

PART II - CODE OF ORDINANCES
Chapter 16 LICENSING AND BUSINESS REGULATIONS

Chapter 16 LICENSING AND BUSINESS REGULATIONS	2
ARTICLE I. IN GENERAL.....	2
Secs. 16-1—16-18. Reserved.....	2
ARTICLE II. OCCUPATIONAL LICENSE TAX	2
Secs. 16-19—16-39. Reserved.....	2
ARTICLE III. SOLICITORS	2
Sec. 16-40. Permit and license required.	2
Sec. 16-41. Definitions.	2
Sec. 16-42. Application.....	3
Sec. 16-43. Bond may be required.	3
Sec. 16-44. Investigation and issuance of license.	4
Sec. 16-45. Appeal.....	4
Sec. 16-46. Fees.....	4
Sec. 16-47. License.	4
Sec. 16-48. Exhibition of license.	4
Sec. 16-49. Duty of police to enforce.....	5
Sec. 16-50. Penalty.....	5
Secs. 16-51—16-73. Reserved.....	5
ARTICLE IV. CONSTRUCTION EQUIPMENT LICENSES	5
Sec. 16-74. Definitions.	5
Sec. 16-75. License required.	5
Sec. 16-76. License term, bond.	6
Sec. 16-77. License number displayed on equipment.....	6
Sec. 16-78. Notice to owner of damages.	6
Sec. 16-79. Revocation of license.....	6
Sec. 16-80. Penalty.....	6
Secs. 16-81—16-103. Reserved.....	7
ARTICLE V. GARAGE SALES.....	7
Sec. 16-104. Garage sales; limitation on number of days.....	7
Secs. 16-105—16-121. Reserved.....	7
ARTICLE VI. COMMUNITY DEVELOPMENT, BLOCK GRANT ECONOMIC DEVELOPMENT	7
Sec. 16-122. Agreement to provide employment and beneficiary information.	7
Sec. 16-123. Time for providing information.	8
Secs. 16-124—16-144. Reserved.....	8
ARTICLE VII. TRANSIENT MERCHANTS	8

PART II - CODE OF ORDINANCES
Chapter 16 LICENSING AND BUSINESS REGULATIONS

Sec. 16-145. Definitions.	8
Sec. 16-146. License required.	9
Sec. 16-147. License fees.....	9
Sec. 16-148. Penalty.....	9
Secs. 16-149—16-179. Reserved.....	10
ARTICLE VIII. RESERVED	10
Secs. 16-180—16-199. Reserved.....	10
ARTICLE IX. MARIJUANA ESTABLISHMENT LICENSES.....	10
Sec. 16-200. License required, non-transferable.	10
Sec. 16-201. License restrictions.....	10
Sec. 16-202. No immunity.....	10
Sec. 16-203. Inspections.....	10
Sec. 16-204. Reasonable security measures.	11
Sec. 16-205. Application requirements.....	11

Chapter 16 LICENSING AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. OCCUPATIONAL LICENSE TAX

Secs. 16-19—16-39. Reserved.

ARTICLE III. SOLICITORS

Sec. 16-40. Permit and license required.

It is unlawful for any person to engage in the business of solicitor as herein defined without first having obtained a permit therefor, excepting individuals or persons soliciting on behalf of local public schools, or educational, religious or eleemosynary institutions.

(Prior Code, ch. 5; Code 1984, § 9-201)

State law reference(s)—Peddlers licensing, city authority 11 O.S. § 22-106; exservicemen exempt, 72 O.S. § 1; state licensing of itinerant merchants, 47 O.S. § 421.

Sec. 16-41. 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:

Solicitor means any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, for contacting persons by telephone, taking or attempting to take orders for sale of goods, wares and merchandise, personal or real property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

(Prior Code, ch. 5; Code 1984, § 9-202)

Sec. 16-42. Application.

Application for permit and license hereunder must be filed with the city clerk upon sworn application showing the following:

- (1) Name and description of the applicant;
- (2) Address;
- (3) A brief description and nature of the type of business to be carried on, together with the name of employer, if any;
- (4) The length of time for which the license is desired;
- (5) Description of automobile or means of transportation to be used, if any;
- (6) Fingerprints of the applicant;
- (7) The names of at least two residents of the city who will certify as to the applicant's character and business responsibility, or other equivalent evidence as to character and business responsibility of the applicant;
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and punishment assessed therefor; and
- (9) The names of other cities in this area where applicant has been licensed or worked as a solicitor, if any. False statement in the application shall be grounds for non-issuance or revocation of the license.

(Prior Code, ch. 5; Code 1984, § 9-203)

Sec. 16-43. Bond may be required.

If after the investigation required by this article either the chief of police or the city clerk determines that there are insufficient grounds to deny a license to the applicant, but that due to the nature of the product to be sold or services to be rendered, or the background of the applicant or firm which he represents, the safety or financial security of the inhabitants of the city should be further protected, either of the officials may require, as a condition precedent to the issuance of a license, that such applicant file with the city clerk a surety bond to be approved by him, running to the city in an amount not to exceed \$2,000.00 with a surety company licensed to do business in this state conditioned that:

- (1) The applicant will comply fully with all of the ordinances of the city relating to and regulating the business of solicitor;
- (2) As to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor; and

- (3) As to any citizen of the city doing business with the solicitor, that the property purchased will be delivered according to the representations of the solicitor or that the services to be performed will be performed as represented by the solicitor. Any aggrieved citizen of the city shall have a right to bring an action on the bond.

(Prior Code, ch. 5; Code 1984, § 9-204)

Sec. 16-44. Investigation and issuance of license.

- (a) Upon receipt of such application, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.
- (b) If, as a result of such application, the applicant's character and business responsibility is found to be unsatisfactory, the chief of police shall so endorse on the application and return the application to the city clerk and no license shall be issued.
- (c) If, as a result of such application, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse the same on the application, and the city clerk shall then issue the license upon payment of the fees herein required, and subject to the provisions of the preceding section.

(Prior Code, ch. 5; Code 1984, § 9-205)

Sec. 16-45. Appeal.

Any person denied a license may appeal to the mayor and city council by filing notice thereof with the city clerk within 30 days after receiving notice of the denial.

(Prior Code, ch. 5; Code 1984, § 9-206)

Sec. 16-46. Fees.

Prior to the issuance of a license as set forth in this article, a fee of \$25.00 per week and any partial week thereafter shall be tendered to the city clerk. A license shall be valid only for the weeks for which the fee has been tendered.

(Code 1984, § 9-207; Ord. No. 4-18-94B)

Sec. 16-47. License.

The license issued to the licensee shall contain the words "Licensed Solicitor—City of Bristow, Oklahoma," a brief description of the licensee, the period of time for which the license is issued, the number of the license, a brief description of the products or services to be sold by the licensee and it shall bear the signature of the city clerk and the seal of the city. This license shall be non-assignable and shall be carried on his person by the licensee at all times during which he is engaged in soliciting.

(Prior Code, ch. 5; Code 1984, § 9-208)

Sec. 16-48. Exhibition of license.

Solicitors are required to exhibit their licenses at the request of any citizen.

(Prior Code, ch. 5; Code 1984, § 9-209)

Sec. 16-49. Duty of police to enforce.

It is the duty of any police officer of the city to require any person seen soliciting, and who is not known by such officer to be duly licensed, to produce his solicitors license and to enforce the provisions of this article against persons found to be violating the same.

(Prior Code, ch. 5; Code 1984, § 9-210)

Sec. 16-50. Penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this article shall be guilty of an offense and shall be fined as provided in section 1-8.

(Prior Code, ch. 5; Code 1984, § 9-211)

Secs. 16-51—16-73. Reserved.

ARTICLE IV. CONSTRUCTION EQUIPMENT LICENSES

Sec. 16-74. 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:

Bond means an agreement executed by a licensed bonding company or by any individual or entity, other than the equipment owner, residing in or at all times subject to service in the county having at all times during the duration of the bond a net worth of \$10,000.00, whose terms shall provide that if the particular equipment owner does not promptly pay for or promptly repair damage caused by construction equipment to public property or public lands then the surety will pay for the damages.

Construction equipment means powered machinery or powered tools used to dig, scrape or otherwise move earth.

Equipment owner means the owner or lessee of construction equipment.

Public lands mean land owned or leased by the city or easements and rights of way dedicated to the public of the city.

Public property means any personal property or improvements owned or leased by the city, by any trust established for the benefit of the city, by any public utility or by any public service company.

(Code 1984, § 9-301; Ord. No. 626)

Sec. 16-75. License required.

No equipment owner shall use or direct or permit the use of any construction equipment on, below or above any public lands unless the equipment owner has obtained a license and is properly bonded as set out in this article.

(Code 1984, § 9-302; Ord. No. 626)

Sec. 16-76. License term, bond.

The city clerk shall issue a license to any equipment owner upon written request in such form as he may reasonably require accompanied by a good and sufficient bond in the principal amount of \$10,000.00. The license shall be good for ten years or the term of the bond, whichever shall expire first.

(Code 1984, § 9-303; Ord. No. 626)

Sec. 16-77. License number displayed on equipment.

The equipment owner shall be given a license number which shall be displayed prominently upon any construction equipment used within the city limits. Failure to display the number shall constitute a violation of this article.

(Code 1984, § 9-304; Ord. No. 626)

Sec. 16-78. Notice to owner of damages.

Any equipment owner whose construction equipment, whether owned or leased, damages or destroys public land or public property shall immediately notify the owner of the public land or public property.

(Code 1984, § 9-305; Ord. No. 626)

Sec. 16-79. Revocation of license.

After reasonable notice, the city council may revoke any license for any of the following reasons:

- (1) Destruction of public property by the licensee in conditions which indicate a careless disregard for the safety of the same;
- (2) Failure of the licensee to abide by the terms of this article;
- (3) Failure of the licensee to promptly repair damage to public property;
- (4) Failure of the surety to promptly pay for damage to public property; and
- (5) Cancellation, by the surety, of his bond.

(Code 1984, § 9-306; Ord. No. 626)

Sec. 16-80. Penalty.

Failure to comply with the terms of this article shall constitute an offense punishable as provided in section 1-8.

(Code 1984, § 9-307; Ord. No. 626)

Secs. 16-81—16-103. Reserved.

ARTICLE V. GARAGE SALES

Sec. 16-104. Garage sales; limitation on number of days.

- (a) *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:

Garage sale means and includes all sales entitled garage sale, lawn sale, office sale, rummage sale, porch sale or any other similar casual sale of tangible personal property which is advertised by any means whereby the public at-large is or can be made aware of such sale.

Goods mean and include any goods or other property capable of being the object of a sale regulated hereunder.

Person means and includes individuals, partnerships, voluntary associations and corporations.

- (b) *Length of sale.* It is unlawful for a person to conduct a yard sale for a period of time in excess of two consecutive days. Each day of violation shall constitute a separate offense.
- (c) *Date of sale.* It is unlawful for a person to conduct a yard sale at a residence or location in excess of one yard sale per three month period. Each day of violation shall constitute a separate offense.
- (d) *Persons and sales excepted.* The provisions of this section shall not apply to or affect the following persons or sales:
- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
 - (2) Persons acting in accordance with their power and duties as public officials;
 - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in an advertisement and which separate items do not exceed five in number.
- (e) *Penalty.* Any person who violates any provision of this section shall be guilty of an offense and upon conviction shall be punished in section 1-8.

(Code 1984, § 9-401; Ord. No. 11584, 11-5-1984; Ord. No. 1-92198, § 1)

Secs. 16-105—16-121. Reserved.

ARTICLE VI. COMMUNITY DEVELOPMENT, BLOCK GRANT ECONOMIC DEVELOPMENT

Sec. 16-122. Agreement to provide employment and beneficiary information.

As a condition of using the community development, block grant economic development funded electric utility extensions designed to first wave aviation located within the city, any entity so using such must agree to and shall provide employment and beneficiary information as deemed necessary and requested by proper governmental agencies.

(Code 1984, § 9-501; Ord. No. 5-5-97, § 2; Ord. No. 72-010306, § 1)

Sec. 16-123. Time for providing information.

The employment and beneficiary information to be provided shall be provided on a quarterly basis during a period of time starting with the date the state department of commerce on behalf of the state, awards the community development, block grant economic development funds to the city, and ending one year after the physical completion of the community development block grant economic development funded infrastructure improvement and closeout of the project.

(Code 1984, § 9-502; Ord. No. 5-5-97, § 3; Ord. No. 72-010306, § 2)

Secs. 16-124—16-144. Reserved.

ARTICLE VII. TRANSIENT MERCHANTS

Sec. 16-145. 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:

Transient merchant.

- (1) The term "transient merchant" means any person, firm or corporation whether as owner, consignee or employee, or whether a resident within the city limits, that:
 - a. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants; or
 - b. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities during the course of or any time within six months after a lecture or public meetings on said goods, wares, services, franchises, business opportunities, contacts or distributorships.
- (2) The foregoing notwithstanding, however, the term "transient merchant," for the purposes of this section, shall not include the following:
 - a. A person, firm or corporation who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein; provided, however, that no person, firm or corporation shall be relieved from the provisions of this article by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as part of or in the name of any local dealer, trader, merchant or auctioneer;
 - b. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the city therefore regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by new goods;
 - c. A person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention;
 - d. A person who sells his own property which was not acquired for resale, barter or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year; or

PART II - CODE OF ORDINANCES
Chapter 16 LICENSING AND BUSINESS REGULATIONS

- e. Art exhibits, where participating artists sell their original works and which do not contain any sales of art works purchased elsewhere and held for resale, providing such art exhibits are sponsored by a local, responsible organization. Each organization which seeks an exemption under this subsection shall submit an application to the city clerk's office specifying the sponsoring organization, the location where such show is to be held, the purpose of the show, and the names of participating artists. The mayor shall, upon receipt of the application, review the application and grant or deny the exemption. A person aggrieved by the decision of the mayor may petition the city council for their review.

(Code 1984, § 9-601; Ord. No. 2-16-98L § 1)

Sec. 16-146. License required.

- (a) It is unlawful for any person, firm or corporation or for any agent, servant or employee of any person, firm or corporation to engage in, carry on or conduct the business of a transient merchant without first obtaining a license so to do. The license shall be prominently displayed and available for inspection during all times that any person, firm or corporation or any agent, servant, or employee of such person, firm or corporation is engaged in, carrying on or conducting the business of a transient merchant.
- (b) The license issued to the licensee shall contain the words "Licensed Transient Merchant—City of Bristow." The license shall contain the period of time for which the license is issued, a brief description of the products or services to be sold, and shall bear the signature of the licensee and the city clerk. This license shall be nonassignable.

(Code 1984, § 9-602; Ord. No. 2-16-98M § 1)

Sec. 16-147. License fees.

- (a) The license fee for engaging in, carrying on, or conducting business as a transient merchant, other than food truck vendors, shall be the sum of \$25.00 per day payable in advance for each day such business shall continue. Prior to the issuance of a license, all persons making application for a license shall provide a copy of a sales tax permit to the city clerk.
- (b) The license fee for engaging in, carrying on, or conducting business as a food truck vendor shall be the sum of \$50.00 per month payable in advance for each month such vendor shall continue. Prior to the issuance of a license, all persons making application for a license shall provide a copy of a sales tax permit to the city clerk.

(Code 1984, § 9-603; Ord. No. 2-16-98N § 1; Ord. No. 176-060523, § I, 6-5-2023)

Sec. 16-148. Penalty.

Any person, firm or corporation found guilty of violating any provision of this article shall be punished in accordance with the provisions of section 1-8.

(Code 1984, § 9-604; Ord. No. 2-16-98O § 1)

Secs. 16-149—16-179. Reserved.

ARTICLE VIII. RESERVED¹

Secs. 16-180—16-199. Reserved.

ARTICLE IX. MARIJUANA ESTABLISHMENT LICENSES

Sec. 16-200. License required, non-transferable.

No person or entity shall operate a marijuana establishment without having previously obtained a license as provided in this article. A license shall be required for each separate location or premises. Any license issued pursuant to this article is non-transferable to another person, entity, location or premises, or marijuana establishment, unless the applicant can establish transfer of its state license to the same person or entity which the applicant requests the city allow transfer. Where transfers are permitted pursuant to this section, the applicant shall pay a fee in the amount of \$1,000.00.

(Ord. No. 163-030121, § I, 3-1-2021)

Sec. 16-201. License restrictions.

No license shall be allowed pursuant to this article to any marijuana establishment that does not also obtain a license from the applicable state department or authority in accordance with state law and comply with the relevant zoning. Any license issued pursuant to this article shall be deemed immediately revoked upon revocation or withdrawal of a license issued by the applicable state department or authority. Licenses shall be issued to an applicant for each type of state license received by applicant for each location. An applicant shall pay a fee in the amount of \$1,000.00 for each such license required.

(Ord. No. 163-030121, § II, 3-1-2021)

Sec. 16-202. No immunity.

Issuance of a license pursuant to this article does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have relating to the production, distribution, or possession of marijuana in violation of municipal, state, or federal law.

(Ord. No. 163-030121, § III, 3-1-2021)

Sec. 16-203. Inspections.

All marijuana establishments shall permit city permitting staff or authorities, or anyone authorized, to inspect the premises of the marijuana establishment pursuant to the provisions of this Code, and/or as required by state law or regulation.

(Ord. No. 163-030121, § IV, 3-1-2021)

¹Editor's note(s)—Ord. No. 159-070620, § I, adopted July 6, 2020, repealed art. VIII, §§ 16-180—16-183, which pertained to hospitals, ambulatory surgical care facilities or centers, and diagnostic and treatment services and derived from 1984 Code §§ 9-701—9-704 and Ord. No. 125-042814, § 1, adopted April 28, 2014.

Sec. 16-204. Reasonable security measures.

All applicants for a marijuana establishment license shall implement and maintain appropriate security measures in order to deter and prevent unauthorized access to or entrance into areas or spaces containing marijuana by persons or entities not licensed to possess or distribute marijuana under state law or regulation, and to prevent the theft or diversion of marijuana.

(Ord. No. 163-030121, § V, 3-1-2021)

Sec. 16-205. Application requirements.

All applicants for a marijuana establishment license pursuant to this article shall complete and provide all information required by forms provided by the city clerk. Information included with or following the submittal of the application shall include, but not be limited to:

- (1) All information required by the city to complete any certificates of compliance or other submittals to applicable state departments or authorities for each location;
- (2) A copy of all information submitted to the applicable state department or authority by the applicant regarding each type of state licensure sought for each location; and
- (3) A copy of any license issued to the applicant by the applicable state department or authority for each location.

(Ord. No. 163-030121, § VI, 3-1-2021)