

Chapter 5 - BUSINESS AND OCCUPATION LICENSES

Footnotes:

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Editor's note— Ord. No. 3517, adopted Dec. 16, 2019, repealed the former Ch. 5 in its entirety. Ord. No. 3518, § 1(Exh. A) adopted Dec. 19, 2019, enacted a new Ch. 5 as set out herein. The former Ch. 5 pertained to similar subject matter business taxes, licenses and regulations and derived from Code 1978, § 3.08.010; Code 1978, §§ 5.040.010—5.04.060; Code 1978, §§ 5.08.010, 5.08.020, 5.08.040, 5.08.070; Code 1978, §§ 5.12.020, 5.12.030, 5.12.101; Code 1978, §§ 5.20.010—5.20.060, 5.20.070(A)—(M), 5.20.080—5.20.120, 5.20.140; Code 1978, §§ 5.24.010—5.24.030, 5.24.050; Code 1978, §§ 5.36.010—5.36.030; Code 1978, §§ 5.40.010—5.40.090; Code 1978, §§ 5.44.010, 5.44.020; Code 1978, §§ 5.48.010, 5.48.020; Code 1978, §§ 5.60.010—5.60.050, 5.60.060(A)—(C), 5.60.070—5.60.170; Code 1978, §§ 5.64.010, 5.64.020, 5.64.030(A)—(C), 5.64.040(A)—(C), 5.64.050—5.64.070; Code 1978, §§ 5.68.010, 5.68.020, 5.68.040, 5.68.050, 5.68.080; Code 1978, § 10.79.010; Code 1978, § 15.36.020; Ord. No. 2382, §§ 1(5.20.060(B)(5)), adopted Oct. 18, 1982; Ord. No. 2486, §§ 1, 2, adopted July 23, 1984; Ord. No. 2491, §§ A, B(5.08.020), adopted Sept. 4, 1984; Ord. No. 2468, § 1, adopted March 5, 1985; Ord. No. 2520, §§ 1(5.040.010), 2(5.04.040), 3(5.20.040), 4, 5, 6(5.24.050), 8(5.40.020), 9, 17(5.60.060(A)), 18(5.64.040(A), 18(5.64.040(C))), 19(5.64.050), 20(5.64.060), 21 (5.68.040), adopted March 6, 1985; Ord. No. 2527, §§ 2(5.040.010), 3(5.24.050), 5(5.44.010), 6(5.64.040), 7 (5.68.040), adopted March 18, 1985; Ord. No. 2547, § 1, adopted May 20, 1985; Ord. No. 2549, § 1(5.08.010—5.08.050), adopted June 3, 1985; Ord. No. 2563, §§ 1, 2, adopted Sept. 3, 1985; Ord. No. 2585, § 1, adopted June 2, 1986; Ord. No. 2591, §§ (A)—(D), adopted Dec. 8, 1986; Ord. No. 2595, §§ 3, 5, adopted March 2, 1987; Ord. No. 2619, §§ 1—3, adopted Nov. 16, 1987; Ord. No. 2624, § 1, adopted Jan. 4, 1988; Ord. No. 2661, § 1, adopted Nov. 7, 1988; Ord. No. 2687, § 1, adopted Oct. 2, 1989; Ord. No. 2688, § 1, adopted Oct. 2, 1989; Ord. No. 2732, adopted May 6, 1991; Ord. No. 2741, adopted July 15, 1991; Ord. No. 2763, adopted Feb. 18, 1992; Ord. No. 2805, adopted June 21, 1993; Ord. No. 2824, adopted Jan. 3, 1994; Ord. No. 2828, adopted March 21, 1994; Ord. No. 2831, adopted April 4, 1994; Ord. No. 2835, adopted June 20, 1994; Ord. No. 2874, §§ 1—14 adopted Aug. 21, 1995; Ord. No. 2937, §§ 1—10, adopted Dec. 2, 1996; Ord. 3037, §§ 1, 2, adopted June 5, 2000; Ord. 3069, § 1, adopted July 16, 2001; Ord. No. 3103, §§ 1—6, adopted Feb. 18, 2003; Ord. No. 3105, §§ 1—3, adopted March 3, 2003; Ord. No. 3126, § 1, adopted Dec. 15, 2003; Ord. No. 3137, § 1, adopted June 14, 2004; Ord. No. 3196, § 1, adopted Jan. 23, 2006; Ord. No. 3303, adopted Aug. 3, 2009; Ord. No. 3348, §§ 1—33, adopted Feb. 7, 2011; Ord. No. 3350, § 1, adopted Feb. 7, 2011; Ord. No. 3419, § 1, adopted Dec 2, 2013; Ord. No. 3469, adopted June 6, 2016; Ord. No. 3499, § 1, adopted Sept. 4, 2018; Ord. No. 3501, §§ 1, 2, adopted Sept. 4, 2018; Ord. No. 3507, § 1, adopted Dec. 3, 2018.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Purpose.

The purpose of this chapter is to ensure that all businesses operating within the corporate limits of the City of Bartlesville are conducted in compliance with applicable laws, regulations, and ordinances, to maintain a safe environment for the general public health, safety, and general welfare, and to assure that zoning, building, and fire codes are enforced.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-2. - Applicability.

Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the City of Bartlesville who is exempt from taxation or regulation by the city by virtue of the constitutions of the United States or the State of Oklahoma, or applicable federal or state law.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-3. - Definitions.

As used in this chapter:

Applicant means a duly authorized officer or person of a business applying for a license or permit as required by this chapter to conduct a particular business within the city.

Business means any activity of auctioneers, contractors, druggists, hawkers, peddlers, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding houses, billiard tables, bowling alleys, and other amusement devices, drays, hacks, carriages, omnibuses, carts, wagons and other vehicles used in the municipality for pay, hay scales, lumber dealers, furniture dealers, saddle or harness dealers, stationers, jewelers, livery stable keepers, real estate agents, express companies or agencies, telegraph companies or agencies, shows, theatres, all kinds of exhibitions for pay, also photographers, photographers' agents, agents of all kinds and solicitors. The term "business" as used in this chapter shall be construed to apply to any of the above enumerated trades, professions or occupations as provided for in 11 O.S. § 22-106 or any applicable statute which is amendatory thereof or related thereto.

City means the City of Bartlesville.

City clerk means the city clerk for the City of Bartlesville or his or her authorized representative or designee.

Day means a calendar day unless otherwise noted.

Doing business means to engage in any activity in pursuit of profit, gain, livelihood, or any other purpose identified herein.

Employee means a person who is hired by another to perform a service especially for wages or salary and is under the control of a respondeat superior.

License means the written authority granted by the city under this ordinance to operate, engage, conduct or carry on a business or business activity within the city.

Licensee means an applicant who has received a license.

Non-profit organization means any business or organization which is exempt from taxation under the United State Internal Revenue Code and produces a determination letter of proof thereof.

Occupation means business activities as defined herein.

Person means an individual, partnership, corporation, limited company, joint venture, cooperative, or any other entity in law or in fact.

Police chief means the duly appointed or acting chief of police for the City of Bartlesville or his or her authorized representative or designee.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-4. - Adoption of state statutes.

The City of Bartlesville hereby adopts by reference all regulations now contained or hereafter contained in the Oklahoma Statutes as applicable to this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-5. - License required.

Unless otherwise exempted, it shall be unlawful for any business as defined herein to engage in any business activity without first procuring from the city any and all licenses required by this chapter and paying to the City of Bartlesville the fees or taxes associated therewith and as established in appendix D, General Schedule of Fees.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-6. - Issuance of license; denial, revocation and appeal.

- (a) *License application.* Where any provision of this chapter requires it, any applicant for a license shall make application on forms provided by the city clerk. The application may require and the applicant shall provide such information as to enable the city to determine whether the applicant meets the minimum qualifications established in this Code. It shall be unlawful for any person to falsify information in any such application.
- (b) *Criminal background report.* Where any provision of this chapter requires the results of a current criminal background report, such shall be obtained by the applicant at his expense directly from the Oklahoma State Bureau of Investigation (OSBI) and shall include an OSBI criminal history database search, and Oklahoma Department of Corrections (DOC) sex offender registry search and a DOC violent offender registry search. The report is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the city.
- (c) *Driving history report.* Where any provision of this Chapter requires the results of a current driving history report, such shall be obtained by the applicant at his expense directly from the Oklahoma Department of Public Safety (ODPS) and shall include records for the past three (3) years. The report is considered current if it is dated no more than thirty (30) days prior to the date

on which the applicant submits a completed application to the city. If the applicant does not have a driver's license in the State of Oklahoma, an equivalent report shall be obtained from the applicant's State of Licensure Department of Motor Vehicles and submitted to the city as part of the license approval process.

- (d) *Proof of state or county license or registration.* The city may require proof or a copy of a license or registration required by any federal, state or county agency as a prerequisite to any license approval process.
- (e) *City clerk or designee to issue.* All licenses required by this chapter shall be issued by the city clerk. No license shall be issued until all conditions prescribed by the applicable laws and regulations of the City of Bartlesville, State of Oklahoma or United States Federal Government have been met.
- (f) *License record.* The city clerk shall keep a record of all licenses issued by him showing the date issued, to whom issued, the period for which the license was issued, the amount paid, the receipt number, and the nature of the license.
- (g) *License issuance and/or revocation.* The city clerk may refuse to issue any requested license or revoke any existing license for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for the license;
 - (2) Fraud, misrepresentation or false statement made in the course of conducting business;
 - (3) A violation of any provision of this chapter or other municipal code violation;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting business in a manner which constitutes a breach of peace, or a menace to the public health, welfare, or safety;
 - (6) Entering upon any premises or attempting to secure the attention of the owner or occupant of any premises where said owner or occupant has indicated his desire not to be contacted for sales or solicitations by plainly displaying to public view a sign which indicates such persons are not wanted on the premises.
 - (7) Failure to levy, collect, or remit any applicable municipal sales tax to the State Tax Commission.
 - (8) Failure to maintain full compliance with all applicable codes and regulations which may cause the certificate of occupancy to be suspended or revoked. No charge need be brought for suspension or revocation of the certificate of occupancy to occur.
 - (9) Code violations referenced herein may be shown to have occurred by a preponderance of the evidence.

(h)

Denial or revocation; appeal. Any person whose application for a license required by this chapter is denied or whose license has been revoked shall have the right to appeal the denial to the city council. Such appeal, unless another procedure is prescribed herein, shall be made within fifteen (15) days from the date of receipt of the refusal by filing with the city clerk a written request for such appeal, and the council shall hear the appeal at its next available meeting.

- (i) *License non-transferable, non-assignable, and non-refundable.* No license granted or issued under the provisions of this chapter shall be in any manner transferred or assigned. If any person or entity that holds a city license loans or otherwise allows such license to be used by a non-licensed person or entity, such license shall automatically be revoked. No rebate or refund shall be paid for any unexpired portion of any license granted under this chapter or of any amount paid at the time of application for any license.
- (j) *Duplicate Licenses.* The City Clerk shall charge an amount as established in the Appendix D, General Schedule of Fees for each duplicate license issued under the provisions of this Chapter which has been lost or destroyed.
- (k) *Change of location.* Once issued, the location of any licensed business may be changed, provided ten (10) days' notice thereof is given to the city clerk and provided that any inspections required by this chapter are complied with. A charge in an amount as established in the general schedule of fees shall be collected for each business license changing location.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-7. - License fee, term, and renewal.

- (a) *Fee.* Unless otherwise provided herein, there is hereby imposed an annual fee for all licenses required by this chapter in an amount established in appendix D, general schedule of fees. Said fee shall also be known one and the same as a license tax and shall be imposed in conjunction with the issuance of any license as required under the provisions of this chapter.
- (b) *Term and renewal.* Unless otherwise provided herein, every annual license, regardless of its issue date, shall expire annually at midnight on June 30th. No renewal of a license shall be issued until payment has been made in full of all delinquent license taxes. It shall be the responsibility of each licensee to obtain and pay for a renewal license regardless of whether or not such licensee has received a renewal notice from the city.
- (c) *Prorating of license.* The annual fee for any new license granted after the commencement of the license year shall be prorated on a monthly basis. No proration shall be granted for existing license holders who are renewing late or are delinquent.
- (d) *Delinquent fees.* In the event the annual renewal of a license remains unpaid for a period exceeding thirty (30) days after the same becomes due and payable, the same shall be declared delinquent, and a penalty of thirty-five (35) percent shall be added to the license renewal fee. The

penalty provided in this chapter shall be in addition to all other fines, penalties, or administrative charges which may otherwise be levied or assessed pursuant to the provisions of this Code.

- (e) *Compliance with all laws.* The issuance of all licenses required by this chapter are also subject to compliance with all other applicable city, county, state, and federal laws, rules, and regulations.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-8. - State sales tax permit required.

Any applicant who shall be required to collect and remit sales tax pursuant to the Sales Tax Codes of the State of Oklahoma and the City of Bartlesville when engaging in any business, trade, profession, occupation, vocation or calling for which a license is required by the city, shall, as a condition precedent to the issuance of such license, provide a copy of this state sales tax permit prior to the issuance of any license required by this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-9. - License display required.

It shall be the duty of any person or company having obtained any license for any authorized purpose as required by this chapter, to have such license placed or posted in a secure manner in a public place on the premises occupied and used for such purpose where the license may be readily seen at any time by any person entering such premises. Any licensed person who does not occupy any certain premises for the conduct of such licensed business shall carry his license on his person and shall display it whenever requested. Any person or company required by this chapter to have a license shall be required upon request to exhibit such license to any duly authorized inspector or police officer of the City of Bartlesville. Businesses operated without an agent or employee on the premises shall post in a conspicuous place the name, address and telephone number of the person or persons to be contacted in event of an emergency.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-10. - Inspection of building and premises; issuance of certificate of occupancy.

Where required by this chapter, no license shall be issued for the conduct of any business until the premises, buildings, and structures to be used for said purposes have been inspected by the applicable city inspectors and such premises, buildings and structures have been found to fully comply with all applicable city codes and ordinances as verified by the issuance of a certificate of occupancy by the city. No such license shall be issued for the conduct of any business or performance of any act that would involve a violation of the zoning ordinance or Municipal Code of the City of Bartlesville.

An applicant or licensee shall permit representatives of the police department, fire department, county health department, community development department or other city, county, state or federal agencies to inspect the premises of a proposed or existing business for the purpose of insuring compliance with all applicable laws, at any time it is occupied or open for business. A person who operates a business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises or of the employee licenses, if required, at any time the business is open.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-11—5-39 - Reserved.

ARTICLE II. - GENERAL BUSINESS LICENSE AND TAX

Sec. 5-40. - General business license required.

Unless otherwise exempted, it shall be unlawful for any business as defined herein to engage in any business activity without first procuring from the city any and all licenses required by this chapter and paying to the City of Bartlesville the fees or taxes associated therewith and as established in appendix D, general schedule of fees.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-41. - Exemptions.

A general business license is not required by any of the following:

- (1) A non-profit corporation, organization, or association which is carried on wholly for the benefit of non-profit purposes and from which profit is not derived, either directly or indirectly by any person, provided such organization or association is registered with the secretary of state for the State of Oklahoma as a charitable organization pursuant to the Charitable Contributions Act of 1955 and/or is determined by the Internal Revenue Service (IRS) to be exempt from federal income taxes as evidenced by an IRS affirmation letter.
- (2) All scientific and literary lecturers and entertainments.
- (3) Concerts and musical or other entertainments given exclusively by the citizens of the city.
- (4) A governmental entity.
- (5) Temporary businesses as defined in article V of this chapter.
- (6) Where such license is prohibited by state law.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-42. - General business tax.

An annual tax is hereby imposed upon all persons engaged in any business in an amount established in the general schedule of fees. Said tax shall also be known one and the same as a license fee and shall be imposed in conjunction with the issuance of a general business license as required under the provisions of this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-43. - Multiple business locations.

A separate license shall be obtained for each branch establishment or each location where a separate place of business is conducted. Each license shall authorize the licensee to operate only that business described in such license and only at the location or place of business which is indicated thereby.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-44—5-59. - Reserved.

ARTICLE III. - OCCUPATION LICENSES

Sec. 5-60. - Additional requirements.

In addition to a general business license as required by this chapter, the following additional licenses, permits, fees, taxes, and regulations shall be required for the specified occupations identified in this article.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-61—5-69. - Reserved.

DIVISION 1. - PASSENGER CARRIER FOR HIRE

Sec. 5-70. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chauffeur means a licensed individual who drives or operates any motorized or non-motorized vehicle for hire, regardless of whether or not the individual drives or operates such vehicle as an employee, independent contractor, owner, or in any other capacity.

For hire refers to an arrangement or transaction whereby any money, thing of value, charge ticket, surcharge, payment, pecuniary consideration or compensation, voucher, reward, donation, remuneration, or profit, whether direct or indirect, is paid to, accepted by, or received by the driver, chauffeur or an employee or the holder operating any motorized or non-motorized vehicle of any capacity in exchange for the temporary use by or for the transportation of a person or persons as a passenger, whether such is paid or not paid by the passengers either voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

Motorized vehicle refers to any vehicle which is self-propelled or drawn upon city streets by means other than solely animal or human power and includes, but is not limited to, taxicabs, motorbuses, paratransit vehicle, utility vehicle, limousines, shuttles, or antique, classic or special interest vehicles.

Non-motorized vehicle refers to any vehicle which is propelled or drawn upon city streets solely by animal or human power and includes, but is not limited to, pedicabs or carriages.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-71. - Exemptions.

An occupation license for passenger carrier for hire is not required by any of the following:

- (1) A motorized vehicle operating pursuant to the Oklahoma Transportation Network Company Act as provided in Oklahoma Statutes.
- (2) A non-profit corporation, organization, or association which is carried on wholly for the benefit of non-profit purposes and from which profit is not derived, either directly or indirectly by any person, provided such organization or association is registered with the secretary of state for the State of Oklahoma as a charitable organization pursuant to the Charitable Contributions Act of 1955 and/or is determined by the Internal Revenue Service (IRS) to be exempt from federal income taxes as evidenced by an IRS affirmation letter.
- (3) A company or business that provides such service under a contractual relationship with the City of Bartlesville.
- (4) A company or business which is licensed by the State of Oklahoma Department of Health as an ambulance service.
- (5) A company or business which is providing a private charter service.
- (6) Hearses and mortuary limousines when used as funeral vehicles.
- (7) School and church buses when used for school or church purposes.
- (8) Vehicles which are rented or leased to the public without a driver.
- (9) Vehicles operated on a share-the-expense plan, such as carpools.
- (10)

Courtesy vehicles used by hotel and motel facilities, apartment complex, businesses, merchants, companies, private organizations or groups exclusively for the convenience of their guests, occupants, customers, employees, or members and is not for hire. Courtesy vehicles shall have a sign thereon bearing the words "NOT FOR HIRE" in letters no less than three (3) inches high.

(11) Vehicles which carry passengers only from a point outside the city limits to a point inside the city limits or which carry passengers only from a point inside the city limits to a point outside the city limits.

(12) Where such license is prohibited by State law.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-72. - Additional requirements.

No person shall operate or provide a passenger carrier for hire service using motorized or non-motorized vehicles within the city limits of Bartlesville without having provided the following documents to the city clerk. Such documents shall be provided as part of the general business license application and updated annually with the renewal of the general business license.

- (1) Proof of financial responsibility as evidenced by a certificate of insurance issued by a carrier authorized to do business in the State of Oklahoma certifying that there is in effect a policy of liability insurance coverage for each and every motorized vehicle to be operated as part of the service, with the following minimum coverages: one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person, three hundred thousand (\$300,000.00) for the injury or death of any number of persons in one (1) accident, and fifty thousand dollars (\$50,000.00) for property damage in any one (1) accident. The insurance coverage shall be effective whether the vehicle was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee. Failure to maintain insurance coverage as set forth herein shall automatically void any approved city license to operate said service.
- (2) Provide a schedule showing the passenger fares to be charged including the distance of the first charge and rate per mile or fraction thereof.
- (3) Results of a criminal background check verifying the applicant has not been convicted within the last ten (10) years of any felony or of any crime involving prostitution or prostitution-related offenses, public lewdness, sexual offenses or controlled-substance-related offenses.
- (4) Results of a driving history report for the past three (3) years.
- (5) Documentation on each vehicle to be used in the provision of service, including current motor vehicle registration in the State of Oklahoma, make, model, year, body type license plate information and VIN, if applicable. Photographs shall also be provided for each vehicle clearly

showing the color scheme and/or insignia on each vehicle, and minimum two (2) inch lettering on the outside of each side of the vehicle identifying the company or trade name and service rates.

- (6) Results of an inspection for each vehicle verifying compliance with minimum standards of mechanical condition and efficiency of such vehicle for use as a passenger carrier for hire as obtained from the Bartlesville police department at a fee as established in the general schedule of fees.
- (7) Payment of an annual vehicle license for each vehicle in an amount as established in the general schedule of fees; and
- (8) Documentation of a current chauffeur's license as required by article V of this chapter for each chauffeur.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-73. - Minimum service requirements.

All persons operating a passenger carrier for hire service within the corporate city limits shall render an overall service to the public which meets the following minimum requirements:

- (1) Shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious beliefs, religious affiliation, sex, disability, or age.
- (2) Shall comply with all applicable laws relating to accommodation of service animals.
- (3) Shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
- (4) Shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If such a vehicle is not available, the company shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.
- (5) Shall maintain every vehicle in a clean and sanitary condition, including the frame, wheels, trunk, and the upholstery and headliner, as applicable, in good repair.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-74. - Additional service requirements for taxicabs.

All persons operating a taxicab service in the City of Bartlesville shall render an overall service to the public which meets the following additional minimum requirements:

- (1) Shall maintain a central place of business within the city limits and shall keep the same open twenty-four (24) hours a day, seven (7) days a week, every day of the year, for the purpose of receiving calls and dispatching cabs.
- (2)

Shall answer all calls received by them for service inside the corporate limits as soon as they can do so; and if the services cannot be rendered within a reasonable time, they shall immediately notify the prospective passengers how long it will be before the call can be answered and give the reason therefore.

- (3) Shall post on the outside of each side of the vehicle and also within the vehicle, in a conspicuous place and in view of the passengers to be conveyed, the rates to be charged for service. The rates posted on the inside shall be printed on a card, the letters and figures shall be a minimum of one (1) inch bold-faced sans serif type, giving the rates and distances for which the rates apply. Rates charged and collected shall not exceed the rate provided to the city clerk as part of the license approval process.
- (4) If a taximeter is used, said taximeter shall be maintained in good, serviceable condition in each vehicle to register the charge for transporting passengers within the city. Said taximeter shall be placed in the vehicle so that the reading dial showing the amount to be charged shall be readily seen by the passengers in the vehicle.
- (5) Shall take the most direct, expeditious and safe route to transport said passenger to a definite point, unless otherwise requested by the passenger.
- (6) Shall give to each passenger, upon demand, a receipt for the amount charged on which shall be the company name, telephone contact, driver name, and date of transaction.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-75—5-79. - Reserved.

DIVISION 2. - AMBULANCE SERVICE

Sec. 5-80. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any ground, air or water vehicle which is or should be approved by the State of Oklahoma Department of Health, designed and equipped to transport a patient or patients and to provide appropriate on-scene and en-route patient stabilization and care as required. Vehicles used as ambulances shall meet such standards as may be required by the state board of health for approval, and shall display evidence of such approval at all times.

Ambulance service means any private firm or governmental agency operating within the corporate limits of Bartlesville which is or should be licensed by the State of Oklahoma Department of Health to provide levels of medical care based on certification standards promulgated by the state board. This shall not apply

to an ambulance picking up a patient on sick calls only in the city limits and delivering the patient to a destination outside the city limits, nor shall it apply to an ambulance picking up a patient outside the city and delivering the patient to a destination inside the city.

Commission means the City of Bartlesville Ambulance Commission.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-81. - Additional requirements.

- (a) No person or company shall operate, advertise, or hold themselves out as providing any type of ambulance service within the corporate city limits of Bartlesville without first obtaining a license to operate such service from the State of Oklahoma Department of Health.
- (b) The minimum level of care required to be provided in order to obtain a business license as required in this chapter is Paramedic Life Support. The requirements for Paramedic Life Support established by the State of Oklahoma through statutes, rules or regulations, are hereby adopted by reference.
- (c) Any ambulance service operating within the corporate limits of Bartlesville shall have available for operation within the city at all times an adequate number of ambulances and qualified personnel to provide service twenty-four (24) hours each day, three hundred sixty-five (365) days per year to provide service within the City of Bartlesville.
- (d) Each operator shall maintain a central place of business within the corporate limits of Bartlesville, at which place he shall provide a properly listed telephone for receiving all calls for ambulance service, and at which central place of business he shall keep such business records and daily manifests of service, available for inspection or audit as deemed by the commission. It shall also be the responsibility of every operator under this chapter to keep on file with the city the business address and telephone number where the operator may be reached at all times.
- (e) All requests for ambulance service originating within the corporate city limits of Bartlesville must be referred by the Bartlesville Police Department Dispatch Center which serves as the enhanced 9-1-1 Public Safety Answering Point.
- (f) In December of each year, the operator of each licensed ambulance service shall provide an annual operating report to the ambulance commission which includes, but is not limited to, the following information:
 - (1) Total number of service calls;
 - (2) Service calls by zip code;
 - (3) Average times for each of the following: enroute, response, scene, transport and total;
 - (4) Service calls by type of service requested;
 - (5) Service calls by patient disposition;

- (6) Service calls by agency level of care required;
- (7) Service calls by incident location;
- (8) Service calls by demographics, including gender, age, race/ethnicity;
- (9) Service calls by provider first impression;
- (10) Service calls by medication given;
- (11) Service calls by procedures performed;
- (12) Service calls by primary symptom;
- (13) Service calls by weekday and time of call.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-82. - Ambulance commission established.

There is hereby established an ambulance commission composed of five (5) members to be appointed in accordance with the process adopted by the city council. All members must either reside in or be employed in Washington County, Oklahoma. All members shall be appointed for three (3) year terms. The ambulance commission is an advisory body to the city council on matters, including, but not limited, the following duties:

- (1) To monitor the level and performance of all licensed ambulance services operating within the corporate limits of Bartlesville to ensure compliance with all applicable city and state laws;
- (2) To coordinate and verify with the State of Oklahoma Department of Health on the current licensing of any ambulance service operating within the City of Bartlesville;
- (3) To ensure that there is a quality monitoring system established with periodic reports provided to the ambulance commission;
- (4) To work with any ambulance service duly licensed by the city and state to ensure that an operational quality control mechanism is in place to monitor such things as professionalism, image, and safety of equipment and vehicles;
- (5) To investigate complaints concerning the operation of any ambulance service operating within the city and to monitor public satisfaction by ensuring that the public has a forum available to register opinions as well as conducting periodic surveys to monitor customer satisfaction;
- (6) To conduct hearings and, after giving reasonable notice to any company licensed under this article, to recommend to the city council that said license be revoked, altered, or suspended;
- (7) To recommend such rules and regulations as may be necessary or expedient for the conduction and carrying out its functions; and
- (8) Generally, take any reasonable actions to ensure that the city receives ambulance service that is in the best interest of the health, safety and welfare of its citizens.

All actions of the commission may be appealed within ten (10) days from the date of such action to the city council by filing a written notice of appeal with the city clerk and setting forth the grounds for such appeal.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-83. - Sole-provider ambulance system.

As authorized by Oklahoma State Statute, the city council may, by ordinance, establish a sole-source system which designates a single provider to operate exclusive ambulance service within the corporate city limits. Said sole-provider shall be licensed by the State of Oklahoma Department of Health to operate, at a minimum, as a paramedic life support agency.

- (1) All requests for ambulance service originating within the corporate city limits of Bartlesville must be referred by an Oklahoma emergency dispatch center and must utilize the emergency medical services of the authorized sole-provider.
- (2) All requests for ambulance service originating outside the corporate city limits of Bartlesville must first obtain authorization from the designated Oklahoma emergency dispatch center prior to operating within the City of Bartlesville.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-84—5-89. - Reserved.

DIVISION 3. - ALCOHOLIC BEVERAGES

Sec. 5-90. - Adoption of Oklahoma Statutes Title 37A.

The City of Bartlesville hereby adopts by reference all regulations now contained or hereafter contained in Title 37A of the Oklahoma Statutes, known and cited as the Oklahoma Alcoholic Beverage Control Act.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-91. - Definitions.

- (a) All beverages which contain alcohol, unless otherwise defined by law, shall be considered alcoholic beverages and therefore governed by this article and all other applicable laws.
- (b) All terms and phrases used herein shall be defined in the Oklahoma Alcoholic Beverage Control Act, Title 37A, Oklahoma Statutes, effective October 1, 2018, and as amended thereafter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-92. - Alcoholic beverage license and tax.

- (a) No person shall operate or maintain any business in this city involving the manufacture, supply, distribution or sale of alcoholic beverages, whether on-premises or off-premises, until the appropriate alcoholic beverage license as required in this chapter is first obtained and the appropriate fee in an amount established by the general schedule of fees has been collected.
- (b) This shall include special events which require licensing by the Oklahoma Alcohol Beverage Laws Enforcement (ABLE) Commission.
- (c) The alcoholic beverage license fee for a mixed beverage license for those service organizations or fraternal beneficiary societies which are exempt under section 501(c)(19), (8), or (10) of the Internal Revenue Code shall be in an amount established by the general schedule of fees.
- (d) Prior to the issuance of an alcoholic beverage license by the city, the applicant shall have obtained a State of Oklahoma license verifying approval with the Oklahoma Alcoholic Beverage Control Act.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-93. - Certificate of compliance.

The city manager or his designee shall be authorized to issue a statement of compliance to the ABLE commission indicating compliance by a license applicant with all zoning, building, fire, health, and safety codes of the city. Prior to such certification, all appropriate inspections shall be made to ensure that all code requirements have been satisfied.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-94. - Operating rules and regulations.

All occupational license holders shall comply with the following regulations as applicable:

(1) *Brewers and brewpubs.*

- a. *Hours of Operation.* No brewery or brewpub nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer on the premises between the hours of 2:00 a.m. and 8:00 a.m.

(2) *Wine, Beer, and Mixed Beverage Sales for On Premises Consumption.*

- a. *Hours of Operation.* No establishment licensed for the on premises consumption of wine, beer, and/or mixed beverage sales, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 a.m. and 8:00 a.m.
- b.

Location. It shall be unlawful for any mixed beverage establishment or beer and wine establishment which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities, unless otherwise exempted as per Oklahoma State Statute.

(3) *Retail Spirits or Package Stores Selling Spirits, Wine and/or Beer for Off Premises Consumption.*

- a. *Hours of Operation.* No establishment licensed as a retail spirits or package store, nor any agent, servant or employee of such establishment shall sell, or allow to be sold any alcoholic beverages at any hour other than between the hours of 8:00 a.m. through midnight, Monday through Saturday, and shall not be permitted to be open on Thanksgiving Day or Christmas Day.
- b. *Location.* It shall be unlawful for any retail spirits or package store to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities, unless otherwise exempted as per Oklahoma State Statute.

(4) *Retail Stores Selling Wine or Beer for Off Premises Consumption.*

- a. *Hours of Operation.* No establishment licensed as a retail wine or retail beer establishment, nor any agent, servant or employee of such establishment shall sell, or allow to be sold wine or beer for retail sale at any hour other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.

(5) *Prohibited performances, displays or acts.* No owner, operator, partner, manager, or person having supervisory control of any establishment licensed to sell or serve alcoholic beverages pursuant to these regulations shall permit any of the following on or about any commercial premises where such beverages are dispensed or consumed:

- a. Any display, act, action, activity, or performance involving nudity or specified sexual activities as defined by the Bartlesville Zoning Regulations.

(6) All establishments licensed pursuant to these regulations shall comply with all other applicable city, county, state, and federal laws, rules, and regulations.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-95—5-99. - Reserved.

DIVISION 4. - COIN-OPERATED AMUSEMENTS AND PRODUCT VENDING MACHINES

Sec. 5-100. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin-operated amusement devices means any and all non-gambling machines or mechanical or electronic devices which, upon payment or insertion of a coin, token, charge card or similar object, provide entertainment in the form of games, rides or relaxation devices, including, but not limited to, video games, pool, pinball, foosball, bowling, shuffleboard or road racing, children's rides, photographs, exercise machines, relaxation chairs or foot and back mechanical massage units, or other amusement device with or without a replay feature which can be legally shipped interstate according to federal law.

Coin-operated bulk vending devices means any and all machines or devices which, upon the payment or insertion of a coin, token, charge card or similar object, dispense to the purchaser ballpoint pens, combs, cigarette lighter, prophylactics, filled capsules, peanuts, gum balls, mints, perfume or novelties.

Coin-operated devices means any and all coin-operated machines or devices defined above either singularly or collectively, but specifically excludes all such devices owned by and located in a public or private school, a church, a governmental entity, or any such device which dispenses only newspapers, periodicals, or postage stamps, or any device specifically exempted by state or federal law.

Coin-operated duplication devices means any and all machines or mechanical or electronic devices which, upon payment or insertion of a coin, token, charge card or similar object, provide a duplication of objects in the form of paper copies, including, but not limited to, paper copies or photographs from devices such as but not limited to, photo booths, cameras or copy machines, which can be legally shipped interstate according to federal law.

Coin-operated multiple product vending devices means any and all machines or devices which, upon payment or insertion of a coin, token, charge card or similar object, dispense a single packaged product, from a selection of tangible personal property, including, but not limited to, food products, hot or cold drinks, gum, candy, personal products, or novelties, which can be legally shipped interstate according to federal law.

Coin-operated music or movie devices means any and all machines or mechanical or electronic devices which, upon payment or insertion of a coin, token, charge card or similar object, release or play music and/or sound with or without video which may be heard or seen by one (1) or more patrons, which can be legally shipped interstate according to federal law.

Coin-operated rental products vending devices means any and all machines or devices which, upon payment or insertion of a coin, token, charge card or similar object, dispense a single packaged product for rent to the consumer, including, but not limited to, tapes, discs or digital recordings of movies, video games, music and other similar products, which can be legally shipped interstate according to federal law.

Coin-operated tobacco vending machines means any and all machines or devices which, upon the payment or the insertion of any coin, token, charge card or similar object, dispense any product containing tobacco such as cigarettes, cigars, chewing tobacco, smokeless tobacco or snuff, which can be legally shipped interstate according to federal law. Tobacco products shall not be sold from a vending machine containing any other products. No tobacco vending machine shall be in a place where minors are allowed as occupants or patrons.

Coin-operated vending devices means any and all machines or devices which, upon payment or the insertion of a coin, token, charge card or similar object, dispense tangible personal property, including, but not limited to, candy, gum, hot or cold drinks, sandwiches, or chips. It shall not mean vending machines or devices used exclusively for the purpose of selling services, such as pay telephone booths, parking meters, gas and electric meters or other distribution of needful service.

Person means any individual, partnership, association, or corporation.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-101. - Licensing of each vending device.

- (a) The owner or operator of any coin-operated device shall first obtain a general business license as required by article II of this chapter before placing any coin-operated device at any location within the City of Bartlesville.
- (b) In addition and prior to placing any coin-operated device at any location with the city, the owner or operator of any coin-operated device shall license each and every the device with the city clerk, register the type and location of each machine, and pay a license fee for each device in an amount established by the general schedule of fees.
- (c) The annual fee paid for coin-operated devices as required by this chapter shall be in lieu of sales tax.
- (d) All licenses shall be renewed annually as set forth in article I of this chapter.
- (e) Credit or refunds shall not be given for unused or returned licenses.
- (f) The owner or operator shall keep at all times a current record showing the license number and location of all devices licensed under this chapter and shall make available upon request this list to the city clerk or his/her designee.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-102. - Display of decals.

Upon payment of the license fee, the city shall issue to the owner or operator a numbered decal for each licensed device showing the year for which the license is issued. It shall be the duty of the owner or operator of each device for which a license has been issued to firmly affix such decal upon the front of the device in a

location which is plainly visible at all times.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-103. - Special licenses.

In those instances where it is shown to the satisfaction of the city clerk that a coin-operated device will be available for use by the public for a definite but limited period of time which is 90 (ninety) calendar days or less, such as when displayed in connection with a fair, carnival, seasonal business, or a place of amusement that operates only during certain seasons of the year, the city clerk may issue a special license therefor. Such special license may be issued for a maximum of three (3) thirty (30) day periods, shall state the precise dates for which issued and shall not be transferred from one (1) machine to another. The license fee shall be computed and paid on the basis of one-tenth ($1/10$) of the annual rate as established in the general schedule of fees for the type of device licensed for each thirty (30) day period for which such special license is issued. In the event the device is made available to the public for a period beyond that for which a special license has been issued, then a full year's license fee shall be due and payable.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-104. - Enforcement.

- (a) It shall be the duty of the city clerk, any authorized city inspector, or any police officer of the city, to enforce the provisions of this chapter requiring persons operating or offering any regulated coin-operated device to have affixed to each such device a current, valid decal as required herein. All coin-operated devices shall be open to inspection by any authorized city official, and any such officials shall be admitted to all premises where such devices are located at all reasonable hours for the purposes of making such inspections.
- (b) Any device, including all cash therein, operating in violation of any provision of this chapter may be sealed by the city clerk or his/her designee, or seized at his discretion, in such a manner to prevent the further operation of the device, and such device shall remain sealed or seized until released by the city clerk or his designee subsequent to full compliance. The owner shall be responsible for all costs of returning devices to his place of business. The sealing or seizure of any coin-operated device does not preclude prosecution for failure to comply with the provisions of this article.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-105—5-109. - Reserved.

DIVISION 5. - SEPTIC TANK CLEANING AND HAULING SERVICE

Sec. 5-110. - License required.

Anyone doing business in the city as a septic tank cleaning and hauling service and disposes the waste in the city sanitary sewer system must obtain an annual license from the city utility director.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-111. - License fee.

A flat charge in an amount established in the general schedule of fees shall be assessed as the cost of an annual license to be levied on each septic tank cleaning and hauling service that does business within the city and disposes of its waste through the sewer system of the city.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-112. - Location of disposal.

All such services shall dispose of their transported waste at a location to be designated by the director of utilities.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-113. - Disposal fees.

In addition to the annual license required herein, disposal charges and testing fees in an amount as established in the general schedule of fees shall be applied to all septic haulers disposing of waste in the sewer system of the city. Septic haulers located outside the city limits shall pay disposal charges at a rate that is one and one-half (1½) times that of septic haulers located within the city limits.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-114—5-119. - Reserved.

DIVISION 6. - SEXUALLY ORIENTED BUSINESSES

Sec. 5-120. - Definitions.

The following words, terms, and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Whether or not such person is paid salary, wages, tips or other compensation by the operator or by the customers of such business shall not change the defined status as an "employee." Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to or the removal of waste from the premises.

Escort means a person who, for wage, fee, tip or other consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business as defined under this ordinance; or
- (4) The relocation of any sexually oriented business.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Nude model studio means any place where a person who appears in a state of nudity or semi-nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a) a proprietary school licensed by the State of Oklahoma or a college, junior college or university supported entirely or in part by public taxation; b) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or c) in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2)

Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(3) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

Nudity or a state of nudity means the showing of the human genitals, pubic area, vulva, anus, anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered genitals in a discernibly turgid state.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Sexual encounter center means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Contact activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.

Sexually oriented arcade means any place to which the public is permitted or invited wherein coin-operated, token-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Sexually oriented bookstore, novelty store or video store mean a commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as sexually oriented bookstore, novelty store, or video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented bookstore, novelty store or video store so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified

materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." Provided that if such materials are rented for use on site, the business shall be considered either a sexually oriented arcade or a sexually oriented theater.

Sexually oriented business means any arcade, bookstore, novelty store, video store, cabaret, motel, theater, escort agency, nude model studio, sexual encounter center, or other business where live performances or recorded media in any form, or various devices are used or made available, for any consideration, to patrons for use in or viewing of specified criminal activity or specified sexual activity.

Sexually oriented cabaret means a nightclub, bar, restaurant, auditorium, concert hall, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities." Provided that the provision of films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," in addition to live entertainment shall not change this classification of business.

Sexually oriented motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration, and i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and ii) has a sign visible from the public right-of-way which advertises the availability of this adult type of graphic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Sexually oriented theater means a commercial establishment designed to accommodate audiences of more than five (5) persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Specified anatomical areas means:

- (1) The human genitals in a discernibly turgid state even if completely and opaquely covered; or
- (2) Less than completely or opaquely covered human genitals, pubic area, vulva, anus or anal cleft.

Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; regardless of how denominated, any offense for which a convicted person must register as a sex offender; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other cities, states or countries;
- (2) For which:
 - a. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor or an offense;
 - b. Less than ten (10) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Less than ten (10) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of A) two (2) or more misdemeanors, or B) any offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
 - c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified sexual activities means any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic area, buttocks, anus, vulva or breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, masturbation or anal copulation;
- (3) Excretory functions as part of or in connection with any of the activities set forth in subsection (18)(a) or (b) of this section; or
- (4) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities set forth in subsections (18)(a), (b), or (c) of this section.

Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date the ordinance codified in this chapter takes effect or the date of the most recent permit.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (1) The sale, lease, or sublease of the business;

- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-121. - Additional operator license required.

No person shall operate a sexually oriented business in this city without first providing the following information and documents and obtaining a separate valid sexually oriented business operator license as set forth herein. Such license shall be renewed annually in conjunction with and at the same time as the renewal of the required general business licenses and such information and documents required herein shall be updated annually as part of this renewal process. This sexually oriented business operator license shall be additional and supplemental to, and not in substitution of, any other requirements imposed by the city, county, state or federal government to obtain a business license or any other required license or permit.

- (1) Any person who wishes to operate a sexually oriented business shall be at least eighteen (18) years of age and shall complete and sign the application for a license as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must each sign the application for a license as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.
- (2) Additionally, any person wishing to operate a sexually oriented business shall also provide the following information and accompanying documents as required with the application:
 - a. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined section 5-120, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each conviction. If the applicant does not specify whether the offense was a felony or a misdemeanor, the city shall treat the conviction as it would most likely be defined in Oklahoma. Misdemeanors under state law and offenses under municipal law shall all be considered to be misdemeanors.
 - b. Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually oriented business ordinances from another city or county that was denied, suspended or revoked; in these events, applicant shall

identify the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

- c. Whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - d. Whether the applicant, or a person residing with the applicant, holds any other licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
- (3) A sexually oriented business operator license shall be issued for only one (1) type of sexually oriented business as defined in this chapter.
- (4) A sexually oriented business operator license shall be issued only for one (1) sexually oriented business located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) sexually adult business must have a license for each.
- (5) No person who operates a sexually oriented business shall employ a person to work for the sexually oriented business who is not licensed by the city as a sexually oriented business employee as set forth in article V of this chapter.
- (6) The applicant shall provide information ensuring compliance with the additional operating requirements set forth in section 5-123 of this Chapter.
- (7) Within thirty (30) days after receipt of a completed sexually oriented business application, the city shall approve or deny the issuance of a license to an applicant. The city shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:
 - a. An applicant is under eighteen (18) years of age.
 - b. An applicant or a person with whom applicant is residing is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business.
 - c. An applicant has failed to provide accurate information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - d. An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twenty-four (24) months or whose license to operate a sexually oriented business has been revoked within the preceding twenty-four (24) months.
 - e.

An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter and within the time frames set forth above.

- f. An applicant or a person with whom the applicant is residing is under some form of probation or parole as a result of "specified criminal activity" or must register as a sex offender.
 - g. The premises to be used for the sexually oriented business have not been approved by the county health department, fire department, and the community development department as being in compliance with applicable laws and ordinances.
 - h. The license fees required by this chapter have not been paid.
 - i. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.
- (8) If the city denies an operator's license application or the renewal of such a license, the applicant shall not be issued a license for one (1) year from the date of denial.
- (9) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the type of sexually oriented business (as defined in this chapter) for which the license is issued. All business licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time. All employee licenses shall be kept by the employee with a copy provided to and maintained by the on-premises manager.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-122. - Additional license fees.

- (a) Every application for a sexually oriented business operator license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in an amount as established in the general schedule of fees.
- (b) In addition to the application and investigation fee required above, every sexually oriented business that is granted a separate operator license (new or renewal) shall pay to the city an annual nonrefundable license fee in an amount as established in the general schedule of fees within thirty (30) days of license issuance or renewal.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-123. - Operating rules and regulations.

All sexually oriented business operator license holders shall comply with the following additional regulations as applicable:

(1) *Sexually oriented motels.*

- a. Evidence that a sleeping room in any hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- b. A person commits an offense if, as a person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the same room is rented or sub-rented again.
- c. For purposes of subsection B of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

(2) *Exhibition of sexually explicit films, videos or live entertainment in viewing rooms.*

- a. A person who operates or causes to be operated a sexually oriented business, other than a sexually oriented motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 1. Upon application for a sexually oriented operator license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. A professionally prepared diagram in the nature of an engineer's or architect's blueprint under seal shall be required. Each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus three (3) inches. The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 2. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.
 3. It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

4.

The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain exhibition equipment nor live entertainment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

5. It is the duty of the licensee to ensure that the view area specified above remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 6. It is the duty of the employee on duty at the manager's station to ensure that no violations of law involving specified criminal activity, or specified sexual activity, or the distribution of controlled substances occur inside the business premises.
 7. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level.
 8. It is the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 9. No licensee shall allow openings of any kind to exist in the walls or partitions between viewing rooms or booths.
 10. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 11. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 12. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 13. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.
- b. Any person having a duty identified above commits an offense if he knowingly fails to fulfill that duty.

(3) *Escort agencies.*

- a.

An escort agency shall not employ any person under the age of eighteen (18) years.

- b. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

(4) *Nude model studios.*

- a. A nude model studio shall not employ any person under the age of eighteen (18) years.
- b. A person under the age of eighteen (18) years commits an offense if the person appears in a state of nudity or semi-nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.
- c. A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises, which can be viewed from the public right-of-way.
- d. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

(5) *Public nudity prohibited.*

- a. It is an offense for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
- b. It is an offense for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least five (5) feet from any patron or customer and on a stage raised at least two (2) feet higher than the adjacent floor.
- c. It is an offense for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity directly to any employee while such employee is semi-nude in a sexually oriented business.
- d. It is an offense for an employee, while semi-nude, to touch a customer or the clothing of a customer.

(6) *Prohibition against children in a sexually oriented business.* A person commits an offense if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

(7) *Hours of operation.* No sexually oriented business, except for a sexually oriented motel, may remain open at any time between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and Saturdays. No sexually oriented business, except a sexually oriented motel, may remain open at any time on Sundays.

Sec. 5-124. - Exemptions.

- (a) The terms "sexually oriented business" or "nudity" shall not be construed to include an activity conducted or sponsored:
 - (1) By a proprietary school, licensed by the State of Oklahoma, or a college, junior college, or university supported entirely or partly by taxation; or
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
- (b) When any such activity conducted or sponsored by an entity identified above is situated in a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - (2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (3) Where no more than one (1) nude model is on the premises at any one time.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-125—5-129. - Reserved.

DIVISION 7. - CONTRACTORS

Sec. 5-130. - Public right-of-way contractors.

No person shall engage in the business of constructing, installing, altering, erecting, repairing, maintaining, removing, or servicing any structure, sign, driveway, curb, sidewalk, utility, tree or landscape improvement, or any other improvement, in, on, under or over public property or a public right-of-way until such person has deposited with the city clerk a surety bond executed by a corporate surety company authorized to do business in the State of Oklahoma in the sum of two thousand dollars (\$2,000.00) with surety to be approved by the City clerk. Said bond shall be renewed annually and be conditioned for the faithful observance of this Code and to save and keep harmless the city from all damages, liabilities, losses, or judgments that may be recovered against the city by reason of contractor negligence. This shall include, but is not limited to, sign contractors, tree trimmers, and concrete contractors.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-131. - Electrical, mechanical, and plumbing contractors.

No person who engages in the business of providing plumbing, mechanical, or electrical services within the city shall apply for a plumbing, mechanical, or electrical permit or be listed as a contractor on any such permit unless such person is a contractor licensed by the State of Oklahoma to perform such work. Additionally, all electrical, plumbing, and mechanical contractors operating within the city shall annually register their state license(s) with the city as follows.

- (1) *Registration of state licenses.* Pursuant to Oklahoma State Law, all electrical, plumbing, and mechanical contractors operating within the city limits shall annually register their state license(s) with the City of Bartlesville. The registration of said license(s) shall be renewed annually no later than thirty (30) days following the annual registration of the state license(s) of each contractor. The city registration shall bear the state license number of each tradesman.
- (2) *Registration fees.* Fees for the initial registration and the annual renewal of each contractor license shall be as established in the general schedule of fees. However, if renewal is received more than thirty (30) days after the annual renewal date required for the state license, it shall be charged as an initial registration.
- (3) *Failure to register.* Any contractor failing to register said license(s) with the city and to maintain these registrations annually as required shall be prohibited from doing business or work within the city. The city, in its capacity to provide supervision and inspection of electrical, plumbing, and mechanical facilities, retains the right to revoke the registration of any contractor for noncompliance with any applicable city or state statutes concerning same.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-132. - Roofing contractors.

No person who engages in the business of providing commercial or residential roofing contractor services with the city shall apply for a permit or be listed as a contractor on any such permit unless such person is a contractor licensed by the State of Oklahoma to perform such work. When applying for any permit required by the city for roofing services or jobs, a roofing contractor shall supply the city with his or her state registration certificate number issued, which shall then be entered on the permit prior to issuance.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-133—5-139. - Reserved

DIVISION 8. - FOOD SERVICES

Sec. 5-140. - Adoption of state food service regulations.

Except as otherwise provided in this chapter, the current edition of the Oklahoma State Department of Health, Protective Health Services, Food Service Establishment Regulations (hereinafter referred to as the Food Service Establishment Regulations) is hereby incorporated into the Code of the city, with the same force and effect as if fully set out herein.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-141. - Food establishment defined.

A food establishment is an operation that stores, prepares, packages, serves, or vends food or drink directly to the consumer, or otherwise provides food or drink for human consumption, including, but not limited to, a restaurant; satellite, commissary, or catered feeding location; or catering operation if the operation provides food directly to a consumer.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-142. - State license required.

Prior to the issuance of a business license for a food establishment, the applicant shall provide a copy of a current license from the Washington County Health Department confirming compliance with the State of Oklahoma Food Service Establishment Regulations.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-143. - Temporary or mobile food service establishments.

A person desiring to operate a temporary food service or mobile food service establishment shall also secure a temporary business license as required in article IV of this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-144—5-149. - Reserved

DIVISION 9. - MEDICAL MARIJUANA BUSINESSES

Sec. 5-150. - Purpose.

- (a) It is the purpose of this chapter to adopt reasonable regulations governing the operation of state-licensed medical marijuana business establishments which include dispensaries, grower, processors, and researchers, consistent with the provisions of Oklahoma Statutes as amended

from time to time. The objectives of this chapter include, but are not limited to:

- (1) Requiring that any medical marijuana business be operated in a safe manner that does not endanger the public health, safety, morals or general welfare;
 - (2) Mitigating potential negative impacts that medical marijuana businesses might cause on surrounding properties and persons; and
 - (3) Establishing a non-discriminatory mechanism by which the city can control, through appropriate regulation, the location and operation of medical marijuana businesses within the city.
- (b) Nothing in this chapter allows a person to:
- (1) Engage in conduct that endangers others or causes a public nuisance;
 - (2) Possess, cultivate, grow, use or distribute marijuana that is otherwise illegal under applicable law; or
 - (3) Engage in any activity related to the possession, cultivation, growing use, or distribution of marijuana that is not otherwise permitted under the laws of the city of the State of Oklahoma.
- (c) The provisions in this chapter that are different from Oklahoma state law are consistent with the city's responsibility to protect the public health, safety, morals or general welfare of the community as authorized by 11 O.S. art. 43, as amended. The city intends that both Oklahoma state law and this chapter apply within the city. Where this chapter conflicts with state law, the most stringent regulation shall apply.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-151. - Medical marijuana business establishments.

The following regulations shall apply to the location and operation of medical marijuana business establishments within the City of Bartlesville, to include, but not limited to, a retail medical marijuana dispensary, commercial grower, commercial processor, and researcher. Additionally, all such establishments shall comply with all regulations set forth by the Zoning Regulations, as well as all other applicable building, development, environmental, health, and safety codes adopted by the city, state or federal government.

(1) *Retail medical marijuana dispensary.*

- a. *Business license required.* All establishments licensed by the State of Oklahoma as a retail medical marijuana dispensary shall obtain a business license and pay the required business tax as set forth in article II of this chapter prior to operating within the city limits.
- b. *Location.* The location of any retail medical marijuana dispensary is permitted by right in any commercial zoning district that permits a drug store or pharmacy, however, such location is specifically prohibited if it is within one thousand (1,000) feet of any public or private school entrance.

- c. *Sales.* Only a state-licensed medical marijuana retail dispensary may conduct retail sales of marijuana, or marijuana derivatives in the form provided by state-licensed processors, and these products can only be sold to a state-licensed medical marijuana patient or caregiver.
- d. *Paraphernalia.* Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed. No merchant, wholesaler, manufacturer, or individual may unduly be harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

(2) *Commercial medical marijuana grower.*

- a. *Location.* The location of any commercial medical marijuana growing facility shall be classified as an agricultural activity, and as such, shall be permitted by right in any zoning districts that permits agriculture field crops, except as follows:
 - 1. Commercial medical marijuana growers are specifically prohibited in the following zoning districts: any RS, single-family residential district; any RM, multi-family residential district; or any RT, mobile home residential district;
 - 2. No outdoor commercial medical marijuana growing facilities shall be within two hundred (200) feet of any residentially zoned (RS, RM, or RT) area.
- b. *Sales.* A state-licensed medical marijuana grower may only sell marijuana to an Oklahoma-licensed medical marijuana dispensary or to an Oklahoma-licensed medical marijuana processor. These sales shall be considered wholesale sales and not subject to taxation.

(3) *Commercial medical marijuana processor or researcher.*

- a. *Location.* The location of any commercial medical marijuana processing or research facility shall be classified as an industrial activity, and as such, shall be permitted in any industrial zoning district in accordance with section 6 of the Zoning Regulations, however, such uses shall not be permitted if it is to be located within two hundred (200) feet of any residentially zoned (RS, RM, or RT) area.
- b. *Sales.* A state-licensed medical marijuana processor may only sell marijuana to an Oklahoma-licensed medical marijuana dispensary or to other licensed processors. These sales shall be considered wholesale sales and not subject to taxation. Sales of any medical marijuana product by a licensed medical marijuana researcher are prohibited.

(Ord. No. 3518, § 1(Exh. A), 12-16-19; Ord. No. 3529, 6-1-20)

Sec. 5-152. - General requirements.

All medical marijuana business establishments shall comply with the following requirements:

(1)

Shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the structure or on any adjoining business, parcel, or tract of real property.

- (2) Shall provide a security system for unauthorized entry to the site and all buildings thereon that includes a professionally monitored twenty-four (24) hour security surveillance camera system that shows the primary and emergency entrances and exits which support video and audio recording inside the building and video outside the building, and a professionally designed, maintained, and monitored alarm system on all perimeter entry points and perimeter windows. Said security system and all components shall have the ability to remain operational during a power outage.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-153. - Home occupations prohibited.

Medical marijuana business establishments shall not be permitted to operate as a home occupation.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-154—5-179. - Reserved.

ARTICLE IV. - TEMPORARY BUSINESS LICENSE

Sec. 5-180. - Definitions.

The following words, terms and phrases, when used in this article and elsewhere in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district (CBD) means that part of the C-4 zoning district contained within the following boundaries: Adams Boulevard (right-of-way centerline) on the south, Cherokee Avenue (right-of-way centerline) on the east, Hensley Boulevard (right-of-way centerline) on the north, and Jennings Avenue (right-of-way centerline) and the easterly railroad right-of-way on the west.

Door-to-door means traveling upon any street, sidewalk, or any public place on foot or by any type of conveyance going from structure to structure or from house to house on private property

Motor vehicle means any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the department of motor vehicles.

Peddler means and includes any person going door-to-door within the City of Bartlesville conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

Person as used herein shall include the singular and plural and shall also mean and include any person, company, firm or corporation, association, club, co-partnership or society or any other organization or legal entity, whether as owner, principal, agent, consignee or employee.

Solicitor means and includes any person going door-to-door within the City of Bartlesville engaging in any one (1) or more of the following activities:

- (1) Seeking or soliciting sales or taking orders for the sale of goods, wares, or merchandise (including magazines, books, periodicals, realty, tangible or intangible personal property of any nature, including insurance) and such orders are for future delivery or for services to be performed in the future, irrespective of such person having, carrying or exposing for sale a sample of the subject of such order, and irrespective of such person collecting or not collecting advance payment on such orders.
- (2) Seeking contributions, gifts, or donations of money, clothing or any other valuable thing for the support or benefit of any private person, cause, benefit, organization, association, corporation, project or charity.
- (3) Seeking opinions, preferences, or other information for commercial purposes.
- (4) Acting as a peddler as defined herein.

Stand means any table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the department of motor vehicles, used for the display, storage, or transportation of articles offered for sale.

Temporary business as used herein means any business or business activity conducted or transacted in the city for a period of one hundred eighty (180) contiguous calendar days or less, and/or for which definite arrangements have not been made for the hire, rental, or lease of private property or premises for at least one hundred eighty-one (181) contiguous calendar days, in or upon which such business or business activity is to be operated or conducted.

Temporary food service establishment means an establishment where food or drink is offered for sale or sold at retail from a fixed temporary facility or from a mobile readily moveable facility.

Temporary structure means any tent, membrane structure, and other structure, including any mobile structure, erected for a period of one hundred-eighty (180) contiguous calendar days or less.

Transient merchant means and includes any person, whether a resident of the city or not, offering or exposing goods, wares, and merchandise for sale to the public from a temporary location on properly zoned private property, whether indoor or outdoor, which is not such person's permanent business location or

place of business. This shall also include the seasonal sale of Christmas trees, plant materials, fruits or vegetables to the general public on private property, but shall not include the sale of food or drink.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-181. - Temporary business license required.

- (a) Unless otherwise exempted in this chapter, it shall be unlawful for any person or company to operate or engage in a temporary business as herein defined within the city without first having paid the fees associated therewith as established in the general schedule of fees and having procured a temporary business license from the city to do so, and without complying with any specific requirements set forth herein.
- (b) This temporary business license shall be in lieu of a general business license as required by article II of this chapter, but shall be additional and supplemental to any other requirements imposed by the city, state or federal government to obtain a business license or any other required license or permit.
- (c) An applicant shall state thereon his name and permanent address; the number and kind of vehicles, if any, intended to be operated; the kind of article or merchandise to be sold; the Oklahoma State Sales Tax permit number under which sales tax is remitted if applicable, and any other information requested on the application form.
- (d) No person shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.
- (e) A person granted a license pursuant to this chapter shall not be relieved from fully complying with all applicable city, county, and state codes which regulate business activity or occupancies including building, fire, mechanical, electrical, plumbing, and zoning codes.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-182. - Exemptions.

A temporary business license is not required by any of the following:

- (1) Sales at wholesale to retail merchants by commercial travelers or selling agent in the usual course of business.
- (2) Any sale sponsored by an Oklahoma State recognized school or university which is located within the corporate limits of Bartlesville.
- (3) The delivery of goods to a regular customer by a permanent business under any general or customary arrangement as might be made with regular clientele.

- (4) Vendors of farm or dairy products produced by the person selling or offering them for sale.
- (5) The gratuitous dissemination of any materials with respect to noncommercial matters.
- (6) Any charitable organization currently registered with the State of Oklahoma Secretary of State pursuant to the Oklahoma Solicitation of Charitable Contributions Act.
- (7) Sales of goods, wares and merchandise made as a part of any residential garage or yard sale, provided such sale complies with the provisions of sections 5-220 through 5-222 of this chapter.
- (8) Sales of goods, wares, and merchandise made as a part of any arts and crafts festival, show, bazaar, bake sale, or similar event lasting not longer than three (3) days.
- (9) Sales of food and drink made as a part of any arts and crafts festival, show, bazaar, bake sale, or similar event lasting not longer than three (3) days.
- (10) Traditional neighborhood lemonade stands.
- (11) Activities involving the expression of First Amendment speech.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-183. - License fee and term.

Unless otherwise provided herein, the fee for a temporary business license shall be based upon the term of the license and shall be in an amount as established in the general schedule of fees. Any license issued under this article shall be valid only for the period stated on the licenses, not to exceed one hundred eighty (180) contiguous calendar days.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-184. - Limitations and conditions of operation.

- (a) All temporary business activities, whether conducted on foot or from a vehicle, shall be conducted in strict accordance with all city and State traffic and parking laws.
- (b) No person shall operate or cause to be operated any sound truck, sound amplifying equipment, loud speaker, public address system, radio, music, or similar device in conjunction with a temporary business license which produces a loud noise intended to attract the attention of the public or occupants of any property.
- (c) A temporary business operation shall comply with the City of Bartlesville sign regulations as well as other applicable zoning regulations.
- (d) No temporary business operation shall obstruct a safe line of sight from any street or private drive used to exist the subject property, or cause other sight-related problems.
- (e) All trash and debris accumulated as a result of any temporary business activity shall be collected and deposited in a proper trash container.

- (f) Any license issued under this article shall be valid only for the period stated on the license, not to exceed one hundred eighty (180) contiguous calendar days.
- (g) All licenses issued under this article shall be publicly displayed in a conspicuous location at all times during the operation of the business.
- (h) The license provided for herein shall not be transferable nor give authority to more than one (1) person to conduct business as authorized.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-185—5-189. - Reserved.

DIVISION 1. - DOOR-TO-DOOR SOLICITORS

Sec. 5-190. - Additional requirements.

No person shall operate a temporary business within the city which involves the use of door-to-door solicitors without having provided the following information and documents to the city clerk.

- (1) An approved transient merchant license from Washington County, unless otherwise exempted by Washington County.
- (2) Posting of surety bond in the amount of two thousand dollars (\$2,000.00) secured by the applicant as principal by a corporate surety company authorized to do business in the State of Oklahoma in the amount as identified herein. Such bond shall be payable to the City of Bartlesville for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of wrongful, fraudulent or illegal conduct of the licensee and/or the licensee's employees or agents while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all city sales tax due and payable by reason of sales made within this city. Such bond shall be forfeited to the city if applicant does not, within ninety (90) days of the expiration of his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for one (1) year from the date of license issuance.
- (3) Results of a criminal background report verifying the applicant has not been convicted within the last ten (10) years of any felony or of any crime involving murder, manslaughter, kidnapping, robbery, rape or sexual assault, arson, burglary, or grand larceny, as defined by State and Federal law.
- (4) A photograph, along with the license number, description, and registration of all vehicles to be used in conjunction with business operations.

- (5) A description of the goods, wares or merchandise to be sold.
- (6) Description, size, and content of any signage to be used in conjunction with business operations.
- (7) Schedule with times and dates of door-to-door solicitation.
- (8) A certificate of insurance verifying that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing the appropriate trade.
- (9) Verification by copy thereof that the applicant is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or other proof that sales tax has been or is being paid on the merchandise sold or to be sold.
- (10) Documentation of a current door-to-door solicitation license for each employee as required by article V of this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-191. - Operating rules and regulations.

- (a) No solicitor shall operate in any residential section of the city except between the hours of 9:00 a.m. and 8:00 p.m., or sunset whichever is earlier, on any day except Sunday. On Sunday, no solicitor or canvasser shall operate in any residential section of the city except between the hours of 12:00 noon and 6:00 p.m., or sunset whichever is earlier.
- (b) No solicitor shall go or enter upon any premises, or shall ring the doorbell upon or near any door of a residence, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant or otherwise attempting to gain admittance to the premises of any private residence in the city where the owner or occupant of any such premises has indicated his desire not to be contacted for sales or solicitations by plainly displaying to public view a sign on those premises stating "No Soliciting", "No Solicitors", "No Trespassing" or words of similar import which indicates such persons are not wanted on the premises. Any such entrance or attempt to peddle or solicit such signed premises shall constitute a trespass upon private property.
- (c) No solicitor shall stand in a roadway or median used to channel traffic, nor shall any solicitor place any body part in or over a roadway, or extend into or over the roadway any device, container, or sign for the purpose of soliciting from the occupant of any vehicle.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-192—5-199. - Reserved.

DIVISION 2. - TRANSIENT MERCHANTS

Sec. 5-200. - Additional requirements.

No person shall conduct business as a transient merchant within the city without having provided the following information and documents to the city clerk.

- (1) An approved transient merchant license from Washington County, unless otherwise exempted by Washington County.
- (2) Posting of surety bond in the amount of two thousand dollars (\$2,000.00) secured by the applicant as principal by a corporate surety company authorized to do business in the State of Oklahoma in the amount as identified herein. Such bond shall be payable to the City of Bartlesville for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of wrongful, fraudulent or illegal conduct of the licensee and/or the licensee's employees or agents while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all city sales tax due and payable by reason of sales made within this city. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration of his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for one (1) year from the date of license issuance.
- (3) A photograph, along with the license number, description, and registration of all vehicles to be used in conjunction with business operations.
- (4) A description of the goods, wares or merchandise to be sold.
- (5) Description, size, and content of any signage to be used in conjunction with business operations.
- (6) The time period for which applicant wishes to do business.
- (7) Proposed location, site plan depicting the location of any structure, vehicle, sign or display to be used while conducting business along with the location and number of off-street parking spaces available to serve the business, hours of operation and any other related information requested by the city.
- (8) A written document verifying approval of the property owner for applicant's location thereon.
- (9) Verification that the applicant is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or other proof that sales tax has been or is being paid on the merchandise sold or to be sold.

Sec. 5-201. - Operating rules and regulations.

- (a) No person shall operate a transient merchant business upon or within any location, building, or structure that is not properly zoned for the location of such business.
- (b) A transient merchant operation shall not reduce any existing required off-street parking spaces on the site.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-202—5-209. - Reserved.

DIVISION 3. - TEMPORARY FOOD SERVICE

Sec. 5-210. - Types of licenses.

There shall be two (2) types of licenses for a temporary food service businesses as follows:

- (1) *Fixed location food service license*. This license shall be for fixed location food service businesses operating at a fixed location on private property for a maximum of one hundred eighty (180) calendar days in a year.
- (2) *Mobile food service license*. This license shall be for facilities that are vehicle mounted and are readily moveable and may be located on private or public property as set forth herein. A mobile food service business shall not stop for longer than twelve (12) hours at a single location or address in a twenty-four (24) hour period.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-211. - Additional requirements.

No person shall conduct a temporary food service business within the city without having provided the following information and documents to the city clerk.

- (1) A photograph and description all vehicles, trailers, carts, stands, tents, or other temporary structures to be used in conjunction with business operations, along with the license and registration numbers of all motor vehicles to be used in conjunction with business operations.
- (2) A description of the type of food, beverage, or merchandise to be sold.
- (3) Description, size, content, and location of any signage to be used in conjunction with business operations.
- (4) The time period for which applicant wishes to do business.
- (5)

A description of the proposed location, hours of operation, the location of any structure, vehicle, or display to be used while conducting business, the location and number of off-street parking spaces available to serve the business, and any other related information requested by the city.

- (6) A written document verifying approval of the property owner for applicant's location thereon.
- (7) When approval is granted by the city to locate on public property as further described herein, the following additional documents are required.
 - a. Proof of financial responsibility as evidenced by a certificate of insurance issued by a carrier authorized to do business in the State of Oklahoma certifying that there is in effect a policy of liability insurance coverage with the following minimum coverages: one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person, three hundred thousand (\$300,000.00) for the injury or death of any number of persons in one (1) accident, and fifty thousand dollars (\$50,000.00) for property damage in any one (1) accident. The insurance coverage shall protect the licensee and the city from and against all claims arising from operations under or in connection with the license. Such insurance shall name the City of Bartlesville as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date of the license. Failure to maintain insurance coverage as set forth herein shall automatically void any approved city license to operate said service, and
 - b. An agreement signed by the applicant indemnifying and holding the city harmless of all actions which may result from the location and operation of the temporary food service business on city-owned property.
- (8) A copy of a license from the Washington County Health Department confirming compliance with the State of Oklahoma Food Service Establishment Regulations.
- (9) Verification that the applicant is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or other proof that sales tax has been or is being paid on the merchandise sold or to be sold.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-212. - Operating rules and regulations.

- (a) *Fixed location food service business.* A person operating a fixed location food service business shall comply with the following additional requirements:
 - (1) Shall be located upon or within a properly zoned location, building, or structure.
 - (2) Shall not reduce any existing required off-street parking spaces on the site.
 - (3) Shall not locate closer than twenty-five (25) feet to a property line abutting any public right-of-way.
 - (4) Shall not operate between the hours of 12:00 a.m. and 6:00 a.m.

- (5) Shall not solicit or conduct business with persons in motor vehicles.
- (6) Shall not be located on any public property.
- (7) Sell anything other than that which he is licensed to vend. Shall not conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

(b) *Mobile food service license.*

- (1) A person operating a mobile food service business on private property shall comply with the operating rules and regulations for a fixed location food service business as set out above.
- (2) A person is permitted to operate on public streets, sidewalk, and other public property as approved by the community development director provided compliance with following additional minimum requirements:
 - a. Operating on any public sidewalk is only permitted within the central business district as defined in this article.
 - b. Operating within a public park or other public space is only permitted with approval from the park board or its designee.
 - c. No mobile food service establishment shall:
 - 1. Operate:
 - i. Within three hundred (300) feet of the grounds of any elementary or secondary school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
 - ii. Within two hundred (200) feet of any public park or playground except when the entity having jurisdiction and control of such facility states in writing that it has no objection to the placement of such business.
 - iii. Within two hundred (200) feet of any hospital entrance.
 - iv. Within three hundred (300) feet of any church while church is in session.
 - v. At any location where the sidewalk is not over seven (7) feet in width.
 - vi. Within ten (10) feet of an entranceway to any building.
 - vii. Within fifty (50) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway.
 - viii. Within ten (10) feet of the crosswalk at any intersection.
 - ix. Within ten (10) feet of any fire hydrant, standpipe, or sprinkler intake.
 - x.

From a location directly abutting or within fifty (50) feet of a business which specializes in a food or drink item that the mobile establishment offers for sale, unless the applicant owns the business or has written consent from the proprietor of the business.

- xi. Between the hours of 12:00 a.m. and 6:00 a.m. if within a commercial location.
 - xii. Between the hours of 8:00 p.m. or sunset, whichever is earlier, and 9:00 a.m. of the following day if within a residential location.
 - xiii. From a vehicle that exceeds seventeen (17) feet in length or eight (8) feet in width, or from a stand which exceeds four (4) feet in width and seven (7) feet in length and seven (7) feet in height.
2. Leave any stand or motor vehicle unattended.
 3. Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
 4. Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.
 5. Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by him.
 6. Allow any items relating to the operation of the business to be placed anywhere other than in, on or under the stand or motor vehicle. No such items shall be stored or placed upon any public space adjacent to the business.
 7. Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application.
 8. Solicit or conduct business with persons in motor vehicles.
 9. Sell anything other than that which he is licensed to vend.
 10. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
 11. Stop, stand or park his vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purpose of operating therefrom.
 12. Stop, stand or park his vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.

13. Remain in any one (1) place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
14. Stop, stand or park his vehicle within forty (40) feet of any intersection, except that vehicles selling products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-213—5-219. - Reserved.

DIVISION 4. - GARAGE SALES

Sec. 5-220. - Notification required.

No person shall conduct or permit a garage sale, patio sale, porch or yard sale, estate sale of other similar type sales upon the grounds of or within any residentially zoned property without first having notified the city and provided the following information:

- (1) The location by address of the sale,
- (2) The property owner,
- (3) The name of the person holding the sale,
- (4) The dates of the sale, and
- (5) A signed statement by the seller that the goods to be sold have not been purchased for resale. This required notification shall be only for the purpose of ensuring compliance with the frequency requirements for garage sales as identified below. There shall be no fee for this required notification.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-221. - Frequency.

Garage sales, yard sales, porch sales, estate sales and other similar type sales shall not be held at the same residentially zoned property more than three and one-half (3½) days per sale and no more often than twice every three (3) months.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-222. - Garage sale signs.

Signs associated with any authorized garage sale shall be permitted subject to the following:

- (1) A maximum of two (2) signs not to exceed six (6) square feet in area may be placed on the private property where the garage sale is to occur.
- (2) A maximum of two (2) signs not to exceed three (3) square feet in area may be placed on private property off-premises to provide direction to the garage sale. Approval of the property owner is required prior to placement of such off-premises signs on private property.
- (3) Such signs shall be removed within one (1) calendar day following the completion of the sale. Failure to remove such signs may result in municipal court action for a violation of these regulations and the assessment of a general penalty prescribed in chapter 1 of the city Code.
- (4) Such signs shall not be placed upon the public right-of-way or in any such manner which would interfere or obstruct access, activity, or vision along any such right-of-way.
- (5) In any proceeding for the violation of this section, a garage sale sign displayed in any such manner in violation shall constitute in evidence a prima facie presumption that the owner of such sign was the person who lives at the place where the garage sale occurred.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-223—5-229. - Reserved.

ARTICLE V. - EMPLOYEE LICENSES

Sec. 5-230. - License required.

- (a) It shall be unlawful for any person to work as an employee as a chauffeur, sexually oriented business employee or door-to-door solicitor, without first having paid the required fee in an amount established by the general schedule of fees and having obtained a license as required herein.
- (b) An applicant for an employee license shall make written application on forms provided by the city and provide all such information as requested thereon.
- (c) Upon receipt of such application and within two (2) business days, the city shall investigate the applicant's qualifications and moral character as deemed necessary for the protection of the public welfare. If found to be satisfactory, the city shall notify the applicant and issue the license.
- (d) Any license issued under this article shall be valid only for the period stated on the license. If the license is has an annual term, it shall be renewed as provided for in article I of this chapter.
- (e) The license provided for herein shall not be transferable nor give authority to anyone other than the licensee.
- (f)

No person shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

- (g) A person granted a license pursuant to this article shall not be relieved from fully complying with all applicable city, state, and federal laws.
- (h) All persons issued a license shall at all times display the permit prominently on their person, and shall carry at least one (1) form of photo identification and shall produce the license and photo identification for inspection and review at any time upon request by any city official, law enforcement officer or citizen or householder to whom the person is approaching.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-231—5-239. - Reserved.

DIVISION 1. - CHAUFFEUR LICENSE

Sec. 5-240. - License required.

No person shall drive a motorized or non-motorized vehicle as part of a licensed passenger carrier service for hire within the city limits of Bartlesville without first having paid fees as established in the General Schedule of Fees and having obtained a chauffeur license from the City of Bartlesville as set forth herein.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-241. - Qualifications.

To qualify for a chauffeur license, an applicant shall meet the following qualifications:

- (1) Shall be at least eighteen (18) years of age.
- (2) Shall hold a current, valid driver's license issued by the State of Oklahoma appropriate for the vehicle to be driven.
- (3) Shall not have a previously approved employee licensed revoked by the city within five (5) years of the date of the current application;
- (4) Shall provide the results of a criminal background report and driving history report verifying that the applicant:
 - a.

Has not been cited or arrested for more than three (3) moving violations in the prior three (3) year period, and has not been cited or arrested for more than one (1) major moving violation or automobile accident in the prior one (1) year period, including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license, where the applicant or chauffeur has been determined to have been at fault;

- b. Has not been convicted within the past five (5) years of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, theft, acts of violence, or acts of terror;
- c. Is not subject to any outstanding warrants for arrest; and
- d. Is not a match in the National Sex Offender Registry database or is not registered pursuant to the Oklahoma Sex Offenders Registration Act, as amended.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-242. - Annual renewal.

A chauffeur license granted pursuant to this chapter shall be subject to annual renewal on July 1 of each year requested in writing with an updated license application and current information as required therein. The annual renewal of the license shall be subject to the payment of fees as established in the general schedule of fees and subject to a finding by the city that the applicant has not committed any act during the existence of the previous license which would be grounds to deny the initial license application.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-243—5-249. - Reserved.

DIVISION 2. - SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE

Sec. 5-250. - License required.

No person shall obtain employment with a sexually oriented business within the city without first having paid fees as established in the general schedule of fees and having obtained a sexually oriented business employee license from the city as set forth herein.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-251. - Qualifications.

To qualify for a sexually oriented business employee license, an applicant shall meet the following qualifications:

- (1) Shall be at least eighteen (18) years of age;
- (2) Shall not have a previously approved employee licensed revoked by the city within five (5) years of the date of the current application;
- (3) Shall provide the results of a criminal background report verifying that the applicant:
 - a. Has not been convicted of a specified criminal activity as defined in section 5-120 of this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each conviction, and the sentence imposed;
 - b. Is not under some form of probation or parole as a result of "specified criminal activity" or must register as a sex offender;
 - c. Is not subject to any outstanding warrants for arrest; and
 - d. Is not a match in the National Sex Offender Registry database or is not registered pursuant to the Oklahoma Sex Offenders Registration Act, as amended.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-252. - Annual renewal.

A sexually oriented business employee license granted pursuant to this chapter shall be subject to annual renewal on July 1 of each year requested in writing with an updated license application and current information as required therein. The annual renewal of the license shall be subject to the payment of fees as established in the general schedule of fees and subject to a finding by the city that the applicant has not committed any act during the existence of the previous license which would be grounds to deny the initial license application.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-253—5-259. - Reserved.

DIVISION 3. - DOOR-TO-DOOR SOLICITOR EMPLOYEE LICENSE

Sec. 5-260. - License required.

No person shall work as a door-to-door solicitor as part of a licensed business within the city without first having paid fees as established in the general schedule of fees and having obtained a door-to-door solicitor employee license from the city as set forth herein.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-261. - Qualifications.

To qualify for a door-to-door solicitor employee license, an applicant shall meet the following qualifications:

- (1) Shall be at least eighteen (18) years of age;
- (2) Shall not have a previously approved employee licensed revoked by the city within five (5) years of the date of the current application;
- (3) Shall provide the results of a criminal background report and driving history report verifying that the applicant:
 - a. Has not been convicted within the past five (5) years of any felony or of any a crime involving murder, manslaughter, kidnapping, robbery, rape or sexual assault, arson, burglary, or grand larceny, as defined by state and federal law;
 - b. Is not subject to any outstanding warrants for arrest; and
 - c. Is not a match in the National Sex Offender Registry database or is not registered pursuant to the Oklahoma Sex Offenders Registration Act, as amended.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Sec. 5-262. - Operating rules and regulations.

A person issued a door-to-door solicitor employee license shall comply with the operating rules and regulations for door-to-door solicitors or peddlers as set forth in section 5-191 of this chapter.

(Ord. No. 3518, § 1(Exh. A), 12-16-19)

Secs. 5-263—5-269. - Reserved.