice to perform a massage unless acting under the direct supervision of a duly licensed massage technician.

SECTION 9-703

EXEMPTIONS.

This chapter shall not apply to the following persons while engaged in the personal performance of the duties of their respective professions:

- A. Nurses who are registered under the laws of the state of Oklahoma;
- B. Physicians, surgeons, chiropractors, chiropodists, podiatrists, osteopaths or physical therapists who are duly licensed to practice their respective professions in the state of Oklahoma;
- C. Barbers and beauticians who are duly licensed under the laws of the state of Oklahoma, except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of a patron for cosmetic purposes; or

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- D. Any employee or student of any nonprofit organization such as a hospital, clinic, nursing and convalescent home, university, college or seminary licensed or accredited by the state of Oklahoma or organized as exempt from taxation by the Internal Revenue Code of the United States, when massages are performed as part of such service or education and not for any consideration or gratuity.

SECTION 9-704

FEES AND RENEWAL.

- A. Every original application for a massage establishment license shall be accompanied by a non-refundable processing fee as a set by the Master Fee Schedule. Applications for an outcall massage service, massage technician or massage apprentice, shall be accompanied by a non-refundable processing fee as set by the Master Fee Schedule.
- B. Annual license fees set forth in the Master Fee Schedule herein shall be due and payable by the licensee at the time the City license is issued; provided, however, that fees for the initial applications for massage establishments, outcall massage services and massage technicians may be prorated quarterly.

[Ord. 2528, 08/20/2007]

SECTION 9-705

APPLICATIONS.

- A. **Massage Establishments.** Any applicant for a license for a massage establishment shall submit to the Clerk a written application on a form furnished by the Clerk. Before issuing a license, the Clerk shall determine that the following requirements are met by each applicant:
 - 1. The applicant or members of the applying firm, partnership or association, or if a corporation, the manager, ("Applicant" herein) shall be twenty-one (21) years of age or older by proof acceptable to the Clerk. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, business and home address and telephone numbers, and any other names by which the applicant was known in the past shall be included in the application. The applicant shall specify the exact name and address of the proposed massage establishment.
 - 2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.

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3. The applicant, who is or intends to be a massage establishment operator engaged in on-the-premise supervision of massage technicians or who performs the duties of a massage technician, shall be duly licensed by the City as a massage technician as provided in this chapter.
4. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City furnished identification card, and the other shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the suitable for the purpose of this chapter.
5. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another city or state has had his license revoked or suspended, and if so, the reason therefor, and business activity or occupation of the applicant subsequent to such suspension or revocation.
6. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein shall be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.
7. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purpose of this disclosure, no conviction need be listed for a misdemeanor more than five (5) years preceding the date of the application or for a felony for which a pardon has been granted.
8. If the applicant is a corporation, the application shall include the state of incorporation, the name and address of the corporation, the registered service agent in the state of Oklahoma, the date authorized to do business in Oklahoma, and the names and addresses of the officers and directors of the corporation.

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9. That the applicant has secured a location in the City of Sapulpa which is described by address and name for the massage establishment, and if leased, a copy of the lease agreement, which location has been inspected and approved by the Creek County Health Department as to the following requirements:
 - a. Steam rooms, shower compartments, steam compartments, tub compartments, toilet rooms, and adjacent exits thereto shall have smooth, nonabsorbent and easily cleanable floors, walls, and ceilings;
 - b. Floors of wet and dry heat rooms shall be adequately pitched to one (1) or more floor drains properly connected to the sewer, except that dry heat rooms with wooden floors need not be provided with pitched floors and floor drains;
 - c. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning;
 - d. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used to administer massages;
 - e. Massage tables shall have a cleanable plastic liner covering the entire top surface;
 - f. Closed cabinets shall be provided for the storage of clean linen, towels and other materials used in connection with administering massages;
 - g. A toilet facility shall be provided in a convenient location and separate toilet facilities for each sex shall be provided for each twenty (20) employees and patrons of that sex on the premises at any one time; urinals may be substituted for water closets after one (1) water closet has been provided; toilets shall be designated as to the sex accommodated therein; toilet room floors and walls shall be smooth, nonabsorbent, easily cleanable, with the walls painted in a light color, toilet facilities shall be vented to the outside air, and
 - h. A minimum of one (1) separate wash facility per toilet room shall be provided in each massage establishment for the use of patrons and employees, which shall provide an approved

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basin, soap or detergent and hot and cold running water at all times; in addition, there shall be provided at each wash basin sanitary towels or other approved facilities placed in permanently installed dispensers.

10. The applicant shall comply with applicable provisions of the City's Building, Electrical, Plumbing, Sign and Mechanical Codes including, but not limited to the following requirements:
 - a. A readable sign in compliance with all provisions of the City Sign Code, posted at the main entrance, identifying the business as a massage establishment; and
 - b. Minimum lighting in accordance with the City Building Code in each room or enclosure where services are performed on patrons.
 11. The applicant's massage establishment location shall have been inspected and approved by the City Fire Marshal as to the following requirements:
 - a. Accessible exits for patrons and employees in case of fire;
 - b. No unsafe storage areas of combustible material;
 - c. Adequate fire-extinguishing equipment available and usable by employees instructed by the Fire Marshal as to proper procedure; and
 - d. Approved smoke, heat and incendiary gas detectors in operating condition.
- B. **Massage Technician.** Any individual seeking to obtain a City license as a massage technician shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.
1. The applicant shall be eighteen (18) years of age or older. The applicant's name place of birth, sex, race, height, weight, color of eyes and hair, residence and business addresses and phone numbers shall be included in the application.

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2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.
3. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purpose of this chapter.
4. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.
5. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.
6. The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis is performed in connection with the physical examination, such analysis must be done in a laboratory approved by the Health Department of the State of Oklahoma.
7. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating in this or another city or state, has had his license revoked or suspended, and if so, the reason therefor and the business activity or occupation of the applicant subsequent to such suspension or revocation.

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8. The applicant shall furnish his residence and employment addresses for the preceding two (2) years.
 9. The applicant shall provide at least one (1) of the following:
 - a. A graduation certificate from a school or other institution of learning recognized by the Clerk wherein the method, profession and work of massage technicians is taught;
 - b. A photocopy of applicant's grade record reflecting successful completion of at least three (3) semester hours of applied anatomy and physiology at any institution of higher learning accredited by the state wherein such institution is located;
 - c. A sworn affidavit, on a form provided by the Clerk, from a City-licensed massage technician that the applicant has completed a minimum of two hundred fifty (250) hours of on-the-job, supervised training in the art of massage as a City-licensed massage apprentice and is thereby fully qualified to be a technician; or
 - d. Evidence that the applicant has heretofore been licensed by the City as a massage operator and is currently the holder of a valid massage operator's license.
 10. The application shall include the name, address and City license number of the massage establishment or outcall massage service for which the applicant is or shall be employed.
 11. The applicant shall furnish such other information and identification as the Clerk shall require to verify the matters herein specified.
- C. Outcall Massage Service. Any person seeking to obtain a City license for an outcall message service shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.
1. The applicant or members of an applying firm, partnership or association, or if a corporation, the manager, shall be twenty-one (21) years of age or older by written proof. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, business and home addresses and telephone numbers, and any other names by

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which the applicant was known in the past shall be included in the application.

2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.
3. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other photograph shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purposes of this chapter.
4. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another city or state, has had his license revoked or suspended, and if so, the reason therefor, and the business activity or occupation of the applicant subsequent to such suspension or revocation.
5. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.
6. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.
7. If the applicant is a corporation, the application shall include the date of incorporation, the name and address of the corporation, the registered service agent in the state of Oklahoma and the names and addresses of the officers and directors of the corporation.

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8. The applicant shall have secured a location in the City of Sapulpa for the outcall massage service which shall be described by name and address, and if leased, a copy of the lease agreement shall be provided. All telephone numbers of each and every massage technician or massage apprentice working from such service location or requested through such service's telephone numbers shall be provided.
- D. Massage Apprentice. Any individual seeking to obtain a City license as a massage apprentice shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.
1. The applicant shall be eighteen (18) years of age or older. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, address of residence and home phone number shall be included in the application.
 2. The name and City license number of the massage establishment or outcall massage service where apprenticeship will be served shall be included in the application.
 3. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.
 4. The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis is done in connection with the physical examination, such analysis must be done in a laboratory approved by the Health Department of the State of Oklahoma.
 5. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other photograph shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purposes of this chapter.

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6. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.

SECTION 9-706

DENIAL AND ISSUANCE.

- A. The requirements of this chapter for each license are cumulative and the failure of the applicant to comply with any requirement shall be grounds for denial of such license.
- B. Each and every applicant who satisfactorily complies with the license requirements of this chapter shall be immediately issued the appropriate license by the Clerk. Nothing herein shall prevent any person from simultaneously holding a massage establishment and an outcall massage service license if requirements for both are satisfactorily met.
- C. On the face of each license for a massage establishment or outcall massage service, the Clerk shall list by name those persons processed and approved by the Clerk as owner or partner. The Clerk shall issue to each person and approved by the Clerk as owner or partner. The Clerk shall issue to each person and each applicant licensed as a massage technician or massage apprentice a City Identification Card.

SECTION 9-707

DISPLAY OF LICENSE AND IDENTIFICATION CARD.

- A. Every massage establishment or outcall massage service shall display, in a well-lighted area on the wall near the front entrance at the licensed address, the City license authorizing the operation of such business.
- B. Each individual approved by the Clerk and licensed by the City as the owner, operator, partner, or manager of a massage establishment or outcall massage service, or as massage technician or massage apprentice, shall wear on the upper front torso area of his clothing, at all times when engaged in the licensed business or when upon the licensed premises during authorized hours of operation, the City Identification Card issued to such individual.

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SECTION 9-708

TRANSFER PROHIBITED.

No license for the operation of any establishment, service or occupation issued to a particular person or for a particular location shall be transferred to another person or another location unless approved by the Clerk. No more than one (1) license operation authority without further notice until payment satisfactory to the Clerk is made. This provision shall not prevent the filing of criminal charges if and when applicable.

SECTION 9-709

BOGUS CHECKS.

Any applicant or licensee who pays any fee with a check which is subsequently dishonored for any reason shall be automatically suspended from license operation authority without further notice until payment satisfactory to the clerk is made. This provision shall not prevent the filing criminal charges if and when applicable.

SECTION 9-710

OPERATING REQUIREMENTS.

- A. Massage Establishments. The following operating requirements shall apply to licensed massage establishments. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Sapulpa Municipal Court. Each day that such violation exists shall constitute a separate offense.
1. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean, in good repair and shall be operated in a sanitary manner.
 2. A price schedule for all services shall be prominently posted in the reception area in a location visible to all prospective patrons.
 3. All employees, patrons, persons, managers, owners, operators, technicians, and apprentices shall be clean and shall wear clean, non-transparent outer garments, covering the sexual body areas. A separate dressing room for each sex shall be available on the premises with individual lockers for each employee, technician or apprentice. Doors to such dressing rooms shall open inward and shall be self closing.
 4. All massage establishments shall be provided with a sufficient quantity of clean sheets and towels which shall be laundered after each use and shall be stored in a sanitary manner. All soiled linens, towels, and other materials shall be kept in properly covered

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containers or cabinets, which shall be kept separate from the storage areas for clean supplies.

5. No patron shall receive the services of any massage establishment, technician or apprentice, unless such patron is at least eighteen (18) years of age; provided further that any minor may receive such services as a patron only if a valid written consent to allow such services be performed on said minor has been executed by the minor's legal guardian and kept on file by the massage establishment.
6. No person shall sell, give, dispense, consume, provide or keep, or cause to be sold, given dispensed, provided or kept any alcoholic beverage or beer on the premises of any massage establishment.
7. No massage establishment shall be operated after 8:00 p.m. or before 8:00 a.m.
8. No person may act as manager for a corporate licensee, unless such person has been approved by the clerk and listed on the license of the massage establishment.
9. No owner, operator, partner or manager may supervise massage technicians, unless such person is approved and licensed as a massage technician as provided in this chapter.
10. No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done the massage or touching, or the offer or agreement to massage or touch any person's sexual body areas or the sexual body areas of any other person.
11. No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done the exposing, or the offer or agreement to expose to the view of any other person, his or her sexual body areas or the sexual body areas of any other person.
12. All massages shall be performed in a massage room designed for such purpose. No doorway to such room shall be fitted with a door capable of being locked.
13. No patron who is affected with any contagious disease or with any disease of the skin shall be massaged in any massage establishment.

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14. No person holding a massage establishment license shall operate under a name not specified in the license, nor shall business be conducted under any designation or location not specified in the license.
 15. No licensee, patron or any person shall be intoxicated while upon the premises of a massage establishment.
 16. All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.
 17. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and massage tables shall be thoroughly cleaned and disinfected after each patron's use.
 18. Each patron and massage table shall be provided with clean and sanitary linens, sheets and towels.
 19. Hot and cold running water shall be provided at all times.
 20. Minimum lighting shall be provided and shall be in use when massage services are being performed.
- B. Outcall Massage Services. The following operating requirements shall apply to licensed outcall massage services. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Sapulpa Municipal Court. Each day that such violation exists shall constitute a separate offense.
1. Any patron and any technician or apprentice working out of a licensed outcall massage service shall, during massage services, be clean and shall wear clean, non-transparent outer garments covering the sexual body areas.
 2. No patron shall receive the services of any outcall massage service unless such patron is at least eighteen (18) years of age; provided further that any minor may receive such services as a patron only if a valid written consent to allow such services be performed on said minor has been executed by the minor's legal guardian and kept on file by the massage establishment.

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3. No outcall massage service shall be provided after 8:00 p.m. or before 8:00 a.m.
4. No patron, technician or apprentice working out of an outcall massage service shall massage or touch, or agree or offer to massage or touch, any person's sexual body areas, including his own.
5. No patron, technician or apprentice working out of an outcall massage service shall expose or agree or offer to expose his or her sexual body areas or the sexual body areas of any other person.
6. No person owning, operating or managing an outcall massage service shall knowingly cause, allow or permit any patron, technician or apprentice to perform such acts prohibited in Subsections (4) or (5) of this section.
7. No patron in an intoxicated condition or who is affected with any contagious disease or with any disease of the skin shall be massaged by any technician or apprentice of an outcall massage service.
8. No person granted an outcall massage service license shall operate under a name not specified in the license, nor shall such telephone business be conducted under any designation or number not specified on the license.
9. All towels and linens used on any patron shall be clean, shall be laundered after each use, and shall be stored in clean containers.
10. All soiled towels, linens and other materials shall be kept in properly covered containers, separate from clean storage containers.
11. All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.

SECTION 9-711

RECORDS TO BE KEPT.

- A. The owner, operator or manager of each massage establishment or outcall massage service shall maintain a current register of all employees, including their address, date of birth, sex, duties and such other information as the Clerk may reasonably require. Upon hiring or discharging any massage technician or apprentice, the owner, operator or manager shall immediately notify the Clerk in writing, and shall include in such notice the personal

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information required herein. Failure to comply with the provisions of this subsection shall be unlawful and an offense.

- B. Every owner, operator or manager of a massage establishment or outcall massage service shall keep a current record of all massage treatments rendered, either on or off the premises, which record shall include the address where the massage treatment was rendered, the name and address of the patron, the technician or apprentice rendering such treatment and the date of such treatment. Such records shall be maintained for a period of one (1) year. Failure to comply with the provisions of this subsection shall be unlawful and on offense.

SECTION 9-712 INSPECTIONS.

Any licensed premise, establishment, service or person shall be subject to inspection at any time during working hours by any member of the City Police Department, Health Department, Fire Department, Code Enforcement Office, or Legal Department to determine and ensure compliance with the provisions of this chapter. It shall be unlawful and an offense for any person or licensee to refuse to allow such inspections.

SECTION 9-713 REVOCAATION.

Any license issued hereunder shall be revoked by order of the Clerk upon his determination that the licensee has committed any act which would have been cause for denial of a license upon the original application, has made a false statement on the application, or has committed any act in violation of this chapter or in violation of the standards for good moral character.

SECTION 9-714 NOTICE.

The Clerk shall give notice of denial of license to any applicant by regular mail to his stated home address, or of revocation of license to any licensee by regular mail to his stated business address. Such notice shall state the reasons for denial or revocation, the effective date of such determination and shall advise the applicant or licensee that the Clerk's decision may be appealed to the Council by filing a written request for a hearing with the City Clerk within ten (10) days of the receipt of such notice. All such licenses shall be suspended pending appeal.

SECTION 9-715 ENFORCEMENT.

Any applicant who has been denied a license, or any licensee whose license has been revoked or suspended hereunder who acts in violation of such denial, revocation, or

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suspension, shall be guilty of an offense, and each day constituting such violation is a separate and distinct offense with a separate and distinct penalty.

SECTION 9-716 APPEALS.

Appeals to the Council from any adverse decision of the Clerk hereunder shall, when timely filed, be docketed on the Council's next available agenda and notice of the date and time of hearing shall be given to all parties concerned. At such hearing the Council shall receive any evidence it deems appropriate and, shall either affirm, reverse or modify the Clerk's decision.

SECTION 9-717 SALE.

Any person desiring to purchase, own, operate, or manage a presently licensed massage establishment or outcall massage service shall make application for such license and must be approved by the Clerk and licensed by the City before assuming such business.

SECTION 9-718 BRANCH OPERATIONS.

No branch operation shall be permitted by the holder of any license hereunder, unless such operation is separately approved and licensed by the City according to the provisions of this chapter.

SECTION 9-719 EXISTING OPERATIONS.

- A. All massage establishments, outcall massage services and technicians currently operating within municipal limits shall remain operative until October 1, 2001, at which time such establishment, service and/or technician must comply with the provisions of this chapter and all massage services shall be in compliance with the terms and requirements of this chapter.
- B. Any new applications for massage technicians, massage apprentices, massage establishments or outcall massage services shall be in compliance with the terms and requirements of the chapter.

SECTION 9-720 PENALTY.

Any person, patron, license or individual found guilty of violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a as provided by Section 1-108 of the Code.

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SECTION 9-721

REMEDIES CUMULATIVE.

The conviction and punishment of any person for operating hereunder without the appropriate license shall not relieve such person from paying any appropriate license fee due, nor shall conviction and punishment prevent the Clerk from denying the issuance of any license, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this chapter. The conviction and punishment of any person for violating any of the operating requirements herein shall not prevent the Clerk from revoking any existing license for such violation, nor shall the revoking of the license prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed hereinunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.”

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CHAPTER 8

FIREWORKS

Section 9-801	Sale of Fireworks Prohibited Generally.
Section 9-802	Wholesale Sale of Fireworks Allowed .
Section 9-803	Retail Sale of Fireworks Allowed.
Section 9-804	Possession and Discharge.
Section 9-805	Penalty.

SECTION 9-801 SALE OF FIREWORKS PROHIBITED GENERALLY.

The sale or offering for sale, purchase or giving away of fireworks of every description or explosive devices similar to fireworks is hereby prohibited within the City except as provided in this Chapter. [Ord. 2465, 5/16/2005]

SECTION 9-802 WHOLESALE SALE OF FIREWORKS ALLOWED.

The wholesale sale of Class C fireworks (as defined by 68 O.S. Section 1622 (a)(1), as amended) shall be permitted in those areas of the City outside of the Fire Districts established by the City Code, upon compliance with each of the following conditions:

- A. All such sales shall be restricted to either side of the following primary arteries outside of the aforementioned fire districts: Interstate-44.
- B. Any and all such sales shall be made from a free-standing structure in excess of six thousand (6,000) square feet and which in all cases shall be located no less than one hundred (100) feet from any other structure owned by a third (3rd) party. All such structures must be located within an Industrial or Commercial District as defined by city ordinance.
- C. All fireworks offered for wholesale sale must be protected from direct contact and handling by the public at all time.
- D. No person or business shall offer any fireworks for wholesale without first obtaining a license from the City as provided for herein. Any person operating a location where fireworks are sold wholesale shall be required to apply for and obtain a wholesale fireworks license from the City Fire Marshal. The applicant for such license shall provide the following: (i) location of the structure and dimensions; (ii) proof of age of the applicant; (iii) proof that all licenses required under state law have been obtained; (iv) an affidavit signed by applicant stating that he will comply with all applicable city, state and

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federal laws and regulations pertaining to the wholesale of fireworks; and (v) payment of the wholesale fireworks license fee as set forth in the Master Fee Schedule to the City Code.

[Ord. 2465, 5/16/2005]

SECTION 9-803

RETAIL SALE OF FIREWORKS ALLOWED.

The retail sale of Class C fireworks (as defined by 68 O.S. Section 1622 (a)(1), as amended) shall be permitted in those areas of the City outside of the Fire Districts established by the City Code, upon compliance with each of the following conditions:

- A. All such retail sales shall be restricted to either side of the following primary arteries outside of the aforementioned fire districts: Interstate 44, Highway 66 (Dewey and Mission Streets), Highway 97 (Main Street), Highway 117 (Taft Avenue), Highway 75a and that portion of 49th West Ave. Located in Tulsa County, Oklahoma.
- B. Any and all retail sales of fireworks shall be made from a free-standing rigid structure which shall be located no less than one hundred (100) feet from any other structure owned by a third party. The retail sale of fireworks from tents and/or other non-rigid structures is prohibited, unless the owner/operator of the tent and/or other non-rigid structure has been issued a valid license for the wholesale distribution of fireworks by the City and said tent and/or non-rigid structure is located within one thousand (1,000) feet of the operator's wholesale structure. In addition, all retail sales of fireworks must be located within an Industrial, Commercial or Agricultural District as defined by City ordinance. One (1) recreational vehicle will also be allowed for safety purposes during the time period specified for allowed sales.
- C. A sales clerk must be on duty to serve the consumer at the time of purchase. All fireworks offered for retail sale must be protected from direct contact and handling by the public at all time.
- D. Fireworks may only be offered for retail sale and/or so sold to the public between June 15 and July 6, or December 15 and December 31, of each year. Permitted sale hours each day during which sales are permitted shall be from 8:00 a.m. to 12:00 midnight, except that sales shall be permitted from 8:00 a.m. on July 4 continuously until 2:00 a.m. on July 5.
- E. No person or business shall offer to the public any fireworks without first obtaining a license from the City as provided for herein. Any person

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operating a location where fireworks are sold as permitted shall be required to apply for and obtain a retail fireworks license from the City Clerk.

F.

The applicant for such license shall provide the following:

1. Location of the retail structure;
2. Proof of age of the applicant;
3. Proof that all licenses required under state law have been obtained;
4. An affidavit signed by applicant stating that he will comply with all applicable city, state, and federal laws and regulations pertaining to the sale of fireworks; and
5. Payment of the retail fireworks license fee as set forth in the Master Fee Schedule to the City Code.

SECTION 9-804

DISCHARGE OF FIREWORKS WITHIN MUNICIPAL LIMITS.

The discharge of fireworks within the municipal limits of the City of Sapulpa by any individual shall be unlawful. [Ord. 2639, 5/16/2011; Ord. 2658, 3/19/2012]

SECTION 9-805

PENALTY.

Failure to comply with any of the foregoing provisions of this Chapter and/or any violation thereof shall constitute an offense punishable under Section 1-108 of the Code. Each day any such provision is violated shall constitute a separate offense.

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CHAPTER 9

HOTELS, MOTELS, AND ROOMING HOUSES

Section 9-901	Numbering of Rooms.
Section 9-902	Persons Refused.
Section 9-903	Registration of Guests.
Section 9-904	False Registration.
Section 9-905	Registration Records Preserved.
Section 9-906	Minor Guests – Reports.
Section 9-907	Resistance to Police.
Section 9-908	Inspection of Records.
Section 9-909	Penalty.

SECTION 9-901 NUMBERING OF ROOMS.

Any person engaged in the operation of any hotel, motel or rooming house shall cause each and every room and apartment or suite which is rented or let in such building to be numbered in a plain and conspicuous manner by some approved system of numbering, in such a manner that no two (2) rooms shall have the same number and so that the numbers shall increase or decrease, uniformly from one room to the succeeding room or rooms and from one floor to the succeeding floor or floors. [Ord. 2506, 11/20/2006]

SECTION 9-902 PERSONS REFUSED.

It shall be an offense for any operator, owner, manager, or employee of any hotel, Motel, or rooming house to knowingly receive any person as a guest or to permit any person to remain as a guest or employee who comes within any of the following classifications:

- A. A prostitute; or
- B. Any person who solicits or arranges for immoral, illicit, or licentious acts.

[Ord. 2506, 11/20/2006]

SECTION 9-903 REGISTRATION OF GUESTS.

Each and every person owning, conducting or operating hotel, motel, or rooming house is hereby required to keep a book or file in which the name, post office address, date of arrival and registration and date of departure shall be entered in the handwriting

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of the guest; provided, that the room assignment shall be added by the proprietor of the establishment. No person shall be received as a guest of any hotel, motel or rooming house who shall refuse to register as required by this chapter. [Ord. 2506, 11/20/2006]

SECTION 9-904 FALSE REGISTRATION.

It shall be an offense for any person to falsely register or write or cause to be written in any hotel, motel or rooming house record or file any name other than his/her true and full name by which he is known to the public. [Ord. 2506, 11/20/2006]

SECTION 9-905 REGISTRATION RECORDS PRESERVED.

Each and every person owning or operating any hotel, motel or rooming house shall faithfully keep and preserve all such registers and file records for each and every person entering the hotel, motel or rooming house as a guest for a period of not less than three (3) years from the date of the last registration made therein. It is the intent of this section that the register or file shall show at any time upon inspection a complete and full list of all registrations made within the last three (3) years with their respective dates. [Ord. 2506, 11/20/2006]

SECTION 9-906 MINOR GUESTS –REPORTS.

Every person owning, conducting or operating a hotel, motel or rooming house is hereby required to report immediately the registration of any minor, under the age of eighteen (18) years, unaccompanied by his or her parent or guardian, to the Chief of Police. [Ord. 2506, 11/20/2006]

SECTION 9-907 RESISTANCE TO POLICE.

It shall be an offense for any person to refuse or obstruct admittance or offer resistance to any member of the Sapulpa Police Department into the hallways, lobby, office, toilets, cooking apartment or any other apartment of any hotel, motel or rooming house, except such room or apartment as may be actually occupied by a person as a private room, which such peace officer would otherwise have a right to enter under the law. [Ord. 2506, 11/20/2006]

SECTION 9-908 INSPECTION OF RECORDS.

Records of guests which are required to be kept by proprietors of hotels, motels, and rooming houses shall at all times be subject to inspection by any police officer. [Ord. 2506, 11/20/2006]

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SECTION 9-909 PENALTY.

Any person found guilty of violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a as provided by Section 1-108 of the Code. [Ord. 2506, 11/20/2006]

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CHAPTER 10

PEDDLERS AND SOLICITORS

Section 9-1001	Definitions.
Section 9-1002	Use of Public Right-of-Way; Prohibition; Exception.
Section 9-1003	Hours of business.
Section 9-1004	Peddlers or Solicitors; Invitation Required to Enter Posted Premises.
Section 9-1005	Penalty.
Section 9-1006	Required.
Section 9-1007	Application Procedure.
Section 9-1008	Application Fee and Investigation Fee.
Section 9-1009	Review and Investigation.
Section 9-1010	Approved License Fee.
Section 9-1011	Appeal of Disapproval by City Clerk.
Section 9-1012	Term.
Section 9-1013	Transfer of License or Badge.
Section 9-1014	Display.
Section 9-1015	Revocation.
Section 9-1016	Surrender Upon Expiration or Revocation.

SECTION 9-1001

DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

“Peddler” means any person who travels on foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting foodstuffs, beverages, goods, products, wares, merchandise or other personal property of any type, and offering or exposing the same for retail sale, or making retail sales of such articles to purchasers, except that the term shall not include a person representing sales of local non-profit or charitable organizations.

“Public right-of-way” means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, canal, plaza, pedestrian bridge, pedestrian way, stairs or elevators which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

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“Retail sale or sales” means any sale or sales transactions of foodstuffs, beverages, goods, products, wares, merchandise or other personal property, except as made by a person engaged in selling such personal property at wholesale to dealers in such property.

“Solicitor” means any person who travels on foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the retail sale of goods, products, wares, merchandise or other personal property of any type, excluding foodstuffs, for future delivery, or for services to be furnished or performed in the future, except that the term shall not include a person representing sales of local non-profit or charitable organizations.

[Ord. 2606, 02/01/2010]

SECTION 9-1002 USE OF PUBLIC RIGHT-OF-WAY; PROHIBITION; EXCEPTION.

No peddler or solicitor shall engage in business within any portion of any public right-of-way; provided, the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portion of any public right-of-way for his or her business purposes or to the lawful successor(s) or assign(s) of any such landowner. [Ord. 2606, 02/01/2010]

SECTION 9-1003 HOURS OF BUSINESS.

No peddler or solicitor shall conduct business within any residential zoning districts, except between the hours of 9:00 a.m. and 8:00 p.m. each day of the week except Sunday. Provided, however, that deliveries or solicitations may be made where the person delivered to or solicited has agreed by previously arranged appointment for a time other than the prescribed hours. The purpose of this restriction is to protect residents in the peaceable possession of their homes and properties between the hours of 8:00 p.m. and 9:00 a.m. each day. [Ord. 2606, 02/01/2010]

SECTION 9-1004 PEDDLERS OR SOLICITORS; INVITATION REQUIRED TO ENTER POSTED PREMISES.

No peddler or solicitor shall enter any premises or attempt to sell, peddle, or solicit where the owner or occupant of such premises has indicated his/her desire not to be contacted for sales or solicitations by the placing of a “No Solicitors”, “No Trespassers”, or “No Trespassing” sign on those premises, and any such entrance or attempt to sell, peddle, or solicit shall constitute a trespass upon private property and a violation of this Code punishable under Section 9-108. [Ord. 2606, 02/01/2010]

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SECTION 9-1005

PENALTY.

Any person violating any provision of this Chapter shall be guilty of an offense punishable under Section 1-108 of this Code. Every act of peddling or solicitation without a license or otherwise in violation of this chapter shall constitute a separate offense. [Ord. 2606, 02/01/2010]

SECTION 9-1006

LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of peddler or solicitor within the corporate limits of the City without first obtaining a license from the City Clerk. [Ord. 2606, 02/01/2010]

SECTION 9-1007

APPLICATION PROCEDURE.

- A. Contents of application. Applicants for a license shall file with the City Clerk a verified application in writing on a form to be furnished by the City Clerk, which shall contain the following information:
1. The full name, description, and birth date of the applicant.
 2. The applicant's address, both legal and local.
 3. A brief description of the business to be conducted and the items to be sold.
 4. The time period for which the applicant desires to do business.
 5. A current driver's license, proof of insurance, license number and description of any vehicle to be used (if applicable).
 6. A verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid on the items sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
 7. The content of any signs to be used.
 8. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship.

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- B. Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal report is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the City Clerk.

[Ord. 2606, 02/01/2010]

SECTION 9-1008 APPLICATION FEE.

Any person making application for a license required by the provisions of this Chapter shall pay an application fee as set forth in the Master Fee Schedule. [Ord. 2606, 02/01/2010]

SECTION 9-1009 REVIEW AND INVESTIGATION; ISSUANCE OR DENIAL.

- A. Upon receipt of an application for a license as required by this Chapter, the City Clerk shall review the criminal history information provided by the Oklahoma State Bureau of Investigation and shall note thereon any relevant information concerning any convictions of the applicant for any of the offenses specified in this Chapter.
- B. The City Clerk shall cause such other investigation or inquiry concerning the applicant as deemed necessary to determine whether the application is in compliance with the terms and conditions of this Chapter and other applicable provisions of this Code.
- C. Upon completion of the necessary investigation as provided for by this section, the City Clerk shall review the application to ensure:
 - 1. That the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
 - 2. That the applicant or the applicant's employer is aware of his or her responsibility to collect and pay sales tax, unless tax exempt;
 - 3. That the applicant's character or business responsibility is not "unsatisfactory" (as defined in Subsection (E) of this section);

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4. That the applicant's proposed signs and locations therefor comply with all of the provisions of the Sapulpa Zoning Code §12-201 *et seq.*; and
 5. That the application otherwise complies with all of the provisions of this Code.
- D. Within twenty (20) business days after receipt of the application, the City Clerk shall either approve or disapprove of the application. Grounds for disapproval shall be the following:
1. A finding that the application is incomplete;
 2. Nonpayment of the application fee and investigation fee;
 3. Failure of the applicant to verify that he or she, or his/her employer, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on the items sold; or that he or she, or his/her employer, is otherwise exempt from payment of sales tax;
 4. A finding that the application is not in conformance with other applicable provisions set forth in this Code;
 5. A finding that the applicant's character or business responsibility is "unsatisfactory" (as defined in Subsection (E) of this section).
- E. For the purpose of this Chapter, "unsatisfactory character or business responsibility" of an applicant shall be defined as follows:
1. A finding that the applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any non-consensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;
 2. A finding that the applicant has been convicted of two or more violations of the provisions of this chapter within the preceding twenty-four (24) months; or

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3. A finding that a previous license held by the applicant pursuant to the provisions of this Chapter was revoked within the previous twelve (12) months.

[Ord. 2606, 02/01/2010]

SECTION 9-1010 APPROVED LICENSE FEE.

Anyone receiving an approved license shall pay a fee to the City Clerk as set forth in the Master Fee Schedule. [Ord. 2606, 02/01/2010]

SECTION 9-1011 APPEAL OF DISAPPROVAL BY CITY CLERK.

An applicant who has been denied a license under this Chapter may appeal the denial to the City Manager. [Ord. 2606, 02/01/2010]

SECTION 9-1012 TERM.

Any license issued shall expire within ninety (90) days, one hundred eighty (180) days, or three hundred sixty-five (365) days after issuance depending on the term elected by applicant and payment of the applicable fee, unless sooner revoked pursuant to the provisions of this Chapter. [Ord. 2606, 02/01/2010]

SECTION 9-1013 TRANSFER OF LICENSE OR BADGE.

No license or badge issued under the provisions of this Chapter shall be used or worn at any time by any person other than the licensee to whom it was issued. [Ord. 2606, 02/01/2010]

SECTION 9-1014 DISPLAY.

Peddlers and solicitors are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling or soliciting. [Ord. 2606, 02/01/2010]

SECTION 9-1015 REVOCAATION.

Licenses issued under the provisions of this Chapter may be revoked for reasons that include, but are not be limited to, the following:

- A. Fraud, misrepresentation, or any false statement contained in the application for the license;

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- B. Conviction of the licensee for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any non-consensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;
- C. Conviction of the licensee for one or more violations of the provisions of this Chapter within the preceding twelve (12) months; or
- D. A finding that a licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

[Ord. 2606, 02/01/2010]

SECTION 9-1016

SURRENDER UPON EXPIRATION OR REVOCATION.

When a license issued pursuant to the provisions of this Chapter expires, or is revoked, its holder shall surrender to the City Clerk and the license shall become the property of the City.

[Ord. 2606 dated 02/01/2010]

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CHAPTER 11

SEXUALLY ORIENTED BUSINESSES

Section 9-1100

Reserved.

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CHAPTER 12

ENTERTAINMENT CLUBS

Section 9-1201	Purpose.
Section 9-1202	Definitions.
Section 9-1203	Penalty.

SECTION 9-1201 PURPOSE.

It shall be unlawful for any person to operate or cause to be operated any entertainment club, as herein defined, between the hours of 2:00 a.m. and 7:00 a.m. [Ord. 2650,10/03/2011]

SECTION 9-1202 DEFINITIONS.

“Entertainment Club” shall mean a commercial establishment which meets the following conditions:

- A. A person is licensed by the State of Oklahoma to sell and serve low-point beer or alcoholic beverages for consumption on the premises of the entertainment club; or
- B. Patrons or customers are permitted to dance on the premises of the entertainment club.

“Entertainment Club” does NOT include the following:

- A. A “Principal Use Restaurant,” as defined herein, where the only entertainment consists of background music which is incidental to the primary function of serving food; or
- B. A banquet, party, or celebration consisting of invited guests and which is not open to the public; or
- C. A dance or event sponsored or operated by a non-profit political, educational, religious, or fraternal organization which has been permitted and granted an Entertainment Club After Hours Permit by the City Clerk.

“Principal Use Restaurant” shall mean an eating establishment which employs at least one full-time cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar

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area, occupies at least seventy-five percent (75%) of the total floor area, as defined herein, of the business.

“Floor Area” shall mean the sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included.

[Ord. 2650,10/03/2011]

SECTION 9-1203

PENALTY.

Any person violating any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punished pursuant to Section 1-108.

[Ord. 2650,10/03/2011]

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CHAPTER 13

ENTERTAINMENT CLUB AFTER HOURS PERMIT

Section 9-1301	Purpose.
Section 9-1302	Definitions.
Section 9-1303	Permit Required.
Section 9-1304	Application for Permit.
Section 9-1305	Investigation.
Section 9-1306	Issuance of Permit.
Section 9-1307	Denial of Permit.
Section 9-1308	Appeal from Denial of Permit.
Section 9-1309	Display of Permit.
Section 9-1310	Penalty.
Section 9-1311	Other Laws Applicable.

SECTION 9-1301

PURPOSE.

It is the purpose of this chapter to regulate dances or events sponsored or operated by a non-profit political, educational, religious or fraternal organization held on the premises of an entertainment club between the hours of 2:00 a.m. and 7:00 a.m. The City of Sapulpa regulates such dances or events to establish reasonable and uniform regulations to promote the health, safety, and general welfare of those persons attending such dances or events and the general public. The regulation also seeks to prevent the secondary effects of such dances or events on surrounding and nearby properties. The City of Sapulpa finds from studies it has done these regulations are necessary to protect property values, to prevent further deterioration of City neighborhoods, promote the return of residents and businesses to City neighborhoods, and decrease the incidence of crime and juvenile delinquency. Further, the City finds that such events or dances tend to attract an undesirable quantity and quality of clientele and have an undesirable effect on surrounding and nearby properties. [Ord. 2649,10/03/2011]

SECTION 9-1302

DEFINITIONS.

“Chief of Police” shall mean the Chief of Police of the City of Sapulpa, Oklahoma or his duly authorized representative.

“City Clerk” shall mean the Clerk for the City of Sapulpa, Oklahoma or her duly authorized representative.

“Entertainment Club” shall mean an entertainment club as defined in Part 9, Chapter 12, Section 1202.

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[Ord. 2649,10/3/2011]

SECTION 9-1303

PERMIT REQUIRED.

It shall constitute a nuisance and be unlawful for any non-profit political, educational, religious, or fraternal organization to operate or sponsor a dance or event on the premises of an entertainment club between the hours of 2:00 a.m. and 7:00 a.m. without first obtaining a permit as required by this chapter. [Ord. 2649,10/03/2011]

SECTION 9-1304

APPLICATION FOR PERMIT.

- A. Application for an Entertainment Club After Hours Permit shall be made to the City Clerk on forms prepared and made available by the City Clerk and shall provide the following:
1. The legal name of the non-profit organization making the application.
 2. The legal address of the non-profit organization making the application;
 3. The telephone number for the principal office of the non-profit organization making the application;
 4. Proof of the non-profit legal status of the organization making the application;
 5. The date of the formation of the organization and the state of formation of the organization making the application;
 6. Proof that the non-profit organization making the application is authorized or licensed to do business or operate within the State of Oklahoma;
 7. The legal name of the person making the application for the non-profit organization, his title with the non-profit organization, proof that he is authorized to sign the application on behalf of the non-profit organization making the application;
 8. The full name, addresses, and phone numbers of the officers or agents of the non-profit organization who will remain on-site during the dance or event and will be overseeing, supervising, and managing the dance or event on behalf of the non-profit organization making the application.

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9. A written statement setting forth the safety and security plan for those persons attending the dance or event and all measures proposed to ensure that adequate crowd control, crowd protection, and security, both inside and outside the premises of the entertainment club, will be maintained during the dance or event;
 10. Type of dance or event to be operated or sponsored by the non-profit organization making application and the number of attendees anticipated to participate in the dance or event;
 11. The date the event or dance will be held and the scheduled times that the event or dance will begin and end;
 12. Such other information as the City Clerk deems necessary to enforce the provisions of this Chapter.
- B. An application for an Entertainment Club After Hours Permit shall be made to the City Clerk at least thirty (30) days, but no more than one (1) year prior to the scheduled date of the dance or event to be sponsored or operated by the non-profit political, educational religious, or fraternal organization. A separate application must be submitted for each date an event or dance is to be sponsored or operated by the non-profit political, educational, religious, or fraternal organization.
- C. Each application for a permit shall be accompanied by a non-refundable application fee of One Hundred Dollars (\$100.00).

[Ord. 2649,10/03/2011]

SECTION 9-1305 INVESTIGATION.

- A. Upon receipt of an application for a permit, the City Clerk shall forward the completed application to the Chief of Police who will promptly cause an investigation and review of the application made by the applicant.
- B. No permit shall be issued until it shall be found by the Chief of Police that the dance or event, as proposed, will be operated or sponsored b the non-profit organization making the application in a manner in conformance with all sections of this Chapter, the Sapulpa City Code and Ordinances, state and federal law, and, in particular, all health, safety, and fire regulations of the City.

[Ord. 2649,10/03/2011]

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SECTION 9-1306

ISSUANCE OF PERMIT.

- A. The City Clerk shall authorize the issuance of a Entertainment Club After Hours Permit upon successful completion of the following investigation:
1. That the persons named on the application as the officers or agents of the non-profit organization who will remain on-site during the dance or event and will be overseeing, supervising, and managing the dance or event on behalf of the non-profit organization making the application are:
 - a. Eighteen (18) years of age or older;
 - b. Have not been convicted of any felony, unless such person has received a full pardon, or convicted of any misdemeanor concerning prostitution, gambling, larceny, embezzlement, drugs, marijuana, assault and battery, contributing to the delinquency of a minor, knowingly permitting or allowing a juvenile to remain upon the premises of an establishment during curfew hours, unless five (5) years have passed since such last conviction, and;
 - c. Not holders of a federal gambling tax stamp.
 2. That the manner in which the applicant proposed to sponsor or operate the dance or event after hours does not violate any provisions of federal law, the statutes and regulations of the State of Oklahoma, the Sapulpa City Code, or any Ordinances thereof.
- B. A misstatement of material fact in any application shall be grounds for denial of issuance of a permit hereunder.
- C. Each permit issued by the City Clerk shall be valid for one (1) dance or event for the date and times stated within the permit.

[Ord. 2649,10/03/2011]

SECTION 9-1307

DENIAL OF PERMIT.

The City Clerk shall act upon the application for the permit within ten (10) days after the filing thereof. If the City Clerk denies the application, she shall notify the applicant in writing within five (5) days after the denial, giving the reasons for the denial.

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SECTION 9-1308

APPEAL FROM DENIAL OF PERMIT.

Any non-profit organization whose application for a permit is denied shall have the right to appeal to the Sapulpa City Council. Notice of the appeal, stating the grounds therefor, shall be filed with the City Clerk and the City Council within five (5) days after receipt of the notice of denial. Appeals to the City Council from any adverse decision of the City Clerk, when timely and properly filed, shall be heard by the Council at the next regularly scheduled City Council meeting. The City Council shall receive an evidence it deems appropriate and shall either affirm, reverse, or modify the City Clerk's decision. [Ord. 2649,10/03/2011]

SECTION 9-1309

DISPLAY OF PERMIT.

- A. The holder of the permit issued hereunder shall place and exhibit the same at all times during the dance or event in some conspicuous place upon the premises of the entertainment club.
- B. At least one (1) officer or agent of the non-profit organization sponsoring or operating the dance or event shall have a copy of the permit on his or her person on the premises of the entertainment club during the dance or event. The officer or agent shall present a copy of the permit upon demand by any law enforcement officer.

[Ord. 2649,10/03/2011]

SECTION 9-1310

PENALTY.

An person who shall violate any of the provisions of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished pursuant to Section 1-108. [Ord. 2649,10/03/2011]

SECTION 9-1311

OTHER LAWS APPLICABLE.

The provisions of this chapter shall be construed to exempt any person or non-profit political, educational, religious or fraternal organization from compliance with any other applicable ordinance of the City of Sapulpa not in conflict herewith, unless specifically excluded herein. [Ord. 2649, 10/03/2011]

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CHAPTER 14

TRANSPORT GAS LICENSE

Section 9-1400	Definitions.
Section 9-1401	License Required.
Section 9-1402	Fee.
Section 9-1403	License Requirements.
Section 9-1404	Revocations and Penalties.

SECTION 9-1400

DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the following meanings:

"Calculated Value" shall mean the total Transport Gas measured in Dekatherms delivered to a Transport Gas Consumer for a billing period, multiplied by the Settlement Price to arrive at the value of the Transport Gas transported by a Franchise Holder for that Transport Gas Consumer.

"City" shall mean the City of Sapulpa, Oklahoma.

"Consumer" shall mean any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality, or public or private entity located within the municipal corporate limits of the City and serviced by a Franchise Holder through any use of the Public Ways.

"Dekatherm" or "Dth" shall mean a measurement of natural gas equal to 1,000,000 British Thermal Units (Btu), or 1 MMBtu, on a dry basis. Btu shall be computed on a temperature base of 60 degrees Fahrenheit and a pressure base of 14.73 pounds per square inch, absolute (PSIA).

"Distribution System" shall mean a system of works, pipes, pipelines, apparatus, machinery, structures, appliances, and appurtenances as are reasonably necessary for the transportation, distribution, or sale of gas to Consumers.

"Franchise Holder" shall mean the holder of a franchise issued and approved by the City for the use of the Public Ways for its Distribution System.

"License" shall mean the rights, licenses, and privileges granted by the City to a Consumer to use the Public Ways for a Transportation Tariff Arrangement or similar

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agreement or arrangement for the transport of gas through a Franchise Holder's Distribution System.

"Licensee" shall mean a Consumer granted a License under this chapter.

"Public Ways" shall mean any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, public right of way, and any other public ways, places, areas, or grounds within the municipal corporate limits of the City as now constituted or as may be added or extended hereafter.

"Settlement Price" shall mean the settlement prices for natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX), or any successor exchange or index, on the 15th day of each month as published daily in The Wall Street Journal on the following business day (or the next day in which a Settlement Price is published) for each month of the twelve-month period immediately following.

"Transport Gas" shall mean all gas transported by a Franchise Holder pursuant to a Transportation Tariff Arrangement or by other agreement, but not sold by the Franchise Holder through the Franchise Holder's Distribution System to any Consumer or user located within the municipal corporate limits of the City.

"Transport Gas Consumer" shall mean a Consumer which uses Transport Gas.

"Transportation Tariff Arrangement" shall mean any arrangement between a Franchise Holder and a Consumer pursuant to which natural gas owned by any party other than the Franchise Holder shall be transported, distributed or sold through any portion of Franchise Holder's Distribution System and under one of Franchise Holder's tariffs or special contract for delivery to the Consumer.

"Volumetric Rate" shall mean Four Percent (4%) of the Calculated Value of Transport Gas as determined by a Franchise Holder in accordance with the provisions of its franchise.

"Volumetric Rate Fee "or "Volumetric Rate Fees" shall mean the fee or fees based on the Volumetric Rate to be collected and remitted to the City by a Franchise Holder as provided and required by the applicable franchise.

[Ord. 2787, 12/18/2017]

SECTION 9-1401

LICENSE REQUIRED.

No Transport Gas Consumer shall receive or deliver gas within the City pursuant to a Transportation Tariff Arrangement utilizing any Franchise Holder's Distribution System

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installed in the Public Ways, unless the Consumer shall hold a valid License from the City. Such License shall be issued for the purpose of granting the Licensee authority to use the Public Ways in connection with the sale of Transport Gas. [Ord. 2787, 12/18/2017]

SECTION 9-1402 FEE.

In consideration of the issuance of a License by the City, unless waived by the City and subject to adjustment pursuant to the terms and provisions of the applicable franchise, a Licensee shall pay to the City a fee for use of the Public Ways in connection with the sale of Transport Gas. This fee shall be calculated as a Volumetric Rate Fee as provided in the applicable franchise. This fee shall be collected by the Franchise Holder and remitted to the City as provided in the applicable franchise. [Ord. 2787, 12/18/2017]

SECTION 9-1403 LICENSE REQUIREMENTS.

Any License issued shall contain the following material terms:

- A. The Licensee shall pay the fee set forth in Section 9-1402 to the City or its designated agent on a monthly basis, as directed by the City and pursuant to the applicable franchise;
- B. The Licensee shall subordinate its Transportation Tariff Arrangement to the right of the City to construct, operate and maintain facilities in the Public Ways;
- C. The Licensee shall grant to the City the right to audit at reasonable times the books and records of the Licensee to verify the correct payment of the fee set forth in Section 9-1402; and
- D. The Licensee shall assume jointly with the Franchise Holder the indemnification terms of the applicable franchise insofar as the terms apply to the Transportation Tariff Arrangement.

[Ord. 2787, 12/18/2017]

SECTION 9-1404 REVOCAION AND PENALTIES.

Any License issued shall contain the following material terms:

- A. A License shall be revocable by the City at any time upon a ten-day written notice to Licensee.
- B. Any violation of this chapter shall be an offense. Any Transport Gas Consumer adjudged guilty of violating this chapter shall be punished by a

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fine of Five Hundred Dollars (\$500.00), excluding costs, for each offense;
and each day of a continuing violation shall be deemed a separate offense.

[Ord. 2787, 12/18/2017]