

CHAPTER 1

OCCUPATION TAX

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SECTION 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. Sections 22-106, 22-107.

SECTION 9-102 PAYMENT OF TAX REQUIRED, SALES TAX.

A. It is unlawful for any person or persons, firms, 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.

B. 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.

SECTION 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.

SECTION 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 (30th) 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 (30th) 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.

SECTION 9-105 BUSINESS CLASSIFICATIONS.

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.

SECTION 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:

1. Itinerant solicitors and peddlers:
 - a. Per day;
 - b. Per week;
 - c. Per month; and
 - d. Per year;
2. Billiard or pool halls, per table; and
3. Shows, circuses, carnivals, or any other exhibitions for pay:
 - a. First day; and
 - b. Each additional day.

SECTION 9-107 ITINERANT SOLICITORS AND PEDDLERS DEFINED.

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

1. "Commercial" means soliciting for a business purpose which is intended to be for profit and is not intended to be charitable, religious, not for profit or political;
2. "Itinerant" means having no regular place of doing business or soliciting in the city and includes, but is not limited to, making regular delivery or providing goods over an established route through the city;
3. "Peddler" means a person soliciting commercial orders for goods or services which

are to be provided from stocks of goods carried with the peddler or which are services provided by the peddler at the time the order is made;

4. "Solicitor" means a person soliciting commercial orders for goods or services which are to be provided or shipped to the consumer at a later date; and
5. "Soliciting" means all activities of peddlers and solicitors attempting to obtain business. Such activities may include, but are not limited to, distribution of handbills or leaflets to the public directly or by placing them in a mailbox, on a doorknob or otherwise on any property; coming personally onto any property for the purposes defined herein; and calling the occupants of any property by telephone for the purposes defined herein.

SECTION 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. Section 22-106.

SECTION 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 Sections 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 therefor 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, Sec. 5-7)

SECTION 9-110 FEES 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 therefor either directly or indirectly or to receive any gift, donation, or subscription by any means whatsoever for the same. (Prior Code, Sec. 5-8)

SECTION 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, Sec. 5-10)

SECTION 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 Section 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

Section 9-201	Definitions.
Section 9-202	License fee levied.
Section 9-203	Sale, operation, servicing of devices; permits.
Section 9-204	Permit requirements.
Section 9-205	Permit fees.
Section 9-206	Offenses.
Section 9-207	Replay games prohibited.
Section 9-208	Exemptions.
Section 9-209	Penalties.

SECTION 9-201 **DEFINITIONS.**

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

1. “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;
2. “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 services; and
3. “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, Section 68 O.S. Sections 1501 et seq; family recreation centers, 68 O.S. Sections 50001 et seq.

SECTION 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 therefor. 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)

SECTION 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)

SECTION 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:

1. Be a resident of this state for two (2) years preceding the date of the application;
2. Not be a convicted felon;
3. Have obtained a state sales tax permit to be used exclusively to report the coin-operated amusement device income; and
4. 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)

SECTION 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.

SECTION 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 therefor 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)

SECTION 9-207 **REPLAY GAMES PROHIBITED.**

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

SECTION 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)

SECTION 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 Section 1-108 of this code. (Ord. No. 208, 10/6/81)

PAWNSHOPS

Section 9-301	License.
Section 9-302	Records, tickets required.
Section 9-303	Inspection of register or merchandise.
Section 9-304	Business hours.
Section 9-305	Soliciting business on streets.
Section 9-306	Thumb print required.

SECTION 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 therefor 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 (1/2) 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 therefor, 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. Section 1506; Oklahoma Pawnshop Act, 59 O.S. Sections 1501 et seq.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 to patronize any pawnshop.

SECTION 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

Section 9-401 **Thumb print required.**

SECTION 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 Sections 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.

CHAPTER 5

SECURITY SERVICES

Section 9-501	Definitions.
Section 9-502	Chief of police to grant licenses and permits.
Section 9-503	Licenses and permits required.
Section 9-504	Application for licenses and permits.
Section 9-505	Investigation, interview and ineligibility for license or permit.
Section 9-506	Insurance requirements.
Section 9-507	Action on application.
Section 9-508	Expiration and renewal.
Section 9-509	Eligibility for new license or permit.
Section 9-510	Badge, uniform, vehicles, license and permits.
Section 9-511	Service restricted to authorized area.
Section 9-512	Authority to arrest.
Section 9-513	Rules and regulations.
Section 9-514	Suspension or revocation of license; public hearing.
Section 9-515	Hearings.
Section 9-516	Appeals.
Section 9-517	Firearms permits.
Section 9-518	Non-liability of city.
Section 9-519	Exemptions.

SECTION 9-501

DEFINITIONS.

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

1. “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;
2. “Privately registered security officers” means any individual permitted by the police department to 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;
3. “Security company” means any corporation, unincorporated association, partnership, or sole proprietorship offering any services as an independent contractor and employing private security offices who are licensed under the provisions of this chapter;
4. “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;
5. “Permit” means the authority given to an individual for the purpose of acting as a registered security officer and carrying a weapon;
6. “License” means the authority given to a corporation, unincorporated associations, partnership or sole proprietorship to engage in the security guard business.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 9-505 **INVESTIGATION, INTERVIEW AND INELIGIBILITY FOR LICENSE OF 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

F. Uniform and marked vehicles are required when on duty unless written authorization of the chief of police is obtained for special investigation or circumstances.

SECTION 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.

SECTION 9-512 AUTHORITY TO ARREST.

Duly licenses 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.

SECTION 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 therefor.

SECTION 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:

1. Violation of any of the requirements necessary for a license or permit;
2. Violation of any rule or regulation established pursuant to this chapter;
3. 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
4. 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.

SECTION 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.

SECTION 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.

SECTION 9-517 FIREARMS PERMIT.

- 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.
- E. 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.

SECTION 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.

SECTION 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

Section 9-601	Definition.
Section 9-602	Application, fees.
Section 9-603	Eligibility.
Section 9-604	Inspections.
Section 9-605	Fireworks stand requirements.
Section 9-606	Times of sale.
Section 9-607	Restrictions on the discharge of fireworks.
Section 9-608	Enforcement.
Section 9-609	Transferability.
Section 9-610	Penalty.

SECTION 9-601 DEFINITION.

The term “fireworks” as applied to explosives, referred to in this chapter, includes, but is not limited to, toy cannons, detonating canes, blank cartridges, firecrackers of any size and kind, and any substance of an explosive nature and devices for discharging the same. This chapter shall not apply to ammunition and firearms or to dynamite and devices for exploding the same. (Ord. No. 308, 1/31/86)

SECTION 9-602 APPLICATION, FEES.

A. Any person or organization seeking a license to sell fireworks must apply by May 1 of the license year.

B. The application will be accompanied by an application fee for non-profit organizations as set by the city, for profit organizations, as set by the council. The application must also be accompanied by a deposit as set by the city, to be refunded after inspection of removal and cleanup which shall be effected no later than July 31st of the license year. (Ord. No. 308, 1/31/86; Ord. No. 367, 5/3/88)

SECTION 9-603 ELIGIBILITY.

A. Any applicant must be a resident or an organization of the city in order to be eligible for a license.

B. Any and all applicants must be at least twenty-one (21) years of age to be eligible for a license. (Ord. No. 308, 1/21/86)

SECTION 9-604 INSPECTIONS.

A. The site for the fireworks stand must be inspected by the code enforcement officer to verify that all requirements for zoning have been met.

B. The site for the fireworks stand must be inspected by the fire department for safety and ordinance compliance. (Ord. No. 308, 1/21/86; Ord. No. 340, 3/31/87)

SECTION 9-605 FIREWORKS STAND REQUIREMENTS.

A. The stand must be in a properly zoned area.

- B. The minimum size of the stand is to be 5' X 8'; and the maximum size is to be 8' X 10'.
- C. A minimum of one hundred fifty (150) feet must exist between all fireworks stands.
- D. No smoking signs must be posted on and about the fireworks stands.
- E. Each stand must have at least one ABC fire extinguisher, minimum size of five (5) pounds. (Ord. No. 308, 1/21/86; Ord. No. 348, 6/2/87)

SECTION 9-606 **TIMES OF SALE.**

- A. Fireworks stands are not to be opened before the 15th day of June of the license year. Also, no fireworks stand shall be open at any time after 11:00 p.m. on the 5th day of July of the license year.
- B. Fireworks stands will close no later than 11:00 p.m. on each day they are open. (Ord. No. 308, 1/21/86; Ord. No. 326, 7/1/86)

SECTION 9-607 **RESTRICTIONS ON THE DISCHARGE OF FIREWORKS.**

- A. No fireworks shall be discharged within five hundred (500) feet of any fireworks stand.
- B. Fireworks are to be discharged on July 3, July 4 and July 5 only, between the hours of 9:00 a.m. and 11:00 p.m.
- C. All fireworks stands must post, in plain view, signs provided by the city fire department upon issue of a license, which signs will include the information contained in Section 9-606 of this code. (Ord. No. 308, 1/21/96)

SECTION 9-608 **ENFORCEMENT.**

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

- A. All applicants must further comply with the fireworks laws of the state, attached to this chapter and made a part hereof. (Ord. No. 308, 1/21/86)

SECTION 9-609 **TRANSFERABILITY.**

All licenses granted will be strictly and absolutely non-transferable. (Ord. No. 308, 1/21/96)

SECTION 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 Section 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

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

SECTION 9-701 **PURPOSE AND SCOPE.**

- A. The purpose of this chapter is to enhance and protect the emergency services of the city.
- B. This section governs burglary, robbery and fire alarm systems, requires permits, establishes fees, provides for revocation of permits, provides for punishment of violations and establishes a system of administration.
- C. The provisions of this section shall apply only to systems located in whole or in part within the city. (Ord. No. 384, 5/2/89)

SECTION 9-702 **DEFINITIONS.**

For the purpose of this chapter:

1. "Alarm business" or "alarm industry" means the business, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced or installed any alarm system in or on any building, structure or facility. This does not include any person who installs his own alarm on his own property to protect his personal property;
2. "Alarm system" means one or more devices designed to detect and signal unauthorized intrusion, entry, robbery, fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private security guards or security officers. This provision excludes systems installed in motor vehicles;
3. "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;
4. "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. This provision excludes alarm systems installed within motor vehicles;
5. "Burglary alarm system" means an alarm system signaling entry or attempted entry into the area protected by the alarm system;
6. "Enhances 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 service in touch with fire, police and ambulance services by dialing a single number;

7. “False alarm: means the activation of a burglary, robbery, fire or other alarm for the purpose of summoning emergency assistance or which causes the police or fire department to be summoned, at a time when no emergency exists. False alarms include those caused by:
 - a. 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;
 - b. 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;
 - c. Intentional misuse - 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;
 - d. Exceptions - an alarm will not be considered a false alarm if it is determined that the alarm was the result of:
 - (1) Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods or other similarly violent conditions;
 - (2) Vandalism causing physical damage to the premises;
 - (3) Attempted entry of a location causing visible, physical or other evidence of damage to the location;
 - (4) Severe weather causing physical damages to the premises; or
 - (5) 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;

8. “Fire alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire or other activity requiring urgent attention and to which the fire department personnel are expected to respond. This provision excludes alarm systems installed within motor vehicles;

9. “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;

10. “Robbery alarm system” means an alarm system signaling a robbery or attempted robbery;

11. “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; and

12. “User fee” means the amount assessed to alarm users for false alarm responses in excess of the maximum number allowed in any one fiscal year. The fee is figured on a per response

basis for false alarms as defined in this section. (Ord. No. 384, 5/2/89)

SECTION 9-703 **ALARM USER PERMITS REQUIRED.**

A. Every alarm user shall obtain an alarm user's permit for each type of alarm, from the city clerk or his designee, upon May 2, 1989, and prior to the use of the alarm. Application for a burglary, robbery, holdup or fire alarm user's permit and the fee for up to three (3) types of systems at each residence, business, or other facility, except as excluded by this chapter, shall be filed with the city clerk every fiscal year. Each additional type of system beyond the first three (3) noted above, shall be subject to an additional fee. The permit application shall include information as to the number of and type of alarms installed, alarm company providing the service, monitoring agent and numbers to be called in the event an emergency shall occur. Permits are also required for audible alarms and alarms with automatic dialing devices attached. This provision does not pertain to alarm systems installed within motor vehicles. Each approved application and permit shall bear the signature of the city clerk or his designee.

B. A charge will be added to the fee provided for in this section is a user fails to renew a permit or obtain a permit upon installation of an alarm system.

C. 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)

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.

SECTION 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 Section 1800.6 of Title 59 of the Oklahoma Statutes.

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 30th) 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)

SECTION 9-705 **AUTOMATIC DIALING DEVICE; CERTAIN INTERCONNECTIONS PROHIBITED.**

It is unlawful 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 service communication center. It is unlawful 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)

SECTION 9-706

FALSE ALARMS; USER FEE AND PERMIT REVOCATION.

A. When records in the city's possession indicate that at least three (3) false alarms have occurred within one fiscal year, the city clerk shall notify the alarm user by certified mail of the number of false alarms on record. The alarm user will also be notified that for the remainder of the fiscal year, any more than five (5) responses to false alarms will result in the alarm user being billed at the rate set by the city per false alarm response.

B. When the city's records indicate five (5) false alarms within one fiscal year, the city clerk shall notify the alarm user by certified mail of the number of false alarms on record.

C. The city clerk shall, in both his notifications by certified mail, inform the alarm user of the revocation penalties and their applicability should future false alarm billings not be paid.

D. If the amount billed to the alarm user for emergency responses to false alarms is not paid within thirty (30) days of the statement date, the city clerk or his designee may revoke the alarm user's permit.

E. The city's notice of revocation to the alarm user shall specifically state that the permit holder does have the right to appeal to the city manager.

F. The alarm user may appeal the revocation of his permit to the city manager, provided such appeal is made within ten (10) calendar days from the date of revocation.

G. If the alarm user's permit is revoked, and the alarm user seeks to operate his alarm for the remainder of the fiscal year, the alarm user must first pay all unpaid bills for false alarms and make application to the city, paying the appropriate fee therefore.

H. It shall be a violation of this chapter to operate an alarm system when the permit for that system has been revoked by the city clerk or his designee, and a new alarm permit has not yet been obtained. (Ord. No. 384, 5/2/89)

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

SECTION 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. (Ord. No. 384, 5/2/89)

CHAPTER 8

RESIDENTIAL SALES

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

SECTION 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)

SECTION 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)

SECTION 9-803 **SIGNS OR OTHER ADVERTISING DEVICES.**

A. Not more than five (5) signs or other devices used for the purpose of advertising or otherwise calling attention to residential sales shall be allowed for each residential sale licensed under this chapter.

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 Section 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)

SECTION 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)

SECTION 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 12, 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)

SECTION 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.

SECTION 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)

SECTION 9-808 **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 by a fine as provided in Section 1-108 of this code. (Ord. No. 312, 2/18/86)