

**CHAPTER 5
BUSINESS AND OCCUPATIONS**

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Article 1. Peddlers and Itinerant Occupations.

Section 5-1. Definitions.

1. **Itinerant occupation.** The term "itinerant occupation" shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the Town of Mountain Park, Oklahoma, at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this Chapter), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the Town of Mountain Park, Oklahoma; provided, however, that, no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and by-laws of such organization, association or club and the majority of said members being residents of the Town of Mountain Park, or of Kiowa County, Oklahoma, shall be considered an itinerant occupation, trade, business or solicitation.
2. **Peddler.** The word "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who does not travel from place to place, and shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.
3. The word "person" shall mean any individual, and shall not extend and be applied to firms, corporations or any other organizations.
4. **Solicitor and Canvasser.** The words "solicitor" or "canvasser" shall mean a person who travels by 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 from the same of goods, wares, merchandise or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future.

Section 5-2. License Required; Exclusions.

1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the Town of Mountain Park, Oklahoma, without first obtaining a License therefor, as provided in this Article, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application. The fee shall be paid to the Town Clerk-Treasurer when the application is filed and shall not be returnable under any circumstances. The Town Board of Trustees, from time to time, may change such fee by ordinance.
2. The following persons are hereby specifically excluded from the application of the provisions of this Article:
 - a. Persons engaged in selling personal property at wholesale to dealers in such property; and
 - b. Merchants growing their own local produce and having regular places of business in the Town of Mountain Park, Oklahoma, and their employees in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered; such exclusion shall not apply to a person who, personally or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within said Town, for the purpose of exhibiting samples and taking orders for future delivery.

Section 5-3. Application For License.

1. Applicants for a License hereunder shall file with the Town Clerk-Treasurer, in duplicate, a sworn application in writing, on a form to be furnished by the Town Clerk-Treasurer.
2. The application shall give the following information:
 - a. Full name, birth date and Social Security number of each individual applicant;
 - b. Address, both legal and local;
 - c. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced or personally owned, cultivated and controlled;
 - d. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship;
 - e. Length of time for which the right to do business is desired;
 - f. Description and License number of any vehicle to be used; and

- g. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense, the punishment or penalty assessed therefor **and the County, State and court case number for each felony conviction.**
3. Each individual applicant for a License shall provide written proof that the applicant will collect and remit State and Local Sales Taxes to the Town of Mountain Park, Oklahoma, if required by State Law and Municipal Ordinance.
4. Each individual applicant for a License shall submit with the application a surety bond or cash in the amount of one thousand dollars (\$1,000.00), executed by the applicant and by a surety company qualified to do business within the State of Oklahoma. The bond shall run in favor of the Town of Mountain Park, Oklahoma, but action may be taken on the bond by any citizen who has been damaged by the applicant. If more than one (1) applicant shall be employed by the same employer, the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by one thousand dollars (\$1,000.00). The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the amount of the original surety bond in the amount of one thousand dollars (\$1,000.00) for each additional employee. Any employer furnishing such a bond shall furnish to the Town Clerk-Treasurer a current list of employees covered by the bond.

Section 5-4. Investigation of Applicant and Issuance of License; Fees.

1. Upon receipt of an application for a License, the Town Clerk-Treasurer shall refer one (1) copy to the Chief of Police who shall note thereon any record concerning the applicant which may appear from the official records and return the same promptly to the Town Clerk-Treasurer.
2. The Town Clerk-Treasurer shall cause such other investigation or inquiry to be made concerning the applicant as may be deemed necessary to determine the character and business responsibility of the applicant and whether the application is in compliance with the terms and conditions of this Article.
3. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this Article, the Town Clerk-Treasurer, upon payment of the prescribed License fee, shall issue the License, together with any badge, tag or other materials properly an accompaniment thereto.
4. If, as a result of the investigation provided for in this Article, the applicant's character or business responsibility are found to be unsatisfactory, the Chief of Police or the Town Clerk-Treasurer shall endorse on such application disapproval thereof and the reasons for the same, and the Town Clerk-Treasurer shall then notify the applicant that the **permit** has been **denied** and that no License will be issued.

5. Any applicant aggrieved by the denial of a License as provided in Subsection (4) of this Section, shall have the right to appeal therefrom to the Town Board of Trustees. Such appeal shall be filed, in writing with the Town Board of Trustees, within fourteen (14) days after notice of the action complained of has been given to the applicant personally or mailed, postage prepaid, to the last known address thereof. The Town Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant at least five (5) days prior to the date set for hearing. The decision and order of the Town Board of Trustees on such appeal shall be final and conclusive.
6. A fee of ~~forty-five (\$45.00)~~ per day, ***one hundred dollars (\$100.00)*** for three (3) days or one ***hundred fifty dollars (\$150.00)*** for seven (7) days, shall be paid to the Town Clerk-Treasurer at the time of application; revocation ***or denial*** of a License shall not be grounds for returning the License fee to the applicant.

Section 5-5. Revocation of License; Term of License; Renewal.

1. Licenses issued under the provisions of this Article may be revoked by the Town Clerk-Treasurer of the Town of Mountain Park, Oklahoma, after notice has been served on the applicant for any of the following causes:
 - a. Fraud, misrepresentation or false statements contained in the application;
 - b. Fraud, misrepresentation or false statements made in the course of carrying on business as a solicitor or canvasser;
 - c. Any violation of this Article;
 - d. Conviction of any felony involving moral turpitude; or
 - e. Conducting the business of soliciting or canvassing in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
2. Notice of revocation of a License shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the Town Board of Trustees. Such notice shall be given to the appellant in the same manner as provided in Subsection 5 of Section 5-4 of this Article, for notice of hearing on approval of an application for a License.

Section 5-6. Hours of Solicitation; Transfer and Exhibition of License.

1. No solicitation shall be conducted between the hours of 5:00 o'clock p.m. and 10:00 o'clock a.m. each day, because of the need for public security and protection; provided,

however, that, solicitations may be made where the person solicited has agreed by previously arranged appointment for a time other than during the prescribed hours.

2. No License or badge issued under the provisions of this Article shall be used or worn at any time by any person other than the person to whom it was issued.
3. Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their Licenses or authorized evidence thereof at all times, whenever they are engaged in peddling, canvassing or soliciting.

Sections 5-7 through 5-9. (Reserved for future use.)

Article 2. Fair Housing.

Section 5-10. Certain Acts Prohibited.

It shall be unlawful for any person, firm or corporation, or the authorized agents or representatives of said person, firm or corporation to:

1. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, handicap, familial status, religion or national origin;
2. Refuse to negotiate with any person for the sale, rental or lease of any residential property, or to represent that such property is not available for inspection, sale, rental or lease, when in fact it is so available, because of such person's race, color, handicap, familial status, religion, age or national origin;
3. Solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, handicap, religion, age or national origin, either by direct solicitation or inducement, or to distribute, or cause to be distributed, material or statements designed to induce a residential property owner to sell or lease such property, due to such change in a neighborhood; or to
4. File a complaint alleging a violation of this Article, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 5-11. Certain Acts Exempted.

Nothing herein shall apply to:

1. Prohibit persons from giving preference to prospective buyers or tenants for any reason other than race, color, handicap, familial status, religion, age or national origin;
2. The sale of a dwelling which is, or was at the time when first offered for sale, the residence of its owner;
3. The rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house;
4. The rental or leasing of a housing unit in a building containing not more than eight (8) housing units; or
5. The rental or leasing of a dwelling or housing unit owned by any religious or fraternal organization, or private club used and occupied for such organizational purposes.

Section 5-12. Fair Housing Board Created.

(See Chapter 1, Section ~~1-37~~ **1-36**, this Code of Ordinances.)

Section 5-13. Grievance Procedures.

1. Any person aggrieved by a discriminatory housing practice prohibited by Municipal Ordinance, may file a written, signed complaint with the Fair Housing Board.
2. **The** complaint shall state the name and address of the person alleged to have violated the provisions of this Article, or any other Municipal Ordinance, and shall set forth the particulars of **the alleged** violation.
3. The Fair Housing Board shall receive such a complaint, investigate its allegations and set a date for a hearing to be held on the complaint; said hearing shall be held within sixty (60) days of the date of receipt of the complaint.
4. At least ten (10) days prior to the hearing, the person named in the complaint and the complainant shall be notified, in writing, of the time and place of such hearing.
5. The Fair Housing Board shall take, and may allow, such actions at the hearing as may be necessary to ensure that all parties are afforded the opportunity to fairly present their cases.
6. If the Fair Housing Board, by majority vote at the conclusion of the hearing, finds that the person has not engaged in any discriminatory housing practice, it shall state its findings and dismiss the case.
7. If the Fair Housing Board, by majority vote at **the conclusion of the** hearing, finds that the person engaged in discriminatory housing practices, it shall state its findings in writing and submit them to the respondent and the Town Attorney for consideration. Unless the complaint is withdrawn or the Town Attorney finds that there is insufficient

information upon which to base a charge, the charge shall be filed in the Mountain Park, Oklahoma, Municipal Court, within **thirty (30)** days of **the** hearing.

Sections 5-14 through 5-19. (Reserved for future use.)

Article 3. Miscellaneous Provisions.

Section 5-20. Sale of Merchandise on Vacant Property.

It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property, without the consent of the owner or person in control of **the** property.

Section 5-21. Short Weights and Measures Prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, any food, fuel, clothing or any other commodity **or product** which does not weigh or measure fully as much, according to standard weights or measures of the State of Oklahoma, as the weight or measure for which it is sold or offered for sale.

Section 5-22. Pool and Other Recreational Halls; Amusement Devices.

1. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current State Law) to work in such a hall or parlor.
2. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection 1 (above) to permit any minor (as defined by current State Law) to loiter in such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian; it shall be unlawful for such person to loiter in such a hall or parlor, or to play games therein unless he is accompanied by a parent or **lawful** guardian.
3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Laws or this Code of Ordinances.
4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type **in a manner in violation of State law.**

5. No person, firm or corporation, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, firm or corporation, 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 or entertainment, including but not limited to bowling machines, shuffleboards, pinball and associated similar machines, and music playing machines commonly called juke boxes, without first paying to the Town Clerk-Treasurer the License fee hereinafter prescribed and procuring a License therefor.
 - a. The License fee prescribed above shall be, unless otherwise specified on the face of the License, an annual License fee and shall expire on the last day of **June** of the year for which it is issued. No License shall be issued until the amount prescribed therefore has been paid in full to the Town Clerk-Treasurer. All Licenses procured under the provisions of this Chapter shall be prominently displayed on, or in the immediate vicinity and in clear view of, the machine for which it was purchased. Licenses shall be signed by the Town Clerk-Treasurer, who shall affix the corporate seal of the Town thereto.
 - b. The License fee imposed above shall be **twenty-five (\$25.00)** per year, per machine or shuffleboard..

Section 5-23. Junkyard and Salvage Yard Regulations.

1. For the purpose of this Section, the terms “junkyard” or “salvage yard” shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; the terms (above) shall also include garbage dumps and sanitary landfills.
2. No junkyard or salvage yard shall be located nearer than fifty (50) feet from the right-of-way. All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sight-proof fence (with a minimum height of at least eight (**8**) feet), or such material as may be approved by the Town Board of Trustees, or by the planting of appropriately sized shrubbery. No junkyard or salvage yard shall be operated in such a manner as to cause the creation of a public nuisance to the health, safety and welfare of the residents of the surrounding areas.

Sections 5-24. (Reserved for future use.)

Article 4. Penalty.

Section 5-30. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances, and is subject to revocation of any License. Each day upon which a violation continues shall constitute a separate offense.

Conviction shall also void all Licenses and Permits issued under the provisions of this Chapter to the **violating** person, firm or corporation.