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## CHAPTER 1

### OCCUPATION TAX

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#### § 9-101      LEVY OF TAX.

There is hereby levied an occupation tax in the amounts hereinafter provided against the following specified and designated occupations and upon certain persons, firms, associations and corporations engaged in trade or business as hereinafter specified within the corporate limits of the city.

*State Law Reference:* City powers to levy and collect occupation taxes, 11 O.S. §§ 22-106, 22-107.

#### § 9-102      PAYMENT OF TAX REQUIRED, SALES TAX.

A. It is unlawful for any person or persons, firm, partnership, corporation, cooperative association, club or combination of any kind whatsoever, either as principal or on his, their or its account or as agent, officers, factors, solicitors or employees of another, to engage in any business calling or occupation hereinafter specified without having first paid to the city a fee or tax, and procuring from the city a receipt in writing as required in this chapter.

No license or receipt may be issued under this chapter unless applicant for a license possesses a valid state sales tax permit, if one is required pursuant to the state sales tax code.

#### § 9-103      LICENSE TO ISSUE.

All taxes and fees due to be paid under the provisions of this chapter shall be paid to the city clerk for the use of the city. It is the duty of the clerk to issue a license and to sign it. However, no license may be issued until the city tax is paid, a proof of a state sales tax permit is given, and any licenses required by state law are obtained by the applicant. The city clerk shall affix the

corporate seal of the city thereto. The license shall state the name of the person, firm or corporation to whom issued, the nature of the business to be carried on, the location of such place of business, if such has been established, and the time to which such tax is paid. Receipts for fees shall be issued by the clerk.

§ 9-104            TERM OF LICENSE, PENALTY.

All fees and taxes under this chapter shall become due on the first day of May of every year, and all licenses shall be for a term not to extend beyond the thirtieth (30<sup>th</sup>) day of April of the next succeeding year. Should the fees and taxes not be paid within thirty (30) days after the due date, then a penalty of One Dollar per day shall be charged and collected at the time the tax is paid or collected for each and every day's delinquency. No receipt shall be issued for a shorter period than one year nor for a fractional part of a year, unless expressly authorized by the terms of this chapter. The fee prescribed shall be construed to be for the period commencing with the date of the receipt and terminating on the thirtieth (30<sup>th</sup>) day of April next succeeding. A receipt shall not be construed to be a license if a license is required under this code or state law.

§ 9-105            BUSINESS CLASSIFICATION.

Whenever two (2) or more separate places of business are conducted by the same person, firm or corporation, a separate license shall be required for each such place of business, but any person, firm or corporation, which shall carry on more than one kind of business at the same location or place of business, and in the name of and for the benefit of such person, firm or corporation and for the individual or joint account as the case may be, shall be required to pay but one fee or tax. However, the fee or tax shall be paid on the classification upon which the highest tax is levied under this chapter.

§ 9-106            AMOUNT OF TAX.

Every person, firm or corporation engaged in any occupation or business of the nature and character hereinafter set out shall pay an occupation tax in an amount as set forth by the city council by motion or resolution:

- A.     Itinerant solicitors and peddlers:
  - 1.     Per day;
  - 2.     Per week;
  - 3.     Per month; and
  - 4.     Per year;
  
- B.     Billiard or pool halls, per table; and

C. Shows, circuses, carnivals, or any other exhibitions for pay:

1. First day; and
2. Each additional day.

§ 9-107      ITINERANT SOLICITORS AND PEDDLERS DEFINED.

For the purpose of this chapter, the following terms are hereby defined:

A. Definitions.

1. “Solicitation” means conduct whereby a person, organization, society, corporation, or its agent, member, or representative solicits property, financial aid, gifts, money, or any article representing monetary value; or sells or offers to sell a product, article, tag, service, publication, ticket, advertisement, or subscription; or distributes brochures or handbills advertising any article, product or service;
2. “Person” means any individual, firm, company, partnership, corporation, society, religious sect, organization, or league, and includes any trustee, receiver, assignee, agent, or similar representative;
3. “Charitable purpose” means the solicitation of money or property, directly or indirectly, for the benefit of a charity or philanthropy, or for poor, underprivileged, needy, crippled, or handicapped persons; the teaching of patriotism or assistance to veterans or veteran’s organizations; or existing educational institutions or for the establishment or endowment of educational institutions;
4. “Consumer” means an individual who acquires real or personal property, services, money, or credit for personal or family purposes;
5. “Religious organization” is an organization that is dedicated to the support of a church, religious society, or any other religious sect, group, or order;
6. “Street” means all areas dedicated to public use for public street purposes, which includes parkways, alleys, and sidewalks;
7. “Parkway” shall mean the area between the edge of the designated street and the adjacent owner’s property line;
8. “Sidewalk” means any surface provided for the exclusive use of pedestrians;
9. “City” means the City of Choctaw, Oklahoma; and

10. "Traffic island" means a barrier within a street or roadway to exclude vehicles, designated for the purpose of separating or directing streams of vehicular traffic.

B. Permits.

1. Permit required.
  - a. It shall be unlawful for any person to peddle, sell, solicit, canvass, or take orders for any services, wares, merchandise, or goods, or any article of value, including plants, flowers, paintings, novelties, painting house numbers on streets, firewood, books, magazines, photographs, or any articles for future delivery, on a sidewalk or parkway within the city or from door to door without having first obtained a permit therefor from the city.
  - b. Each person engaged in peddling or soliciting or selling as defined in paragraph a. above must have a permit issued under the terms of this section, and such permit shall be personal to the applicant and shall not be reproduced nor assigned nor transferred to any other person. Any such attempted transfer or reproduction shall render the permit void.
  - c. Each permit shall expire as of the date noted thereon, which date shall be in accordance with the provisions of this section, and such permit shall indicate the hours when peddling, solicitation and selling within the city is permitted in accordance with the provisions of this section.
  - d. A permit shall not be issued to any person under fourteen (14) years of age.
  - e. Solicitation shall be deemed completed when made, regardless of whether or not the person making the solicitation receives any contribution or makes any sale as defined herein.
2. Permit application. Each application for a permit required by this section shall be in writing under oath and shall set out the following:
  - a. Name of the applicant, with his permanent residence;
  - b. Name and address of the firm or persons he represents;
  - c. The kind, type and character of goods or services he proposes to offer for sale. Included shall be the brand name, manufacturer and distributor of goods and commodities and the name, publisher and distributor of all books, magazines or periodicals to be offered for sale;

- d. Names and addresses of five (5) persons as references, excluding relatives and persons living with the applicants;
  - e. The names of any cities where applicant has worked within the previous thirty (30) days;
  - f. Whether or not applicant has ever been convicted of a felony or misdemeanor involving moral turpitude;
  - g. State driver's license number;
  - h. Social security number.
3. Application for permit attachments. In addition, there shall be attached to each application for a permit the following:
    - a. Two recent photographic likenesses of the applicant's face, which photographs shall not exceed (1) inch square in size;
    - b. A certificate or letter from the owner, president, vice-president, general manager, sales manager, assistant sales manager or district or area manager of the company for which the applicant works, sells or solicits stating that the applicant is an employee and/or agent of such company.
  4. Investigation Fee. A fee for investigation, as fixed by the city council by motion or resolution, shall be charged which shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued or not.
  5. Investigation of applicant. It shall be the duty of the chief of police, or his/her designee, to investigate each applicant before issuance of a permit within two (2) weeks of receipt of application.
  6. Issuance of permit. It shall be the duty of the city clerk, or her designee, to issue or refuse to issue such permit not later than one (1) week from the time the application was investigated by the chief of police as outlined in subparagraph 5 above. All permits shall expire within thirty (30) days from the date of issuance unless otherwise specified for a lesser time. The city clerk, or his/her designee, may refuse to grant a permit only if it is discovered, in the course of the chief's investigation, that the applicant has committed fraud, misrepresentation, been convicted of a felony or misdemeanor involving moral turpitude, or has failed to furnish items required by this section in his permit application.
  7. Permit to be carried on person while selling. It shall be unlawful for any person to sell or solicit in the city without carrying the permit required by this section on



his person while engaged in such soliciting or selling.

8. Exhibiting permit. Every solicitor or peddler or seller shall identify himself as a solicitor or salesman upon approaching a citizen in a public place or at a private dwelling and shall explain his purpose, whether it be direct sales, demonstration of goods, or solicitation of orders for merchandise, or any combination of such purposes, and shall be readily available to any person desiring to inspect the same.
9. Revocation of permit. If, after the permit required by this section has been issued, the city clerk and/or chief of police finds that the permit was obtained by any false representation, or the permit has been reproduced or transferred or assigned to another person or the applicant has led someone to believe the permit is an endorsement of the applicant's product or service by the city, or in the event of fraud or misrepresentation by the permit holder, or in the event of conviction of the permit holder of a felony or misdemeanor involving moral turpitude, or in the event the permit holder has failed to furnish the items required by this section, such permit may be revoked by the city.
10. Appeals if permit denied. The applicant shall have the right to appeal in accordance with Sec. 9-108(B) of this code. Such appeal, if taken, must be in writing, addressed to the municipal court, and filed with the court clerk within ten (10) days from the date of refusal. The same procedure of appeal shall apply also to permits revoked under paragraph (9) above. The municipal court shall hold a hearing on such appeal, after furnishing notice of such hearing to the applicant.
11. Exemptions. The following persons engaged in the activities set out in paragraphs a. through h. below in the City of Choctaw, Oklahoma shall be exempt from the terms and conditions of this ordinance:
  - a. Persons with religious organizations engaged in the sale or distribution of religious literature or in soliciting for contributions to such an organization or subscriptions for religious purposes, including religious newspapers, books and magazines;
  - b. Person seeking a contribution for a charitable purpose as provided by subsection (a)(3) hereof;
  - c. Other nonprofit organizations seeking charitable contributions, such as United Way, Multiple Sclerosis, American Heart Association, Muscular Dystrophy, American Cancer Society, Boy Scouts of America and similar organizations;
  - d. Public utility companies operating under a franchise granted by the city;
  - e. Commercial agents or drummers dealing with local business

establishments in the usual course of business;

- f. Insurance salesmen, real estate salesmen and others licensed by the state; and
- g. Persons engaged in soliciting, canvassing, distribution of literature or campaigning for a political candidate or a political cause.
- h. Agricultural products and/or produce grown in Oklahoma.

However, persons engaged in the activities set out in paragraphs a. through g. above in the City of Choctaw, Oklahoma exempt from the terms and provisions of Sec. 9-107 as provided hereof shall, nevertheless, be subject to the following restrictions:

- 1. It shall be unlawful for any person to enter or remain upon any privately owned premises within the city for the purpose of making any solicitation where there is posted a notice stating “No Solicitors” or “No Solicitations”, or words of similar import, advising that solicitations are not desired.
- 2. It shall be unlawful for any person engaged in making the solicitations described in subsection (a) of this section to block, obstruct or hinder the free flow of traffic on any city street, or the free passage of any pedestrians on any public sidewalk in the city.
- 3. It shall be unlawful to make solicitations in the city later than 7:00 p.m. or earlier than 9:00 a.m. unless the solicitation is at a private residence and as the result of a request made by the occupant.

C. Places where soliciting is prohibited.

- 1. It shall be unlawful for any person to peddle, solicit, hawk, sell or take orders for or offer to take orders for any item or service as listed in this section in the following places in the city:
  - a. On any public street, alley, traffic island or any city-owned facility;
  - b. On any public sidewalk or parkway, except for persons engaged in sales of or subscription solicitation of literary items.
- 2. It shall be unlawful for any person to block, obstruct or hinder the free flow of traffic on any street or the free passage of pedestrians on any sidewalk. No solicitation, sales, or distribution of merchandise, products, or service shall be offered or made to occupants of motor vehicles moving or stopped in traffic on a public street or other public way.

3. It shall be unlawful for any person to enter or remain upon any privately owned premises within the city for the purpose of making any solicitation where there is posted a notice stating “no solicitors” or “no solicitations” or words of similar import, advising that solicitations are not desired.
- D. Times when soliciting prohibited. No person shall, in person or by telephone, peddle, solicit, or sell in the city from 7:00 p.m. to 9:00 a.m. unless the transaction is at a private residence and is the result of a request made by the occupant.
  - E. Penalty for violations. Any person who shall violate this section shall be guilty of an offense and shall be subject to the penalty provided for in Sec. 1-108 of the Choctaw City Code. (Ord. No. 679, 10/11/11)

§ 9-107.1      PEDDLER’S AND SOLICITOR’S BOND.

Notwithstanding any provision contained in Sec. 9-107, no permit shall be issued to a peddler or solicitor until a surety bond, issued by a surety company authorized to do business in the State of Oklahoma, in the amount of \$500.00 has been filed with the city clerk. Such surety bond shall run in favor of the city and shall be conditioned that the peddler or solicitor shall fully comply with all provisions of the Choctaw City Code and state laws regulating peddlers and solicitors and guaranteeing to any citizen of the city that all money paid will be accounted for and applied according to the representations of the peddler or solicitor, and further guaranteeing that the property or service purchased will be delivered in accordance with the representations made by the peddler or solicitor. Actions on such bond may be brought in the name of the city for the use and benefit of the aggrieved person or by any citizen who has been damaged by the peddler or solicitor. (Ord. No. 679, 10/11/11)

§ 9-108      EXCEPTIONS.

- A. There are exempted from the provisions of this chapter, all scientific or literary lectures and entertainments, and also all concerts and musical and other entertainment approved by the council of the city.
- B. Any person, firm or organization which desires to be exempt from the license fees levied under this part due to engaging in interstate commerce shall provide sufficient data on transactions and proof to the city clerk to establish interstate commerce nature of business and transactions. If the city clerk refuses to issue an exemption to a commercial business activity, then the applicant is entitled to a hearing before the city judge.

*State Law Reference:* Similar provisions, 11 O.S. § 22-106.

§ 9-109      SHOOTING GALLERIES.

Every shooting gallery constructed, established, set up, or operated hereafter shall be constructed, established, set up, and operated in accordance with the standards, specifications

and requirements of § 701-708 of Title 63 of the Oklahoma Statutes and comply with all the requirements thereof. No shooting gallery shall be operated until a license has been secured therefore in accordance with this chapter. Any violation of any provision of this section or of any provision of state statutes shall be deemed an offense against the city, and shall be punishable as such. Prior Code, § 5-7)

§ 9-110            FEEES FOR FORTUNE TELLING PROHIBITED.

It is unlawful for any person pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyance, or otherwise, plying his or her trade, art, or profession, to make any charge therefore either directly or indirectly or to receive any gift, donation, or subscription by any means whatsoever for the same. (Prior Code, § 5-8)

§ 9-111            SHORT WEIGHTS AND MEASURES PROHIBITED.

It is unlawful for any person, firm or corporation to sell, or offer for sale, any food, fuel, clothing or any commodity which does not weigh or measure fully as much, according to standard weights or measures of the state, as the weight or measure for which it is sold or offered for sale. (Prior Code, § 5-10)

§ 9-112            PENALTY.

Any person, firm or corporation which shall conduct, pursue, carry on or operate within the corporate limits of the city without having first paid the occupation tax or fee herein levied in accordance with the provisions of this chapter, any business, trade or occupation upon which the payment of the occupation tax is by the terms of this chapter required, or shall assist, directly or indirectly, in so doing in any manner to any extent whatever, either as owner or proprietor, superintendent or agent or as an officer of any corporation or as manager, servant or employee or any person, firm or corporation, shall be deemed guilty of unlawfully conducting such business and may be punished as provided in § 1-108 of this code. Each day on which any such place of business shall be kept open in violation of the provisions of this chapter, and each sale or transaction including each and every admission for any circus, carnival, show, or moving picture theater as are required to pay an occupation tax, and each person who shall sell any such ticket or assist in the sale of same, shall be deemed to have violated the terms of this chapter and upon conviction shall be punished. In the event of operation of amusement devices, upon which the tax due under this chapter has not been paid for a period of thirty (30) days, which continues to operate, then the city clerk shall direct the chief of police to seize and remove such amusement devices from the place of operation. The seized amusement devices shall be disposed of in the same manner as unclaimed property.

## CHAPTER 2

### AMUSEMENT DEVICES

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#### § 9-201      DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings respectively given to them in this section:

- A. “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;
- B. “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, amusement or entertainment, including, but not limited to, such games as pool, phonographs, video television, shooting galleries, pinball, football, bowling, shuffle board, or any other amusement device with or without a replay feature which can be legally shipped interstate according to federal law. It shall not mean vending machines used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps, or other merchandise; or services, such as pay telephone booths, parking meters, gas and electric meters or other distribution of needful service; and
- C. “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, jukebox, 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. (Ord. No. 208, 10/6/81)

*State Law Reference:* Similar provisions, 68 O.S. §§ 1501 et seq.

§ 9-202      LICENSE FEE LEVIED.

- 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, any coin-operated music or amusement device shall pay for such privilege an annual license fee as follows:
  - 1. For each coin-operated radio or television receiving set in hotel, motel, or tourist cabin, One Dollar and fifty cents (\$1.50);
  - 2. For each coin-operated music or amusement device that may be operated by penny coins only, Three Dollars (\$3.00); and
  - 3. For each coin-operated music or amusement device other than those specified in Paragraphs 1 and 2 above, Twenty Dollars (\$20.00).
- B. No license shall be issued for payment of this license fee unless the person shows proof to the city of purchase of a permit, as provided in this chapter.
- C. In those instances where it is shown to the satisfaction of the city that a device, upon which a fee is in this act levied, will be placed available for use by the public for a definite but limited period of time less than one 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 license therefore. Such special license may be issued for any number of thirty-day periods less than a full year, and shall indicate that it is a special license; and shall be for one or more thirty-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 licenses, for each thirty-day period for which such special license is issued. In the event the mechanical device is made available to the public for a period beyond that for which the special license is issued, then a full year's fee shall be due.
- D. The annual license fee shall be paid to the city on or before the first day of January of every year and applicants shall keep a receipt therefore prominently posted in the immediate vicinity of the coin-operated music or amusement device.
- E. The annual license shall be for a specific location and shall only be valid at the location. (Ord. No. 208, 10/6/81)

§ 9-203      SALE, OPERATION, SERVICING OF DEVICES; PERMITS.

The city shall issue permits for the sale, distribution or operation of one or more coin-operated

amusement devices pursuant to the provisions of this chapter and may adopt such rules and regulations as are necessary to implement such provisions. (Ord. No. 208, 10/6/81)

§ 9-204      PERMIT REQUIREMENTS.

To obtain a permit to buy, sell, operate, distribute or service a coin-operated amusement device, an applicant shall comply with the following requirements:

- A. Be a resident of this state for two (2) years preceding the date of the application;
- B. Not be a convicted felon;
- C. Have obtained a state sales tax permit to be used exclusively to report the coin-operated amusement device income; and
- D. Be either an owner, partner or area manager of a coin-operated amusement device business; however, if the applicant is an area manager, the application must be accompanied by a list of the board of directors of the coin-operated amusement device business. (Ord. No. 208, 10/6/81)

§ 9-205      PERMIT FEES.

- A. The seller or distributor of a coin-operated amusement device shall be required to purchase a distributor permit and may sell only to permit holders in accordance with this chapter.
- B. Any person required to obtain a permit under this chapter shall pay an annual fee for such permit as set by the council for the operation of one coin-operated amusement device or for the sale or distribution of a coin-operated amusement device. (Ord. No. 213, 1/5/82; Ord. No. 314, 2/18/86)

*Ed. Note:* Prior ordinance set fee at \$5.00 for one device.

§ 9-206      OFFENSES.

- A. Failure to obtain a permit under the provisions of this chapter shall constitute an offense and each day's continuance thereof shall be and constitute a separate offense and shall render the violator ineligible to apply for a permit for two (2) years from the date of conviction of a violation of this chapter.
- B. The operation of any coin-operated music or amusement device without the payment of the license fee or permit fee as herein provided or the displaying of a receipt therefore as herein provided shall constitute an offense and each day's continuance thereof shall be and constitute a separate offense. (Ord. No. 208, 10/6/81)

§ 9-207      REPLAY GAMES PROHIBITED.

Purchasing or selling a replay game shall be prohibited. (Ord. No. 208, 10/6/81)

§ 9-208      EXEMPTIONS.

The provisions of this chapter shall not apply to retail sales to individuals for personal use. The licensing provisions of this chapter shall not apply to machines installed on federal military bases. (Ord. No. 208, 10/6/81)

§ 9-209      PENALTIES.

Any person violating any of the provisions of this chapter or failing to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in § 1-108 of this code. (Ord. No. 208, 10/6/81)



## CHAPTER 3

### PAWNSHOPS

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| § 9-304 | Business hours.                        |
| § 9-305 | Soliciting business on streets.        |
| § 9-306 | Thumb print required.                  |

#### § 9-301      LICENSE.

- A. No person shall operate as a pawnbroker or as a receiver of goods under chattel mortgage without first securing a city license and making payment therefore as herein provided.
- B. There is hereby levied a license fee for the operation of the business of pawnbroker the sum as set by the council. All licenses shall expire on the last day of April after they are issued. Any license issued hereunder after November 1 of the calendar year shall be charged a one-half ( ½ ) year license fee.
- C. Any pawnbroker who is guilty of the violation of any provision of this chapter, or who shall permit any employee in the course of such employment to be guilty of the violation of any provision hereof, shall, in addition to the fine or imprisonment otherwise provided as a penalty therefore, under conviction be deprived of his license; and, upon such conviction, the municipal judge shall order such license revoked.

*State Law Reference:* Municipal fee on pawnbrokers, 59 O.S. § 1506; Oklahoma Pawnshop Act, 59 O.S. §§ 1501 et seq.

#### § 9-302      RECORDS, TICKETS REQUIRED.

- A. Every pawnbroker shall keep at his place of business a register in which he shall enter in writing a minute description of all property taken, purchased or received by him including any number that may be in or upon any article, together with the time, name and place of residence (giving street and number) of the person leaving the property, also the amount loaned, the interest charged and the time when the loan falls due; which registry shall be kept clean and legible. He shall make such entry within one hour after the receipt or purchase of such property. Every entry shall be made in ink and shall not in any manner be obliterated of such property. To the person negotiating or leaving such property, he shall give a plainly written or printed ticket, having upon it a full and perfect copy of all the entries required to be kept in such register, for which copy no charge shall be made.
- B. It is the duty of every pawnbroker to make out and deliver to the chief of police, or any

police officer upon demand, a legible and correct copy from the register of all personal property or other valuable things received or deposited or purchased, together with the time when received or purchased and a description of the person by whom left in pledge or from whom the same was purchased. No person shall be required to furnish such description of any property purchased from manufacturers or wholesale dealers having an established place of business or of any other goods purchased at open sale or from any bankrupt stock, or from any other person having an established place of business, but such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase, and must be shown to any officer when demanded.

§ 9-303      INSPECTION OF REGISTER OR MERCHANDISE.

The register required by this chapter shall at all times be kept open to the inspection of the chief of police and sheriff of the county or the deputy of either, any officer of the police force of the city, the city attorney and the district attorney and anyone authorized in writing for that purpose by the chief or captain of the police force, which authority shall be exhibited to the pawnbroker. The pawnbroker shall, upon request, show and exhibit to such person or officer for inspection, any articles purchased, taken or received by him.

§ 9-304      BUSINESS HOURS.

No pawnbrokers shall purchase, take or receive on deposit, or in any other manner, from any person, any article of property between the hours of 6:30 p.m. and 8:30 a.m., and all pawnbrokers shall remain closed all day on Sunday and legal holidays' provided that pawnbrokers may receive and purchase property up to 9:00 p.m. on Saturdays and Mondays, when such days are not legal holidays.

§ 9-305      SOLICITING BUSINESS ON STREETS.

It is unlawful for any person to solicit business for any pawnshop from any person while such person is on the streets, alleys, sidewalks or other public places within the city, or to call to or in any manner attract the attention of any person while such person is on the streets, sidewalks, alleys or any public place for the purpose of asking such person to patronize any pawnshop.

§ 9-306      THUMB PRINT REQUIRED.

It is unlawful for any pawnbroker to fail to obtain a legible thumb print of every person selling or pawning any personal property received by pawnbroker. The thumb print shall be obtained by utilizing a system commonly known as "Ident-A-Print" or other similar system as recognized by the chief of police and each thumb print shall be attached to a written or printed ticket of all personal property received, deposited, or purchased, and a description of the person by whom left in pledge or from whom the same was purchased. The description shall consist of identification, height, weight, sex, race, hair, eyes, age, address, and date of birth. The thumb print shall be delivered to the chief of police or his designee upon demand.



## CHAPTER 4

### PRECIOUS METAL SALES

§ 9-401 Thumb print required.

§ 9-401 THUMB PRINT REQUIRED.

- A. It is unlawful for any person engaged as a dealer or broker in the sale of gold or other precious metal to fail to obtain a legible thumb print of every person selling any gold or other precious metal to the dealer or broker. A thumb print shall be obtained by utilizing a system commonly known as “Ident-A-Print” or other similar system as recognized by the chief of police and each thumb print shall be attached to a written or printed ticket of all personal property purchased, and a description of the person from whom the same was purchased. The description shall consist of identification, height, weight, sex, race, hair, eyes, age, address, and date of birth. The thumb print shall be delivered to the chief of police or his designee upon demand.
- B. The above requirements are not required for transactions involving sales between precious metals and gem dealers licensed under the provisions of § 1521 through 1532 of Title 59 of the Oklahoma Statutes, except that the dealer license number, address, telephone number and signature of the seller shall be obtained and delivered to the chief of police or his designee upon request.

*State Law Reference:* Precious Metal & Gem Dealer Licensing Act, 59 O.S. §§ 1521 et. seq.

## CHAPTER 5

### SECURITY SERVICES

|         |   |
|---------|---|
| § 9-501 | Definitions.  |
| § 9-502 | Chief of police to grant licenses and permits.                    |
| § 9-503 | Licenses and permits required.                                    |
| § 9-504 | Application for licenses and permits.                             |
| § 9-505 | Investigation, interview and ineligibility for license or permit. |
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| § 9-509 | Eligibility for new license or permit.                            |
| § 9-510 | Badge, uniform, vehicles, license and permits.                    |
| § 9-511 | Service restricted to authorized area.                            |
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| § 9-515 | Hearings.   |
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| § 9-517 | Firearms permits.   |
| § 9-518 | Non-liability of city.  |
| § 9-519 | Exemptions.   |

#### § 9-501      DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- A. “Security services” means the service performed by a security officer or company for the purpose of protecting life or property from harm or theft. The use of mechanical devices or animals for such purposes shall not in itself constitute security service for the purpose of this chapter;
- B. “Privately registered security officers” means any individual permitted by the police department to provide patrol, guard, watchman or depository services for a licensed security company, or any individual permitted by the police department to provide these same services for one business only and who is authorized to carry firearms under the provisions of this chapter;
- C. “Security company” means any corporation, unincorporated association, partnership, or sole proprietorship offering any services as an independent contractor and employing private security officers who are licensed under the provisions of this chapter;
- D. “Owner” means any officer, owner, manager or other person who shall receive any

percentage of profits directly from the operation of the security company or anyone who directs any policy of the company;

- E. “Permit” means the authority given to an individual for the purpose of acting as a registered security officer and carrying a weapon;
- F. “License” means the authority given to a corporation, unincorporated associations, partnership or sole proprietorship to engage in the security guard business.

*State Law Reference:* Security Personnel Licensing, 74 O.S. §§ 360.19.

§ 9-502 CHIEF OF POLICE TO GRANT LICENSES AND PERMITS.

The chief of police, subject to the provisions of this chapter, is hereby authorized to grant permits to private officers and licenses to private security companies.

§ 9-503 LICENSES AND PERMITS REQUIRED.

No company shall engage in the security service business as herein defined, nor represent itself as being engaged therein, nor advertise as being engaged therein, nor establish, conduct, maintain or operate such security service within the city without having first obtained a license to do so as herein provided.

§ 9-504 APPLICATION FOR LICENSES AND PERMITS.

- A. Any person or security company intending to engage in, establish or conduct business as a private security service shall file a written application for a license with the chief of police. Any person intending to act as a security guard shall be employed by one business or by a licensed security guard company and must present an affidavit reflecting his employment. Application shall be made upon a form prepared and made available by the chief of police. If application is made for a permit, the form must be accompanied by a full set of the applicant’s fingerprints and a recent photograph. If application is made for a license, the form must be accompanied by a full set of fingerprints and a recent photograph of the company owner. Fees will be charged in the following amounts:
  - 1. For the permit, the fee shall be as set by the council; and
  - 2. For the company license, the fee shall be as set by the council.

Failure to obtain a license or permit for any year after the first year will cause the initial fee to be reassessed.

- B. The application for license or permit shall contain such information as the chief of police deems necessary to reach a fair determination of the applicant’s qualifications, including but not limited to:

1. The full name, age, date of birth, residence, telephone numbers and present and previous employment record of the applicant;
2. Citizenship of the applicant;
3. A specific description of the location of the principal place of business of the applicant;
4. Number of years experience applicant has had as a private detective, law enforcement officer, civilian or military, or in related fields;
5. Length of time applicant has been a bona fide resident of the state and the city immediately preceding the filing of the application;
6. Type of license or permit desired;
7. Summary of military service, including dates thereof and whether or not applicant was honorably discharged;
8. Arrests, convictions and pending criminal charges for all felonies and misdemeanors;
9. Place and date of birth;
10. Affidavits from at least three (3) persons who have personally known the applicant for a period of at least three (3) years prior to the filing of such application, as to the moral character of applicant, provided such persons be unrelated to the applicant by blood or marriage;
11. If a permit is desired, an affidavit from a company or business employing the individual; and
12. If a license is desired, affidavits of employment from two (2) potential clients and a list of all employees must be attached.

If the applicant is an individual, the application shall be signed, filed and verified by such individual. If the applicant is a security company, the application shall be signed, filed and verified by the president and secretary thereof, and shall specify the name of the corporation, date and place of its incorporation, the location of its principal place of business, and shall be accompanied by its certificate of incorporation. Any misrepresentation on the part of the applicant in obtaining or keeping a license or permit shall result in revocation of the license or permit.

§ 9-505      INVESTIGATION, INTERVIEW AND INELIGIBILITY FOR LICENSE OR

## PERMIT.

- A. Prior to the issuance of a license or permit, the police department shall conduct a complete background inquiry of the applicant; and the applicant shall be personally interviewed by the chief of police or his representative and the applicant's photograph and fingerprints shall be obtained.
- B. The chief of police shall refuse licenses or permits to all persons who have been convicted of a felony under the laws of the state or of any other state of the United States or the federal government or any offense involving moral turpitude, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind, or for commission of an act, which if committed while a license or permit were permitted, would result in revocation or suspension of the license or permit.
- C. The burden of proving the applicant's qualification for a license or permit shall be upon the applicant.

## § 9-506 INSURANCE REQUIREMENTS.

- A. Prior to the issuance of a permit, each individual shall file with his application a certificate of general liability in the amount of Fifty Thousand Dollars (\$50,000.00) written by an insurance company authorized to do business in the state.
- B. Prior to the issuance of a license, each company applicant may file a certificate of insurance in the amount of Three Hundred Thousand Dollars (\$300,000.00) in lieu of the individual insurance of its employees.
- C. The bond or certificate of insurance shall be renewed and filed annually with the application for renewal of the license or permit.

## § 9-507 ACTION ON APPLICATION.

- A. If the chief of police, subject to the requirements of this chapter, finds the applicant eligible for a permit, the applicant shall be appointed as a private officer to serve in accordance with the provisions of this chapter.
- B. If the chief of police finds the security company eligible for a license, the applicant shall be so licensed in accordance with the provisions of this chapter.
- C. The chief of police shall act on all applications within sixty (60) business days from the time of the filing of the application.
- D. Pending action by the chief of police on applications, a temporary permit may be issued in a case where the delay in granting it would cause great and undue hardship on the



applicant or employer.

§ 9-508      EXPIRATION AND RENEWAL.

All permits and licenses under this chapter shall expire on April 30 of each year. Termination of employment as a security guard for a period of more than thirty (30) days shall result in expiration of the permit. All employers of security guards must give the city notice within twenty-four (24) hours of the termination of employment of any security guard. Individuals operating under a permit who become reemployed during the thirty-day period must submit an affidavit of employment from the new employer. Bankruptcy of a security company shall result in forfeiture of its license. Licenses and permits may be renewed upon yearly reapplication. Licenses and permits shall not be transferable.

§ 9-509      ELIGIBILITY FOR NEW LICENSE OR PERMIT.

Any person whose license or permit has been revoked shall not be eligible for a new license or permit under this chapter for a period of one year from the date of such revocation.

§ 9-510      BADGE, UNIFORM, VEHICLES, LICENSE AND PERMIT.

- A. A duly appointed private officer, when on duty, shall carry his permit, shall wear a uniform, badge, and other emblems of authority as approved by the chief of police. Uniforms, badges and insignia worn by guards shall be clearly distinctive and different from those of the police officers and the county sheriff's department deputies, and must clearly designate the officer as "private officer", or "security officer."
- B. Vehicles used for the purpose of conducting security guard business must be listed upon the license or permit application. Vehicles must be clearly marked and designate the vehicle with the name of the officer or company and as a "security company" or "security service" vehicle. Vehicles must be clearly distinctive and different from city police vehicles and county sheriff's department vehicles and shall not bear seals or emblems distinctive to city police or sheriff's department. All vehicles used by a security company must bear Oklahoma license tags and inspection stickers. Proof of liability insurance coverage shall be included in each license application. Such vehicles shall not be given emergency vehicle privileges and immunities. Vehicles shall not have auxiliary lighting on roof top. Any other auxiliary lighting, such as spotlights, shall be clear or amber only in color.
- C. Licenses are to be prominently displayed in the security company's main place of operation. Failure to post the license within seventy-two (72) hours of issuance or posting it in any other location shall result in revocation of the license.
- D. The license and permit issued by the police department remains the property of the city and shall be surrendered to the city immediately upon suspension, revocation or termination of the license or permit.

- E. Licenses and permits shall not be erased, altered or obliterated. Uniform and marked vehicles are required when on duty unless written authorization of the chief of police is obtained for special investigation or circumstances.

§ 9-511 SERVICE RESTRICTED TO AUTHORIZED AREA.

Duly licensed private officers or private security companies shall at all times service only the place or specifically defined geographical area where they are authorized to serve under the provisions of this chapter.

§ 9-512 AUTHORITY TO ARREST.

Duly licensed private officers are not members of the police department and shall not have the authority of a police officer. They shall, while on duty at their assigned place, have the right to make arrests only as a private citizen is granted authority by state statutes.

§ 9-513 RULES AND REGULATIONS.

The chief of police shall promulgate and publish, with the approval of the city manager, additional rules and regulations consistent with this chapter and as may be necessary to its implementation. Copies shall be furnished applicants upon request. The chief of police may require all licensed security officers to attend yearly orientation sessions, and assess a reasonable tuition fee therefore.

§ 9-514 SUSPENSION OR REVOCATION OF LICENSE; PUBLIC HEARING.

The permit of any private security officer or the license of any private security company may be suspended or revoked at any time for:

- A. Violation of any of the requirements necessary for a license or permit;
- B. Violation of any rule or regulation established pursuant to this chapter;
- C. Committing any act while the license or permit was not in effect which would have been cause for the revocation or denial of a license or permit; or
- D. Conviction of a felony or for conviction of a misdemeanor if the conviction reflects unfavorably on the ability of a person to engage in security company work.

Upon occurrence of a violation, a revocation or suspension hearing will be conducted by a three-member board consisting of: the chief of police or his representative, the city manager or his representative, and the city attorney. The chief of police or his representative shall give the private security officer or private security company notice of any suspension or revocation hearing at least five (5) days prior to the date of public hearing, and such notice shall be

furnished by mail.

§ 9-515      HEARINGS.

Notice of the hearing prescribed in this chapter shall include the location to be arranged by the chief of police. Evidence may be presented by any party. Upon conclusion of the evidence, the board may vote to suspend, revoke or terminate the license or permit or to dismiss the complaint.

§ 9-516      APPEALS.

Appeal from the action of the chief of police in the event of a denial or the hearing board in the event of a revocation or suspension may be taken by the aggrieved person to the city council. Notice of appeal shall be filed by the aggrieved person with the chief of police and the city clerk within thirty (30) days of the notice of denial, suspension or revocation of a license or permit. Upon receipt of such notice of appeal, the city council shall, within a reasonable time thereafter, hold a public hearing on the appeal. The appellant, or any interested party, may present any evidence which is relevant and material, and the chief of police or his representative may also be permitted to present evidence which is relevant and material. At the conclusion of the hearing, the city council shall affirm, modify or reverse the action taken by the chief of police or hearing board.

§ 9-517      FIREARMS PERMITS.

- A. All private security officers shall be initially without the right to carry a firearm.
- B. Only licensed uniformed private security officers shall be granted a permit to carry firearms under the following conditions:
  - 1. The successful completion of a firearms familiarization course conducted by the police department;
  - 2. The successful demonstration of his ability to handle firearms as determined by the chief of police;
  - 3. Annual qualification in the specific weapon authorized to be carried; and
  - 4. Payment of a reasonable qualification fee set by the chief of police.
- C. The permit shall be limited to pistols and revolvers.
- D. Authorized firearms shall be as follows:
  - 1. Cylinder type: 38 Cal or 357 MAG Cal.; and
  - 2. Automatic: 7 M.M. Cal or 9 M.M. Cal.

Firearms shall not be carried, when off duty, by a security officer.

- F. All firearms shall be subject to N.C.I.C. check at any time by the chief of police.
- G. Violations of any provision of this section shall result in revocation of the gun-carrying permit.

§ 9-518      NON-LIABILITY OF CITY.

Any commissioned private officer, while in the performance of his duties as a private officer, shall not be or deemed to be an agent, servant or employee of the city. The city shall not be liable for his actions to third parties or for any injury or damage he might suffer.

§ 9-519      EXEMPTIONS.

Any individual who is regularly employed as a sworn peace officer in the state is exempt from the permit provisions of this chapter.

## CHAPTER 6

### FIREWORK SALES

|         |   |
|---------|---|
| § 9-601 | Definitions.                                |
| § 9-602 | Application.                                |
| § 9-603 | Eligibility.                                |
| § 9-604 | Fees.                                       |
| § 9-605 | Fireworks stand requirements.               |
| § 9-606 | Staffing, times of sale, and operations.    |
| § 9-607 | Restrictions on the discharge of fireworks. |
| § 9-608 | Enforcement.                                |
| § 9-609 | Transferability.                            |
| § 9-610 | Penalty.                                    |

#### § 9-601      DEFINITIONS.

The term “fireworks” as applied to explosives, referred to in this chapter shall be in accordance with state law governing fireworks. (Ord. No. 308, 1/21/86; Ord. No. 532, 8/15/00)

*State Law Reference:* Fireworks Laws, Title 68 O.S. § 1622.

#### § 9-602      APPLICATION.

- A. Any resident or organization as defined in § 9-603(A) seeking a permit to sell fireworks must apply between April 1 through April 30 of the license year to the city clerk by filing a written application in such form and content as the city manager may prescribe.
- B. Attach a copy of the state’s retail fireworks license issued by a licensed wholesaler, manufacturer, or distributor. (Ord. No. 308, 1/21/86; Ord. No. 367, 5/3/88; Ord. No. 532, 8/15/00)

#### § 9-603      ELIGIBILITY.

- A. Any citizen or non-profit, civic, charitable, educational, or religious organization located and domiciled within the corporate limits of the city may be permitted by the city clerk to sell Class C (common) fireworks and related items as set forth below.
- B. Any and all applicants must be at least twenty-one (21) years of age, at the time of application, to be eligible for a permit.
- C. Provide a minimum liability insurance policy of two hundred fifty thousand (\$250,000) dollars for bodily injury and property damage, from an insurance company currently licensed to do business by the state.

- D. All fireworks must be invoiced from a licensed distributor or wholesaler licensed to do business in Oklahoma. The original (not photocopy) invoice must be in applicants name and be available at all times upon request. (Ord. No. 308, 1/21/86; Ord. No. 532, 8/15/00)

§ 9-604      FEES.

- A. The application must be accompanied by a fee as set by motion or resolution by the council. The application must also be accompanied by a deposit as set by motion or resolution by the council, to be refunded after the removal of fireworks stand and cleanup of area and the filing of sales tax which shall be effected no later than August 25<sup>th</sup> of the licensed year.
1. A cleanup deposit for each fireworks stand that a permit is issued, refundable as set forth in paragraph A above.
  2. A permit fee is required for each fireworks stand that a permit is issued. Requirements for a non-profit organization are as follows:
    - a. A letter from the Oklahoma Tax Commission stating that your organization is a non-profit organization must be provided with the application. (Ord. No. 308, 1/21/86; Ord. No. 340, 3/31/87; Ord. No. 532, 8/15/00)

§ 9-605      FIREWORKS STAND REQUIREMENTS.

- A. The stand must be located on private property zoned commercial, with written permission from the property owner and filed with the application.
- B. The minimum size of the stand is to be 5' X 8'; and the maximum size is to be 8' X 24'.
- C. A minimum of one hundred fifty (150') feet must exist between all fireworks stands and one hundred (100') feet away from any permanent structure.
- D. No smoking signs must be posted on and about the fireworks stands in public view.
- E. Each stand must have at least one ABC fire extinguisher, minimum size of five (5) pounds.
- F. A site plan must be drawn to scale showing location of fireworks stand with a minimum twenty-five (25') feet set back and adequate off-road parking.
- G. Fireworks stand must be a minimum of one hundred (100') feet away from gasoline pumps and propane tanks.

- H. Fireworks stands cannot be placed on the approved sales site until June 25th and shall be removed by 5:00 p.m., July 10<sup>th</sup> of the same licensed year. (Ord. No. 308, 1/21/86; Ord. No. 349, 6/2/87; Ord. No. 532, 8/15/00)

§ 9-606            STAFFING, TIMES OF SALE, AND OPERATIONS.

- A. Fireworks stands shall be opened from the 1<sup>st</sup> day of July through the 4<sup>th</sup> day of July of the license year.
- B. Fireworks stands shall be open from the hours of 9:00 a.m. until 11:00 p.m. on each day as set forth in paragraph A above.
- C. A responsible person of eighteen (18) years of age or older shall be present and in charge of the fireworks stand at all times.
- D. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years of age, unless accompanied by an adult.
- E. All fireworks stands must post, in public view, signs provided by the fire department upon issuance of a permit, which signs will include the information contained in this section. (Ord. No. 308, 1/21/86; Ord. No. 326, 7/1/86; Ord. No. 532, 8/15/00)

§ 9-607            RESTRICTIONS ON THE DISCHARGE OF FIREWORKS.

- A. No fireworks shall be discharge, exploded or ignited within five hundred (500) feet of any fireworks stand, church, hospital, asylum, unharvested flammable agricultural crops, public schools or public property.
- B. Fireworks are to be discharged on July 1 through July 5 between the hours of 9:00 AM and 10:00 PM on private property and July 4 only, between the hours of 9:00 AM and 11:30 PM unless the 4th falls on a Monday – Thursday or Sunday, in which the hours revert to 9:00 AM to 10:30 PM.
- C. Consumer must have written permission from property owner to discharge fireworks upon private property from July 1 through July 5.
- D. In the event of a county wide or state wide burn ban the City Council gives authority to the Fire Chief to place additional restrictions on the discharge of fireworks as he deems appropriate.

§ 9-608            ENFORCEMENT.

- A. The police department, the code enforcement officer, code administrator, city inspector and all members of the fire department, are hereby authorized to issue citations for violations of any part of this chapter.

- B. All applicants must further comply with the fireworks laws of the state, attached to this chapter and made a part hereof.
- C. The site for the fireworks stand must be inspected by the code enforcement officer, code administrator or city inspector to verify that all requirements for zoning have been met.
- D. The site for the fireworks stand must be inspected by the fire department for safety and ordinance compliance.
- E. Any resident or organization as defined in this code operating a retail location where fireworks are sold directly to the consumer shall provide to the city clerk proof of sales tax paid to the state tax commission on or before August 25<sup>th</sup> of the same licensed year, as follows:
  - 1. a receipt or other official documentation showing the sales tax paid for Choctaw; or
  - 2. a document showing tax exemption, before issuance of a “fireworks license” next year.
- F. A refund of five hundred (\$500.00) dollars shall be returned upon submittal of proof as outlined in paragraph E above.
- G. Failure to comply is subject to a penalty as set forth in § 9-610 of this code and/or denial of permit for next licensed year. (Ord. No. 308, 1/21/86; Ord. No. 532, 8/15/00)

§ 9-609      TRANSFERABILITY.

All licenses granted will be strictly and absolutely non-transferable. (Ord. No. 308, 1/21/86)

§ 9-610      PENALTY.

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in § 1-108 of this code. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. (Ord. No. 308, 1/21/86)



## CHAPTER 7

### ALARM REGULATIONS

|         |  |
|---------|--|
| § 9-701 | Purpose.   |
| § 9-702 | Definitions.   |
| § 9-703 | Alarm user permits required.                                   |
| § 9-704 | Alarm business.  |
| § 9-705 | Automatic dialing device; certain interconnections prohibited. |
| § 9-706 | False alarms; user fee and permit revocation.                  |
| § 9-707 | Enforcement.   |

#### § 9-701      PURPOSE.

While recognizing the value of effective alarm systems in deterring crime and preventing fire losses, and while encouraging the use of such alarm system, it is the purpose of this chapter to enhance and protect the emergency services, to require minimum standards for alarm systems and services therefore and to issue permits to users thereof to improve system effectiveness and to reduce, insofar as possible, the misuse of emergency public services. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

*State Law Reference:* Alarm Industry Act, 59 O.S. §§ 1800.1 to 16.

#### § 9-702      DEFINITIONS.

For the purpose of this chapter:

- A. “Alarm business” or “alarm industry” shall mean any person, firm or other entity engaged in the business of installing, selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or assisting in any of these functions, in the city;
- B. “Alarm system” shall mean any mechanism, equipment or device that is designed to detect the presence of an unauthorized entry or activity in any building or on any property, or to direct attention to any emergency in progress or presence of fire, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this chapter:
  - 1. devices that do not activate alarms that are audible, visible or perceptible outside the protected premises;
  - 2. devices that are not installed, operated or used for the purpose of reporting an emergency;
  - 3. alarm devices affixed to motor vehicles;

4. alarm devices installed on a temporary basis by the city;
  5. an Underwriters Laboratory approved battery operated smoke detection device installed by the resident in his personal residence; and
  6. alarm devices installed in or on premises owned or leased by the city.
- C. “Alarm user” means any person, firm, partnership, association, corporation, company or organization in control of any building, structure or facility wherein an alarm system is maintained;
- D. “Audible alarm system” means an alarm system not interconnected to an alarm business or the police service communication center, but is activated by sounding a bell, siren, or other device that makes an audible or visual signal at the location protected by the alarm system, indicating a need for police, fire or other emergency response;
- E. “Burglary alarm system” means an alarm system signaling entry or attempted entry into the area protected by the alarm system;
- F. “Enhanced nine-one-one (9-1-1) system” means an emergency phone system which is designed to receive emergency phone calls when the three (3) digit number nine-one-one (9-1-1) is dialed. The system places the person requesting emergency services in touch with fire, police and ambulance services by dialing a single number;
- G. “False alarm” shall mean the activation of an alarm system through mechanical failure, malfunction, the negligence of the alarm business or its employees or agents, or the negligence of the owner, user or lessee of an alarm system or his employees or agents, or which otherwise results in a response by law enforcement agency or fire department when a situation requiring such response does not in fact exist. “False alarms” include those caused by:
1. Error or mistake - any action by any person, firm, corporation or other entity or agent thereof, owning or operating any dwelling, building or place which results in the activation of any alarm system when no emergency exists;
  2. Malfunction - any activation of any alarm system caused by a flaw in the normal operation, design, installation, maintenance of the system, faulty equipment, change in environment or premises upon or within which the alarm system is operating;
  3. Intentional misuses - any intentional activation of an alarm system when no burglary, robbery, vandalism, fire or other emergency is in progress. This section shall not apply to testing during installation and regular maintenance when the user notifies the police service in advance and received permission for the test;

4. Exceptions - an alarm will not be considered a false alarm if it is determined that the alarm was a result of:
  - a. Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods or other similarly violent conditions;
  - b. Vandalism causing physical damage to the premises;
  - c. Attempted entry of a location causing visible, physical or other evidence of damage to the location;
  - d. Severe weather causing physical damages to the premises; or
  - e. If the alarm user calls the police service and cancels the alarm before the police department responds by using his personal identification number assigned when the alarm permit was issued.
  
- H. “Emergency” shall mean:
  1. A situation where a person is suffering from a serious medical illness or injury;
  2. The commission or attempted commission of a crime; or
  3. The existence of a fire.
  
- I. “Interconnect” means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system;
  
- J. “Telephone dialing device” means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for police, fire or medical response;
  
- K. “User fee” means the amount assessed to alarm users for false alarm responses in excess of the maximum number allowed in any one year. The fee is figured on a per response basis for false alarms as defined in this section; and
  
- L. “Excessive false alarm” shall mean any false alarm in excess of five (5) false alarms within any consecutive 12-month period. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

§ 9-703      ALARM USER PERMITS REQUIRED.

- A. Owner or user permit required. No person shall operate, connect or maintain an alarm system at a particular location without obtaining an alarm permit from the city clerk or his designee within fifteen (15) days of the alarm system becoming operational, activated and/or otherwise working.
1. The designated person in addition to any person identified as responsible for an alarm system shall be held responsible for obtaining the permit and complying to the provisions regarding alarms.
  2. Alarm systems in apartments and/or business complexes shall be designated and subject to the following:
    - a. The owner or property manager of an apartment and/or business complex shall obtain a master alarm permit from the designated authority for all alarm systems that are operated in any residential and/or business unit on the premises, whether the alarm system is furnished by the apartment and/or business complex owner as an amenity or contracted by an individual tenant.
    - b. A tenant of an apartment and/or in any business complex shall also obtain an alarm permit from the city clerk or his designee within fifteen (15) days of operation of an alarm system in the tenant's residential unit.
    - c. For purposes of enforcing this section against an individual residential and/or business unit, the alarm permit of the tenant supersedes the master alarm permit of the apartment and/or business complex; and, the tenant is responsible for false alarm notifications emitted from the alarm system in the tenant's residential and/or business units.
    - d. The owner or property manager of an apartment and/or business complex shall obtain a separate alarm permit for any alarm system operated in a non-residential area of the apartment and/or business complex, including, but not limited to common tenant areas and offices, storage, and equipment areas.
  3. The required permit for the operation of any alarm system as defined in this chapter is in addition to any other provisions and/or required inspections, permits or licenses as may be required by the municipal code, state or federal laws and/or any other legal authority.
- B. Application. The application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be operated, or maintained and the name of the person or state-licensed alarm system business installing, maintaining or servicing the system, as well as the type (fire, burglar, etc.) of system operated or maintained. The applicant will identify by name and telephone number (for

day and night) two contact individuals or representatives that are able to physically respond to any such alarm location in a reasonable time except in unusual circumstances where a single contact is allowed. Such application shall also contain such additional information as the chief of police or fire chief shall reasonably deem necessary for the evaluation and proper processing of the application.

1. Each application shall state the name, address and telephone number of an individual who is designated as responsible for the alarm who is also able to physically respond to such alarm location in a reasonable time.
  2. An alarm permit is not transferable to any other person. Mere changes of the required information not involving a change in ownership, lease or operation shall not be considered a transfer.
- C. Permit term. An alarm permit issued by the city clerk shall be valid for an indefinite period until a change in ownership, lease or operation has occurred.
- D. A person required to obtain an alarm system permit shall pay to the city clerk at the time of application a one-time non-refundable administrative fee necessary to process, maintain and monitor said applications, contact persons and/or permit information as established by the city council from time to time and adopted in the city's fee schedule.
1. A charge, as established by the city council from time to time, will be added to the above noted fee provided for in this section if a user fails to obtain a permit within fifteen (15) days of installation or operations of an alarm system.
  2. An alarm user which is a public owned and operated facility, and persons sixty-two (62) years of age or older, whose alarm system is installed on the lot or parcel hosting their primary permanent residence, shall be subject to the provisions of this chapter; but a permit will be issued without payment of the fee provided for in this section. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

*Ed. Note:* Ordinance set fees at \$15.00 for up to 3 systems at one address; \$5.00 each additional system; \$25.00 charge for failure to renew or obtain a permit.

§ 9-704      ALARM BUSINESS.

- A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on the user's premises, shall furnish the user with instructions that provide adequate information to enable the user to operate the alarm system properly and to obtain service for the alarm system.
- B. No business or individual shall operate within the city limits who offers alarm equipment for sale or lease, installation, maintenance, alteration, repair, replacement or service, without a state license as required by the Oklahoma Alarm Industry Act (59 O.S. §

1800.1 et seq.).

- C. Every business providing any of the following alarm services; selling, installing, repairing, modifying, maintenance, or system monitoring shall be required to register with the city for each fiscal year (commencing on each July 1 and continuing through the following June 30<sup>th</sup>) the numbers and copies of state licenses of the company or individuals providing alarm service to the user. If monitoring services are provided, the alarm company must furnish a twenty-four (24) hour per day phone number. Failure to register with the city shall constitute a violation of this chapter. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

§ 9-705            AUTOMATIC DIALING DEVICE; CERTAIN INTERCONNECTIONS PROHIBITED.

- A. It is unlawful and an offense for any person to program an automatic dialing device to any telephone line which, when activated, dials the digits nine-one-one (9-1-1). When a permit is issued, the alarm user will be given a phone number to be programmed into his system which goes directly to the police services communication center.
- B. It is unlawful and an offense for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to dial the digits nine-one-one (9-1-1), or whose permit has been revoked, after receiving notice from the city clerk or his designee. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

§ 9-706            FALSE ALARMS; USER FEE AND PERMIT REVOCATION.

- A. This chapter shall apply to all alarm systems located within the city.
- B. Any owner that allows excess false alarms to occur at any location shall be deemed to have committed an offense which may be punishable, upon conviction, by a fine of not more that allowed under § 1-108 of this code, plus costs. Each day any violation of this chapter continues constitutes a separate offense. In lieu of filing a criminal complaint, the city will assess a service fee as determined by the city council to the owner's city utility or trash account based on the fee schedule of the city for each and every excessive false alarm that occurs.
- C. In lieu of the city filing a criminal complaint, there shall be levied to the owner's city utility or trash account a twenty-five (\$25) dollar fee for each excessive false alarm at any location.
- D. The city utility services or trash services of owners who fail or refuse to pay service fees assessed under the provisions of this chapter on or before the due date of the utility and/or trash billing on which the service fees are assessed shall have their city utility and/or trash services terminated until the service fees, utility billing and all fees associated with the termination of utility and/or trash services are paid in full. (Ord. No. 384, 5/2/89; Ord.

No. 625, 8/8/06)

Ed. Note: Prior ordinance set charge at \$25.00 per false alarm.

§ 9-707        ENFORCEMENT.

Enforcement of this chapter will be by the city clerk or his designee, or by the police and fire chiefs and their designees.

Upon conviction of any offense under this chapter, the owner may be punished by a fine of one hundred dollars (\$100) plus costs, or by imprisonment for not more than thirty (30) days or both such fine and imprisonment. (Ord. No. 384, 5/2/89; Ord. No. 625, 8/8/06)

## CHAPTER 8

### RESIDENTIAL SALES

|         |                                     |
|---------|-------------------------------------|
| § 9-801 | Residential sale defined.           |
| § 9-802 | Number of sales allowed.            |
| § 9-803 | Signs or other advertising devices. |
| § 9-804 | License required.                   |
| § 9-805 | Application procedure.              |
| § 9-806 | Fees.                               |
| § 9-807 | Collection of taxes.                |
| § 9-808 | Penalty.                            |

#### § 9-801      RESIDENTIAL SALE DEFINED.

For the purpose of this chapter, the term “residential sale” means any sale held out to be a garage, room, backyard, or patio sale, or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, or goods or articles of any type or held out for sale to the public. This definition shall not include a situation where specific items are held out for sale and all advertisement of such sales specifically names the items to be sold. In any event, all sales or offers for sale, from any residence, of more than three (3) articles or items shall require a permit under the terms of this chapter. (Ord. No. 312, 2/18/86)

#### § 9-802      NUMBER OF SALES ALLOWED.

It is unlawful for any person or organization to conduct more than four (4) sales during any calendar year, provided that no permit shall be issued for any location at which four (4) sales have been held during the previous year. (Ord. No. 312, 2/18/86)

#### § 9-803      SIGNS OR OTHER ADVERTISING DEVICES.

- A. A standard permit will come with three (3) signs for the purpose of advertising or otherwise calling attention to residential sales for each residential sale licensed under this chapter. Additional signs over the standard issued shall pay additional fees. Said fee shall be within the adopted fee schedule. (Ord. No. 767, 10/17/17)
- B. Signs shall be self-supporting devices, placed inside the curb on the public easement of main and side streets, with the owner’s consent.
- C. Signs or other devices are not to be placed on utility poles, trees, culverts or bridges, or any other structure being part of the streets or the roadway.
- D. No sign is to be posted more than one day prior to the sale.
- E. Signs are to be removed by the person with the permit number listed on the signs within



forty-eight (48) hours of the sale.

- F. Signs not removed within forty-eight(48) hours of the last day of the sale will constitute a violation of this chapter, an offense which will be punishable by a fine as provided in § 1-108 of this code.
- G. All signs must clearly state the three (3) dates of the sale and the permit number. (Ord. No. 312, 2/18/86)

§ 9-804      LICENSE REQUIRED.

It is unlawful for any person to hold, conduct, engage in, or participate in any manner in a residential sale, without having first obtained a license to do so under this chapter. A separate license shall be required for each location at which a residential sale is to be held. (Ord. No. 312, 2/18/86)

§ 9-805      APPLICATION PROCEDURE.

Application for a license under this chapter shall be made on the form provided by the city, and is included in Appendix A to Ordinance Number 312, February 18, 1986, copies of which are on file in the office of the city clerk, shall include the following information:

1. The full name and address of the applicant;
2. The location at which the proposed residential sale is to be held;
3. The day or dates upon which the sale shall be held; and
4. The serial or identification number of each article to be sold, on those items from which serial numbers can be obtained. (Ord. No. 312, 2/18/86)

§ 9-806      FEES.

The license fee under this chapter shall be as set by the city for each separate license granted to any party under this chapter. (Ord. No. 312, 2/18/86)

*Ed. Note:* Prior ordinance set fee at \$3.00 per license.

§ 9-807      COLLECTION OF TAXES.

The license holder for any residential sale shall be held responsible for collecting taxes from the proceeds of any such sale in accordance with state law, and submitting the appropriate sales tax report. (Ord. No. 312, 2/18/86)

§ 9-808      PENALTY.

A). Any permitted sign placed, left or abandoned after the established timeline identified in subsection 9-803, shall have a fine applied to the permittees utility bill. Said fine is established within the adopted fee schedule.

B). Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable by a fine as provided in § 1-108 of this code. (Ord. No. 312, 2/18/86; Ord. No. 767, 10/17/17)