

PART 9

LICENSING AND BUSINESS REGULATIONS

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Licensing and Business Regulations

CHAPTER 1

OCCUPATIONAL LICENSE FEES

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Section 9-103	Separate licenses required.
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SECTION 9-101 LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS.

A. A license fee is hereby levied on any person engaging in, exercising, or pursuing any business, profession, trade, occupation, or privilege in this town, as required by the town board, for an annual fee as set by the board of trustees by motion or resolution. A schedule of such fees shall be adopted or amended by motion or resolution with a copy of the current schedule on file in the town clerk-treasurer's office.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk-treasurer prior to issuance of the town license.

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

Cross Reference: See also alcoholic beverages, Secs. 3-101 et seq.; electricians and plumbers, Secs. 5-201 and 5-301 et seq.; Sec. 10-303 on fireworks licenses.

Ed. Note: The following fees are in effect as of July 1, 1989, but may be amended as provided in this section:

	Annually	Per Day
1. Body works shop	\$ 2.00	
2. Feed and produce stores	2.00	
3. Propane and butane distributors with appliances and equipment sales	2.00	
4. Service stations	2.00	
5. Service stations with other business in connection	2.00	
6. Cafes	2.00	
7. Cafes (large) or with other business	2.00	
8. Hotel	2.00	
9. Garage	2.00	
10. Grocery and meat market	2.00	

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	Annually	Per Day
11. Beauty shops	\$ 2.00	
12. Lumber business or lumber yards	2.00	
13. Five and ten cent stores	2.00	
14. Nursing homes	2.00	
15. Sundries shops (with cold drinks, etc.)	2.00	
16. Banks	2.00	
17. Insurance agencies	2.00	
18. Feed and seed stores	2.00	
19. Barber shops	2.00	
20. Used car lots	2.00	
21. Tourist courts	2.00	
22. Pool halls	2.00	
23. Clothing stores	2.00	
24. Shoe shops	2.00	
25. Radio and TV repairs & sales	2.00	
26. Dry goods stores	2.00	
27. Jewelry stores	2.00	
28. Auto supply	2.00	
29. Fireworks	2.00	
30. Furniture stores	2.00	
31. Taverns	2.00	
32. Funeral homes	2.00	
33. Leather goods shop	2.00	
34. Dry cleaners	2.00	
35. Laundries	2.00	
36. Florists	2.00	
37. Business or occupation agents or solicitors selling insurance or taking orders for insurance policies, each	50.00	10.00
38. Agents or policies, each selling or taking orders for sale of books, magazines, periodicals, or publications of any description, each	50.00	10.00
39. Carnival, circus or menagerie where admission is charged	-----	50.00
40. Collection agents	50.00	10.00
41. Concessions, games and amusements not a part of an organized carnival where a fee is charged	50.00	15.00
42. Fortune tellers, each	50.00	10.00
43. Palm readers, each	50.00	10.00
44. Business or occupation person selling or undertaking to sell unsolicited services not specifically listed herein	-----	15.00
45. Photographers, each	50.00	7.50
46. Real estate agents, each	50.00	7.50
47. Shows, including tent shows other than circuses and menageries, where admission is charged, each	50.00	7.50

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	Annually	Per Day
48. Salesman, solicitors, solicitors of donations to public or private charities, vendors and peddlers, either selling or taking orders for sale of retail goods and merchandise not heretofore listed, each	\$ 50.00	\$ 25.00

SECTION 9-102 EX-SERVICE PERSONS.

Nothing in this chapter or in other ordinances of the town shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege when he is exempted therefrom by statutes of the state or other provisions of law.

SECTION 9-103 SEPARATE LICENSES REQUIRED.

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the town, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

SECTION 9-104 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section.

SECTION 9-105 LICENSE MAY BE REVOKED.

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

SECTION 9-106 TRANSFER OF LICENSE PROHIBITED.

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

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

SECTION 9-107 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

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connivance by the holder, the town clerk-treasurer, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk-treasurer an affidavit that the licensee has in fact lost or destroyed the license without any wrongful act or connivance by the licensee.

SECTION 9-108 FEE REQUIRED FOR CERTAIN AMUSEMENT DEVICES.

No person, either as principal or agent shall own, operate, lease or permit to be operated on the business premises of such person any form of coin operated machine or other device intended for the use of or used by persons patronizing such business for such persons amusement, entertainment or edification, including, but not limited to the following:

1. Bowling machines;
2. Shuffle boards;
3. Pinball and associated similar machines; and
4. Music playing machines commonly called juke boxes,

without first paying in advance to the town clerk-treasurer the license fee or tax hereinafter prescribed and procuring a license therefore. The fee shall be as set by the town board by motion or resolution.

Ed. Note: Fee is set at \$5.00 per year per machine on shuffleboard; per 6 months or less the fee is \$2.50 per machine or shuffleboard.

CHAPTER 2

ITINERANT VENDORS

SECTION:

9-201:	Definitions
9-202:	License Required
9-203:	Application; Bond
9-204:	License Fee
9-205:	Transfer
9-206:	Going Upon Private Residences
9-207:	Hours Permitted

9-201: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

ITINERANT VENDOR: Means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the town 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 town 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 "itinerant vendor" means any such business transacted or conducted in the town 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 which such business is to be operated or conducted.

TRANSIENT:

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

Anyone engaged in interstate commerce or anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce may appeal to the judge of the municipal court for a determination of the applicability of these provisions. (1989 Code)

9-202: **LICENSE REQUIRED:** It is unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the town without first obtaining a license as herein provided for. The town clerk-treasurer shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the town his goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the town for the services herein required of it and to enable the town to partially defray the expenses of enforcing the provisions of this chapter. (1989 Code)

9-203: **APPLICATION; BOND:**

- A. The itinerant vendor shall make application to the town clerk-treasurer of the town at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the town which application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and

place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm. The application thereof must be accompanied by:

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited;
2. A certified copy of the articles of incorporation if the itinerant vendor be a corporation, incorporated under the laws of this state;
3. A certified copy of its permit or authority to do business in the state if the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma; and
4. A bond in the sum of not less than five hundred dollars (\$500.00), executed by the itinerant vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the town for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the town. The bond shall remain in full force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter. (1989 Code)

9-204: **LICENSE FEE¹**: The license fee for itinerant vendor shall be as set by the board of trustees. (1989 Code)

9-205: **TRANSFER**: The license permit provided for herein shall not be transferable nor give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business. (1989 Code)

1. See section 9-101 of this part.

9-206: GOING UPON PRIVATE RESIDENCES¹:

- A. In the exercise of the authority conferred upon the town by state law, the practice of going to, in or upon the premises of any private residence in the town by door to door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.
- B. This section shall not apply to salespersons, solicitors, peddlers or order takers representing sales or local nonprofit or charitable organizations, nor to the sale or soliciting of any order for the sale of milk, dairy products, vegetables, poultry, eggs or other farm and garden produce so far as the sale of the commodities named in this section is authorized by law.
- C. Any violation of the provisions of this section shall be punishable as a misdemeanor against the town. Any person convicted of violating any provisions of this section shall be fined as provided in section 1-108 of this code. (1989 Code)

9-207: HOURS PERMITTED: Solicitations by persons covered by this chapter may be made in the town of Hulbert from Monday through Saturday of each week from the hours of eight o'clock (8:00) A.M to eight o'clock (8:00) P.M., and it shall be prohibited to make any solicitations under this chapter on Sunday. (Ord. 95-01, 10-12-1995)

1. 11 OS § 22-106; 47 OS §§ 22-106, 421; 72 OS § 1.

CHAPTER 3

RESIDENTIAL SALES

SECTION:

9-301:	Definitions
9-302:	License Required
9-303:	License Application
9-304:	Issuance Of License; Investigation
9-305:	Revocation Or Refusal To Issue License
9-306:	Intervals Between Sales
9-307:	Signs Restricted
9-308:	Sale Area; Display Of Goods
9-309:	Exceptions
9-310:	Penalties

9-301: **DEFINITIONS:** As used in this chapter, "residential sale" shall mean any sale held out to be, or commonly known as a garage, porch, room, back yard, front yard or patio sale, or any other type of general sale conducted from or on any premises located in a residential zoning district. This definition shall not include a situation where specific items are held out for sale, and all advertisements of such sale specifically name the items to be sold. (Ord. 06-01, 8-10-2006)

9-302: **LICENSE REQUIRED:**

- A. No person shall hold, conduct, engage in or participate in any manner in a residential sale at any place within the limits of the town of Hulbert without first having obtained a license therefor. The issuance of a license under the provisions of this chapter shall not exempt such person from the terms and provisions of any other ordinance of the town, and for the issuance of said license the town clerk shall collect a fee of two dollars (\$2.00).
- B. A separate license shall be required for each location at which a residential sale is to be held, and no location shall be eligible for

more than three (3) licenses in any twelve (12) month period, and if more than one family group is participating in said sale, each family or group participating therein shall obtain such a license. (Ord. 06-01, 8-10-2006)

9-303: **LICENSE APPLICATION:** An applicant for a license under this chapter shall furnish the clerk with the following information:

- A. Full name and address of the applicant;
- B. The location at which the proposed residential sale is to be held;
- C. The date or dates upon which the sale shall be held; and
- D. An affidavit from the applicant to the effect that all goods to be sold at the subject residential sale are owned by the applicant and have not been obtained for the purpose of reselling the articles at the sale. (Ord. 06-01, 8-10-2006)

9-304: **ISSUANCE OF LICENSE; INVESTIGATION:**

- A. The clerk is authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying therefor and who otherwise complies with the requirements of this chapter and the other ordinances of the town. When a residential sale is not held on the dates for which the license is issued or is terminated during the first day of such sale because of inclement weather conditions, and an affidavit by the license holder to this effect is submitted, the clerk may issue another license to the applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.
- B. Before issuing a residential sale license, the clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with the ordinances of the town. (Ord. 06-01, 8-10-2006)

9-305: **REVOCAION OR REFUSAL TO ISSUE LICENSE:** Any license issued under this chapter may be revoked, or any

application for issuance of such license may be refused by the clerk in the event the ordinances of the town are not complied with or if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement. (Ord. 06-01, 8-10-2006)

9-306: **INTERVALS BETWEEN SALES:** No person shall hold, conduct, engage in or participate in any manner a residential sale or allow a residential sale to be held or conducted on premises under his control or ownership more than three (3) times in any twelve (12) month period, except as provided in section 9-304 of this chapter. (Ord. 06-01, 8-10-2006)

9-307: **SIGNS RESTRICTED:** Not more than one sign or other device used for the purpose of advertising or otherwise calling attention to a residential sale shall be allowed for each residential sale license. The sign or device shall be located on the immediate premises where the sale is to be conducted, but in no event shall the sign or device be more than two hundred (200) square feet from the sale area. The display surfaces of such sign or device shall not exceed twelve (12) square feet on each side and shall be removed upon completion of the sale. (Ord. 06-01, 8-10-2006)

9-308: **SALE AREA; DISPLAY OF GOODS:** The sale area at any residential sale shall be confined to the premises for which the license has been issued. In no event shall articles or goods be so displayed as to attract attention or be conspicuously in view from any public street. (Ord. 06-01, 8-10-2006)

9-309: **EXCEPTIONS:** This chapter shall not apply to or effect the following persons:

- A. Persons acting pursuant to an order or process of a court of competent jurisdiction;
- B. Persons acting in accordance with their powers and duties as public officials;
- C. Duly licensed auctioneers selling at auctions;

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- D. Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. 06-01, 8-10-2006)

9-310: **PENALTIES:** Any person, firm or corporation violating the provisions of this chapter shall be guilty of a public offense and shall be fined as provided in section 1-108 of this code and each day of violation of this chapter shall constitute a separate offense. (Ord. 06-01, 8-10-2006)