

PART 9

LICENSING AND BUSINESS REGULATIONS

**CHAPTER 1
OCCUPATIONAL LICENSE TAXZES**

Section 9-101	License Tax Levied on Certain Occupations
Section 9-102	Payment of License Tax; Issuance of License; Expiration Date
Section 9-103	Separate Licenses Required
Section 9-104	License to be Displayed
Section 9-105	License may be Revoked
Section 9-106	Transfer of License Prohibited
Section 9-107	Duplicate License
Section 9-108	Proper Operation of Pool, Billiard, and other Recreation Halls; Time When Closed
Section 9-109	Fee for Fortune Telling Prohibited
Section 9-110	Handbills, Permits Required
Section 9-111	Sound Trucks, Permits
Section 9-112	Short Weights and Measures Prohibited
Section 9-113	Dancing Licenses Required
Section 9-114	Penalty

**CHAPTER 2
FAMILY RECREATION CENTERS**

Section 9-201	Family Recreation Centers may be Established; Defined
Section 9-202	License Required
Section 9-203	Applications
Section 9-204	Approval by Town Board, Refusal to Grant License
Section 9-205	Fee
Section 9-206	Suspension of License
Section 9-207	To be kept Clean, Sanitary
Section 9-208	Compliance with Chapter
Section 9-209	Intoxicating and Nonintoxicating Beverages
Section 9-210	Gambling Prohibited
Section 9-211	Right of Entry by Police
Section 9-212	Hours
Section 9-213	Penalty

Licensing and Business Regulations

CHAPTER 3 MESSAGE PARLOR REGULATIONS

Section 9-301	Definitions
Section 9-302	License
Section 9-303	Exemptions
Section 9-304	Fees and Renewal
Section 9-305	Applications
Section 9-306	Denial and Issuance
Section 9-307	Display of License and Possession of License
Section 9-308	Transfer Prohibited
Section 9-309	Bogus Checks
Section 9-310	Operating Requirement
Section 9-311	Records to be Kept
Section 9-312	Inspections
Section 9-313	Revocation
Section 9-314	Notice
Section 9-315	Enforcement
Section 9-316	Appeals
Section 9-317	Sale
Section 9-318	Branch Operations
Section 9-319	Remedies Cumulative
Section 9-320	Penalty

CHAPTER 4 ITINERANT MERCHANTS

Section 9-401	Going Upon Private Residences, Prohibited
Section 9-402	License Required, Exception
Section 9-403	Definitions
Section 9-404	Application
Section 9-405	Investigation and Issuance
Section 9-406	Bond
Section 9-407	Service of Process
Section 9-408	Exhibition of License
Section 9-409	Fees
Section 9-410	Transfer
Section 9-411	Loud Noises and Speaking Devices
Section 9-412	Duty of Police to Enforce
Section 9-413	Records
Section 9-414	Revocation of License
Section 9-415	Appeal
Section 9-416	Expiration of License
Section 9-417	Penalty

Licensing and Business Regulations

CHAPTER 5
AMUSEMENT CENTERS

Section 9-501	Amusement Centers Defined
Section 9-502	Authorization
Section 9-503	Operating Regulations
Section 9-504	License Schedule
Section 9-505	Disposition of Monies Collected
Section 9-506	Forfeiture of Illegally Used Property
Section 9-507	Pool Hall, License, Fees
Section 9-508	Revocation of License
Section 9-509	Penalty

CHAPTER 6
EMPLOYMENT OF UNLAWFUL WORKER

Section 9-601	Employment of Unlawful Worker; Prohibited
Section 9-602	Definitions

Licensing and Business Regulations

CHAPTER 1

OCCUPATIONAL LICENSE TAXES

Section 9-101	License Tax Levied on Certain Occupations
Section 9-102	Payment of License Tax; Issuance of License; Expiration Date
Section 9-103	Separate Licenses Required
Section 9-104	License to be Displayed
Section 9-105	License may be Revoked
Section 9-106	Transfer of License Prohibited
Section 9-107	Duplicate License
Section 9-108	Proper Operation of Pool, Billiard, and other Recreation Halls; Time When Closed
Section 9-109	Fee for Fortune Telling Prohibited
Section 9-110	Handbills, Permits Required
Section 9-111	Sound Trucks, Permits
Section 9-112	Short Weights and Measures Prohibited
Section 9-113	Dancing Licenses Required
Section 9-114	Penalty

SECTION 9-101 LICENSE TAX LEVIED ON CERTAIN OCCUPATIONS

A. A license tax is hereby levied on every person engaging in, exercising or pursuing any of the following businesses, professions, trades, occupations, or privileges in this Town, in the amounts respectively indicated:

1. For each skating rink, Two Dollars (\$2.00) per day, Five Dollars (\$5.00) per week, or Twenty-Five Dollars (\$25.00) per year;
2. For itinerant show exhibition, or entertainment of any kind which charges admission, including all activities under its auspices, Five Dollars (\$5.00) per day. This paragraph shall not apply to circuses, street fairs and carnivals, nor any athletic exhibition given by public or private schools, nor to any event given under the auspices of a local non-profit organization, nor to any event from which all the proceeds go to some charitable or eleemosynary cause;
3. For each circus, street fair or carnival, Ten Dollars (\$10.00) per day, or Twenty-Five Dollars (\$25.00) per week. This paragraph shall not apply to events sponsored by civic clubs located in the school district or by the Town;
4. For each shooting gallery, skill or strength game, or game of chance, such as knife boards, rag or wooden images or other thing or things at which rings, balls or other

things are thrown, pitched, or shot, lung testing or striking machine, or similar device, Two Dollar (\$2.00) per day, or Five Dollars (\$5.00) per month. This paragraph shall not apply to games under the auspices of street fairs, carnivals and circuses, nor to family recreation halls or arcades;

5. For each ferris wheel, merry-go-round, small cars, or similar apparatus, Two Dollars (\$2.00) per day, or Five Dollars (\$5.00) per month; or

6. For each itinerant person, agent or solicitor selling, offering for sale taking orders for, auctioning or offering to take orders for goods, products, wares, patent medicines, magazines, services, or other things of any kind, excepting wholesalers, or persons or organizations licensed or regulated by the State of Oklahoma, Five Dollars (\$5.00) per day, Fifteen Dollars (\$15.00) per week or Fifty Dollars (\$50.00) per year; and the sum of Two Dollars and Fifty Cents (\$2.50) per day, Seven Dollars (\$7.00) per week or Twenty-Five Dollars (\$25.00) per year for each employee working for the licensee. The permit shall expire at 9:00 o'clock P.M. of the date issued. No proration of the fee is permitted. This paragraph shall not apply to persons selling farm products produced by themselves in Oklahoma;

B. In order to receive a license under this Chapter, every person, firm or corporation regulated pursuant to this Section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the Town and State. A copy of this permit shall be provided by the applicant for a license to the Town Clerk prior to issuance of the Town license. The Town Clerk may require any reasonable information from an itinerant or peddler or solicitor which the Clerk deems desirable to protect the public interest. "Itinerant" means not residing in the Town. (Ord. No. 89-3, 10/16/89)

State Law Reference. Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

**SECTION 9-102 PAYMENT OF LICENSE TAX; ISSUANCE OF LICENSE;
EXPIRATION DATE**

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by Section 9-101 of this Code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the Town Clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the Town Clerk shall issue a license therefor. Such license tax shall be credited to the general fund of the Town.

B. Annual licenses shall expire on the 30th day of April of the year for which they were issued. When an annual license is issued after May 1 for the remainder of the year to a person just beginning to engage in, exercise or pursue a business, profession, trade, occupation or privilege,

the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum of Five Dollars (\$5.00).

SECTION 9-103 SEPARATE LICENSES REQUIRED

Every person who engages in, exercises or pursues a business, profession, trade, occupation or privilege for which a license is required, at or from more than one place in the Town, or who engages in, exercises or pursues more than one such business, profession, trade, occupation or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation or privilege.

SECTION 9-104 LICENSE TO BE DISPLAYED

Every holder of a license to engage in, or pursue a business, profession,, trade, occupation or privilege, shall conspicuously display the license at all times in some part of his place off business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

SECTION 9-105 LICENSE MAY BE REVOKED

Any license issued by the Town to any person to engage in, exercise or pursue any business, profession, trade, occupation or privilege, may be revoked by the Board of Trustees after adequate opportunity for a hearing, for either of the following reasons:

1. The licensee is engaging in exercising or pursuing the business, profession, trade occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by State law or local ordinance; or
2. Serious or repeated violation of the law or ordinances.

SECTION 9-106 TRANSFER OF LICENSE PROHIBITED

The assignment or transfer of licenses shall not be permitted in this Town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

SECTION 9-107 DUPLICATE LICENSE

Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk, an application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the Town Clerk, an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the Town Clerk, shall be set by the Town Board.

SECTION 9-108 PROPER OPERATION OF POOL, BILLIARD, AND OTHER RECREATION HALLS, TIME WHEN CLOSED

A. It is unlawful for the owner, manager, or operator of a pool, billiard or other recreation hall to permit therein gambling, betting, operation of a lottery or the sale, furnishing, or drinking of intoxicating and nonintoxicating beverages, disorderly conduct, loud or disturbing language, noise or music, profane language, or any other violation of the laws of the State or of the ordinances of the Town, or for any person to engage therein in such place.

B. It is unlawful for the owner, manager or operator of such a hall to permit therein fighting, boxing, wrestling or other contests of physical strength; or for any person to engage therein in such place.

C. Any coin operated amusement device, including pool and billiard tables, shall be properly licensed pursuant to State law in order to operate lawfully in the Town.

D. Pool, billiard and other recreation halls shall be closed between the hours of 12:00 o'clock A.M. and midnight and 7:00 o'clock A.M.

State Law Reference: Towns authorized to license pool and billiard tables, family amusement centers, 68 O.S. Section 50004; State tax on coin operated amusement devices definitions, 68 O.S. Section 1501 et seq.

Cross Reference: See Sections 9-2011 et seq. of this Code for other recreation center regulations.

SECTION 9-109 FEE FOR FORTUNE TELLING PROHIBITED

It is unlawful for any person or persons pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyance or otherwise, plying his or her trade, art or vocation within this Town, to make any charge therefor either directly or indirectly, or to receive any gift, donation or compensation by any means whatsoever for the same.

SECTION 9-110 **HANDBILLS, PERMITS REQUIRED**

No person shall distribute newspapers, handbills, tracts or books within the Town limits of the Town without first securing a written permit from the Town Clerk.

SECTION 9-111 **SOUND TRUCKS, PERMITTED**

No person shall play any phonograph or use sound cars or loud-speaking equipment on the streets of the Town, either for advertising, politics or any other purpose, without first securing a written permit from the Town Clerk.

SECTION 9-112 **SHORT WEIGHTS AND MEASURES PROHIBITED**

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

SECTION 9-113 **DANCING LICENSES REQUIRED**

A. It is unlawful for an individual, company, association or corporation to conduct, aid, abet or assist in any dance in any form whatever within the incorporated Town limits without a proper license issued by the Board of Trustees or their appointed designee.

B. It is the duty of any individual, association or corporation to apply for a license to conduct a dance not less than seventy-two (72) hours prior to the time of holding or conducting the dance.

C. There shall be two (2) types of licenses:

1. Annual; and
2. Single.

The annual license shall be valid for one year from the date of issue unless revoked by the Board of Trustees at any time prior to the expiration of the license. The fee for the annual license shall be One Hundred Dollars (\$100.00). The single license shall be valid for one date and time only, as specified on the license. The fee for the single license shall be Five Dollars (\$5.00).

SECTION 9-114 **PENALTY**

Any person who engages in any business, profession, trade or occupation, or exercises any privilege, for which a license is required by this Chapter, without a valid license as thereby required, or who shall violate any provision of this Chapter, shall be guilty of an offense and, upon conviction, shall be fined as provided in Section 1-108 of this Code. Violation of this Chapter shall also be grounds for revocation or suspension of license granted.

CHAPTER 2

FAMILY RECREATION CENTERS

Section 9-201	Family Recreation Centers may be Established; Defined
Section 9-202	License Required
Section 9-203	Applications
Section 9-204	Approval by Town Board, Refusal to Grant License
Section 9-205	Fee
Section 9-206	Suspension of License
Section 9-207	To be kept Clean, Sanitary
Section 9-208	Compliance with Chapter
Section 9-209	Intoxicating and Nonintoxicating Beverages
Section 9-210	Gambling Prohibited
Section 9-211	Right of Entry by Police
Section 9-212	Hours
Section 9-213	Penalty

**SECTION 9-201 FAMILY RECREATION CENTERS MAY BE ESTABLISHED;
DEFINED**

A. Family recreation centers may be established, maintained and operated in the Town under the terms and conditions as hereinafter set forth in this Chapter. These regulations are for the purpose of providing a place for all members of family to participate together in recreation and entertainment to preserve the public morals, peace and safety of the Town.

B. A family recreation center is defined as any establishment containing three (3) or more amusement devices, as defined in this Chapter and State law. Any other establishment containing up to two (2) such amusement devices where such devices are not the primary source of income for the establishment, shall not be defined as a family recreation center, but shall be required to pay an annual license fee of Ten Dollars (\$10.00) for the operation of one machine. No license fee shall be levied for the second machine, if any, and the machines may be operated during the same hours as the business is open to the general public.

State Law Reference: Coin-operated amusement devices, licensing, hours of business. Towns have power to license family amusement centers, pool and billiards, by ordinance. 68 O.S. Section 50004.

Cross Reference: See Section 9-109 for other provisions for recreation centers.

SECTION 9-202 LICENSE REQUIRED

It is unlawful for any person as proprietor, owner or agent, or person in charge of a family recreation center to conduct or operate the same until such person shall first duly be licensed for such purpose.

SECTION 9-203 APPLICATIONS

Applications for a license to conduct or operate a family recreation center shall be made to the Town Clerk. The application shall set forth the name and address of the applicant and the street name of the place where the recreation center will be conducted. No license as herein provided shall be granted to any person who has been convicted in a court of record of having violated any of the laws of the State commonly called "prohibition laws," or habitually violating any laws of the State.

SECTION 9-204 APPROVAL BY TOWN BOARD, REFUSAL TO GRANT LICENSE

All applications for a license to conduct or operate a family recreation center which are made to the Town Clerk as provided herein shall be by the Town Clerk submitted to the Board of Trustees for their approval or rejection. No license shall be issued to any person until the Board of Trustees has in open session authorized the issuance thereof. The Board of Trustees shall have authority to refuse to issue a license to any applicant when in the opinion of the Trustees it is to the best interest of the inhabitants of the Town that the license be refused.

SECTION 9-205 FEE

An annual license fee of Twenty-Five Dollars (\$25.00) per year shall be charged to operate a family recreation center. This fee shall authorize the operation of not more than ten (10) amusement devices, including music devices, amusement boards, games, pool tables, billiard tables, domino tables and other amusement devices as defined by applicable law or ordinance. For each amusement device operated in excess of ten (10) there shall be a fee charged of Two Dollars (\$2.00) per year. The fees herein provided shall be paid in advance prior to operation of the recreation center or any amusement device. Proof of payment of such license fees, as herein provided, shall be prominently displayed within the premises.

SECTION 9-206 SUSPENSION OF LICENSE

The license of any operator of a family recreation center may be suspended for not more than ten (10) days by the Chief of Police for permitting disorderly or immoral conduct on the premises or for violation of any of the provisions of this Chapter. The license may be revoked by the Board of Trustees at any time for permitting disorderly or immoral conduct on the premises or for the violation of the provisions of this Chapter, provided that no license shall be revoked by the

Board of Trustees except upon ten (10) day's notice in writing to the operator of the family recreation center.

SECTION 9-207 **TO BE KEPT CLEAN, SANITARY**

All family recreation centers and the premises shall be kept in a clean, healthful and sanitary condition at all times and shall be adequately equipped with separate restrooms for males and females.

SECTION 9-208 **COMPLIANCE WITH CHAPTER**

It is the duty of the operator of a family recreation center to abide by all of the provisions of this Chapter and to see at all times that the provisions of this Chapter are complied with in every respect.

SECTION 9-209 **INTOXICATING AND NONINTOXICATING BEVERAGES**

No intoxicated person shall be permitted to be in a family recreation center. No alcoholic beverages nor any low-point beer shall be allowed or sold or consumed on the premises. All beverages containing more than one-half of one percent ($\frac{1}{2}$ of 1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be low-point beer. Wherever the term "nonintoxicating beverage" or "nonintoxicating malt beverage" appears in this Chapter, such term shall be construed to mean low-point beer.

SECTION 9-210 **GAMBLING PROHIBITED**

All games or recreation may be conducted by the person operating the center, but no gambling or gambling device may at any time be operated within the center.

SECTION 9-211 **RIGHT OF ENTRY BY POLICE**

All family recreation centers may at any reasonable time be entered by the Town Police.

SECTION 9-212 **HOURS**

All family recreation centers shall be closed on or before 12:00 midnight of each night and shall not be opened until 7:00 o'clock A.M. the following morning except on Sunday morning when the same shall not be opened until 1:00 o'clock P.M. Sunday afternoon.

SECTION 9-213 **PENALTY**

Any person, firm or corporation violating any provisions of this Chapter, either by doing anything which is prohibited or by failing to do anything which is commanded, shall be fined as provided in Section 1-108 of this Code.

CHAPTER 3

MASSAGE PARLOR REGULATIONS

Section 9-301	Definitions
Section 9-302	License
Section 9-303	Exemptions
Section 9-304	Fees and Renewal
Section 9-305	Applications
Section 9-306	Denial and Issuance
Section 9-307	Display of License and Possession of License
Section 9-308	Transfer Prohibited
Section 9-309	Bogus Checks
Section 9-310	Operating Requirement
Section 9-311	Records to be Kept
Section 9-312	Inspections
Section 9-313	Revocation
Section 9-314	Notice
Section 9-315	Enforcement
Section 9-316	Appeals
Section 9-317	Sale
Section 9-318	Branch Operations
Section 9-319	Remedies Cumulative
Section 9-320	Penalty

SECTION 9-301 **DEFINITIONS**

As used in this Section, the following words and phrases shall have the meanings given herein, personal pronouns, when used in the masculine or neuter gender, mean the masculine, feminine and neuter gender.

TOWN. The Town of Oologah, Oklahoma, a municipal corporation.

TOWN CLERK. The Town Clerk for the Town of Oologah or his authorized representative.

DIRECT SUPERVISION. On-the-premises control and responsibility for the Massage Apprentice by and in the physical presence of the Massage Technician.

EXTERNAL BATH. The bathing of another person by a Massage Technician or Massage Apprentice by immersion, shower or steaming any part of the body.

LICENSEE. Any Massage Establishment Operator, Outcall Massage Service Operator, Massage Technician or Massage Apprentice appropriately licensed by the Town.

MASSAGE. Any method of pressure on or friction against by stroking, rubbing, kneading, tapping, pounding, manipulating vibrating or stimulating the external parts of the human body with the hands, feet or otherwise, with or without such supplemental aids as rubbing alcohol, liniments, antiseptics, oil, powders, creams, lotions, ointment or other preparations, sun lamps, infrared heat, vibrators, mechanical or electrical appliances and external baths, for any type of consideration or gratuity.

MASSAGE APPRENTICE. Any person employed by a massage establishment or Outcall Massage Service and directly supervised by a Massage Technician for the purpose of learning the method and practice of massage.

MASSAGE ESTABLISHMENT. Any establishment or place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any business of the manipulation of the body by means of massage as herein defined.

MASSAGE TECHNICIAN. Any person who administers to another person, for any consideration or gratuity, a massage, external bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure.

OPERATOR, MASSAGE ESTABLISHMENT OPERATOR or OUTCALL MASSAGE SERVICE OPERATOR. Any person owning or operating a massage establishment or an outcall massage service, In the event of a corporate owner, **OPERATOR** shall mean the manager or person in charge, If a sole proprietorship, **OPERATOR** shall mean such individual alone.

OUTCALL MASSAGE SERVICE. A business which provides licensed massage technicians or massage apprentices to perform a massage at a private location.

PATRON. Any person eighteen (18) years of age or older or a person accompanied by parent or guardian at all times who receives a massage.

PERSON. Any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

SEXUAL BODY AREAS. The genitals, pubic area, buttocks, anus and perineum of any person and the vulva and breasts of a female person.

SECTION 9-302 **LICENSE**

(A) It shall be unlawful and an offense for any person to operate a massage establishment in the Town without having first obtained a license to do so as herein provided.

(B) It shall be unlawful and an offense for any person to perform or offer or agree to perform the services of a massage technician or massage apprentice in the Town without first having obtained a license to do so as herein provided.

(C) It shall be unlawful and an offense for an operator of a massage establishment to permit any person in his massage establishment to act as a massage technician or massage apprentice in the Town unless such person is duly licensed as provided in this Chapter.

(D) It shall be unlawful and an offense for a person to operate an outcall massage service in the Town without first having obtained a license to do so as herein provided.

(E) It shall be unlawful and an offense for any outcall massage service operator, owner or manager to permit any person to work out of such service who is not a duly licenses massage technician or massage apprentice as provided in this Chapter, regardless of where the massage is performed.

(F) It shall be unlawful and an offense for any massage apprentice to perform a massage unless acting under the direct supervision of a duly licenses massage technician.

SECTION 9-303 **EXEMPTIONS**

This Chapter shall not apply to the following persons while engaged in the personal performance of the duties of their respective professions:

(A) Nurses who are registered under the laws of the State of Oklahoma;

(B) Physicians, surgeons, chiropractors, chiropodists, podiatrists, osteopaths or physical therapists who are duly licensed to practice their respective professions in the State of Oklahoma;

(C) Barbers and beauticians who are duly licensed under the laws of the State of Oklahoma, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of a patron for cosmetic purposes; or

(D) Any employee or student of any non-profit organization such as a hospital, clinic, nursing and convalescent home, university, college or seminary licenses or accredited by the State of Oklahoma or organized as exempt from taxation by the Internal Revenue Code of the United States, when massages are performed as part of such service or education and not for any consideration or gratuity.

SECTION 9-304 **FEES AND RENEWAL**

(A) Every original application for a massage establishment license shall be accompanied by a non-refundable processing fee of \$50.00 per establishment. Applications for an outcall massage service, massage technician or massage apprentice, shall be accompanied by a non-refundable processing fee of \$25.00 per person.

(B) Annual license fees set forth herein shall be due and payable by the licensee at the time the Town license is issued; provided, however, that fees for the initial applications for massage establishments, outcall massage services and massage technicians may be prorated quarterly.

- | | | |
|-----|--------------------------|---------|
| (1) | Massage Establishment: | \$25.00 |
| (2) | Outcall Massage Service: | \$25.00 |
| (3) | Massage Technician: | \$25.00 |
| (4) | Massage Apprentice: | \$25.00 |

(C) Each licensee, except a massage apprentice, shall reapply for a license annually and the license shall be renewed automatically, unless the Town Clerk determines that the licensee should be re-examined for health reasons or should be denied a license for a violation of the provisions of this Chapter. Massage apprentice licenses are not renewable.

(D) Licenses shall expire on June 30 of each year. Applications for renewal of the license may be submitted along with the appropriate annual license fee as herein provided at any time prior to thirty (30) days before the date of expiration.

(E) In the event that the licensee shall cease operation, either voluntarily or involuntarily, before the end of the period for which a license is issued, the annual license fee shall not be refundable.

SECTION 9-305 **APPLICATIONS**

(A) *Massage establishments.* Any applicant for a license for a massage establishment shall submit to the Town Clerk a written application on a form furnished by the Town Clerk. Before issuing a license, the Town Clerk shall determine that the following requirements are met by each applicant.

(1) The applicant or members of the applying firm, partnership or association, or if a corporation, the manager, (“Applicant” herein) shall be 21 years of age or older by proof acceptable to the Town Clerk. The applicant’s name, place of birth, sex, race, height, weight, color of eyes and hair, business and home address and telephone numbers, and any other names by which the applicant was known in the past shall be included in the application. The applicant shall specify the exact name and address of the proposed massage establishment.

Licensing and Business Regulations

(2) The applicant shall be of good moral character.

(3) The applicant, who is or intends to be a massage establishment operator engaged in on-the-premise supervision of massage technicians or who performs the duties of a massage technician, shall be duly licensed by the Town as a massage technician as provided in this Chapter.

(4) The applicant shall furnish to the Town Clerk two full-face photographs of the applicant, one inch by one and one-half inches, one of which shall be kept with the application and the other shall be delivered to the Town's Police Department. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Town Clerk suitable for the purposes of this Chapter.

(5) The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another town, city or state has had his license revoked or suspended, and if so, the reason therefor, and business activity or occupation of the applicant subsequent to such suspension or revocation.

(6) The applicant shall have been fingerprinted on all fingers by the Oologah Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, with fingerprints and one photograph as required herein shall be retained in the Police Department for as long as deemed necessary by the Police Department. The Police Department may verify identification of any applicant by appropriate means and shall notify the Town Clerk immediately in the event a false identification is discovered. The Police Department may investigate any information contained in the application and shall notify the Town Clerk as to its findings.

(7) The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of this disclosure, no conviction need be listed for a misdemeanor more than five (5) years preceding the date of this application or for a felony for which a pardon has been granted.

(8) If the applicant is a corporation, the application shall include the state of incorporation, the name and address of the corporation, the registered service agent in the State of Oklahoma, the date authorized to do business in Oklahoma, and the names and addresses of the officers, directors or managers of the corporation.

(9) That the applicant has secured a location in the Town which is described by address and name for the massage establishment, and if leased, a copy of the lease agreement, which location has been inspected and approved by the County Health Department as to the following requirements.

Licensing and Business Regulations

(a) Steam rooms, shower compartments, steam compartments, tub compartments, toilet rooms, and adjacent exits thereto shall have smooth and easily cleanable floors, walls, and ceilings;

(b) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer, except that dry heat rooms with wooden floors need not be provided with pitched floors and floor drains;

(c) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning;

(d) The premises shall be adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used to administer massages;

(e) Massage tables shall have a cleanable plastic cover covering the entire top surface;

(f) Closed cabinets shall be provided for the storage of clean linen, towels and other materials used in connection with administering massage;

(g) Toilets shall be designated as to the sex accommodated therein; toilet room floors and walls shall be smooth easily cleanable, with the walls painted in a light color; toilet facilities shall be vented to the outside air; and

(h) A minimum of one separate wash facility per toilet room shall be provided in each massage establishment for the use of patrons and employees, which shall provide an approved basin, soap or detergent and hot and cold running water at all times; in addition, there shall be provided at each wash basin sanitary towels or other approved facilities placed in permanently installed dispensers.

(10) The applicant shall comply with applicable provisions of the Town's Building, Electrical, Plumbing, Sign, Mechanical and Zoning Codes including, but not limited to the following requirement:

(a) Minimum lighting in accordance with the Town's Building Code.

Licensing and Business Regulations

(11) The applicant's massage establishment location shall have been inspected and approved by the Fire Protection District as to the following requirements:

- (a) Accessible exists for patrons and employees in the case of fire;
- (b) No unsafe storage areas of combustible materials;
- (c) Adequate fire extinguishing equipment available and usable by employees instructed by the Fire Marshall as to proper procedure; and
- (d) Approved smoke and heat detectors in operating condition.

(B) *Massage Technician.* Any individual seeking to obtain a Town license as a massage technician shall submit to the Town Clerk a written application on a form furnished by the Town Clerk. The Town Clerk shall determine that the following requirements are met by each applicant:

(1) The applicant shall be 18 years of age or older. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, residence and business addresses and phone numbers shall be included in the application.

(2) The applicant shall be of good moral character.

(3) The applicant shall furnish to the Town Clerk two full-face photographs of the applicant, one inch by one and one-half inches, one of which shall be kept with the application and the other shall be delivered to the Town's Police Department. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Town Clerk suitable for the purposes of this Chapter.

(4) The applicant shall have been fingerprinted on all fingers by the Oologah Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Police Department. The Police Department may verify identification of any applicant by appropriate means and shall notify the Town Clerk immediately in the event a false identification is discovered. The Police Department may investigate any information contained in the application and shall notify the Town Clerk as to its findings.

(5) The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of

Licensing and Business Regulations

this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.

(6) The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Town Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis must be done in a laboratory approved by the Health Department of the State of Oklahoma.

(7) The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating in this or another city or state, has had his license revoked or suspended, and if so, the reason therefor and the business activity or occupation of the applicant subsequent to such suspension or revocation.

(8) The applicant shall furnish his residence and employment addresses for the preceding two (2) years.

(9) The applicant shall provide at least one of the following:

(a) A graduation certificate from a school or other institution of learning recognized by the Town Clerk wherein the method, profession and work of massage technicians is taught.

(b) A photocopy of applicant's grade record reflecting successful completion of at least three semester hours of applied anatomy and physiology at any institution of higher learning accredited by the state wherein such institution is located;

(c) A sworn affidavit, on a form provided by the Town Clerk, from a city-licensed massage technician that the applicant has completed a minimum of 500 hours of on-the-job, supervised training in the art of massage as a city-licensed massage apprentice and is thereby fully qualified to be a technician; or

(d) Evidence that the applicant has heretofore been licensed by the city as a massage operator and is currently the holder of a valid massage operator's license.

(e) Evidence of on-the-job training supervised by a person or persons licensed to perform physical therapy or a registered massage therapist.

Licensing and Business Regulations

(10) The application shall include the name, address and city license number of the massage establishment or outcall massage service for which the applicant is or shall be employed.

(11) The applicant shall furnish such other information and identification as the Town Clerk shall require to verify the matters herein specified.

(C) *Outcall massage service.* Any person seeking to obtain a Town License for an outcall massage service shall submit to the Town Clerk a written application on a form furnished by the Town Clerk. The Town Clerk shall determine that the following requirements are met by each applicant.

(1) The applicant or members of an applying firm, partnership or association, or if a corporation, the manager, shall be twenty-one (21) years of age or older by written proof. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, business and home address and telephone numbers, and any other names by which the applicant was known in the past shall be included in the application.

(2) The applicant shall be of good moral character.

(3) The applicant shall furnish to the Town Clerk two full-face photographs of the applicant, one inch by one and one-half inches, one of which shall be kept with the application and the other photograph shall be delivered to the Town's Police Department. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Town Clerk suitable for the purposes of this Chapter.

(4) The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another town, city or state, has had his license revoked or suspended, and if so, the reason therefor, and the business activity or occupation of the applicant subsequent to such suspension or revocation.

(5) The applicant shall have been fingerprinted on all fingers by the Oologah Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints, and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Town Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Town Clerk immediately in the event a false identification is discovered. The Police Department may investigate any information contained in the application and shall notify the Town Clerk as to its findings.

(6) The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of

Licensing and Business Regulations

this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.

(7) If the applicant is a corporation, the application shall include the state of incorporation, the name and address of the corporation, the registered service agent in the State of Oklahoma, the date authorized to do business in Oklahoma, and the names and addresses of the officers and directors of the corporation.

(8) The applicant shall have secured a location in the Town or the outcall massage service which shall be described by name and address, and if leased, a copy of the lease agreement shall be provided. All telephone numbers of each and every massage technician or massage apprentice working from such service location or requested through such service's telephone numbers shall be provided.

(D) *Massage apprentice.* Any individual seeking to obtain a Town license as a massage apprentice shall submit to the Town Clerk a written application on a form furnished by the Town Clerk. The Town Clerk shall determine that the following requirements are met by each applicant.

(1) The applicant shall be eighteen (18) years of age or older. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, address of residence and home phone number shall be included in the application.

(2) The name and city license number of the massage establishment or outcall massage service where apprenticeship will be served shall be included in the application.

(3) The applicant shall be of good moral character.

(4) The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Town Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis is done in connection with the physical examination, such analysis must be done in a laboratory approved by the Health Department of the State of Oklahoma.

(5) The application shall furnish to the Town Clerk two full-face photographs of the applicant, one inch by one and one-half inches, one of which shall be kept with the application and the other photograph shall be delivered to the Police Department of the Town of Oologah. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Town Clerk suitable for the purposes of this Chapter.

(6) The applicant shall have been fingerprinted on all fingers by the Oologah Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Police Department. The Police Department may verify identification of any applicant by appropriate means and shall notify the Town Clerk immediately in the event a false identification is discovered. The Police Department may investigate any information contained in the application and shall notify the Town Clerk as to its findings.

SECTION 9-306 **DENIAL AND ISSUANCE**

(A) The requirements of this Chapter for each license are cumulative and the failure of the applicant to comply with any requirement shall be grounds for denial of such license.

(B) Each and every applicant who satisfactorily complies with the license requirements of this Chapter shall be immediately issued the appropriate license by the Town Clerk. Nothing herein shall prevent any person from simultaneously holding a massage establishment and an outcall massage service license if requirements for both are satisfactorily met.

(C) On the fact of each license for a massage establishment or outcall massage service, the Town Clerk shall list by name those persons processed and approved by the Town Clerk as owner or partner.

SECTION 9-307 **DISPLAY OF LICENSE AND POSSESSION OF LICENSE**

(A) Every massage establishment or outcall massage service shall display, in a well-lighted area on the wall near the front entrance at the licensed address, the city license authorizing the operation of such business.

(B) Each individual approved by the Town Clerk and licensed by the Town as the owner, operator, partner or manager of a massage establishment or outcall massage service, or as massage technician or massage apprentice, shall have his license in his possession at all times when engaged in the licensed business or when upon the licensed premises during authorized hours of operation.

SECTION 9-308 **TRANSFER PROHIBITED**

No license for the operation of any establishment, service or occupation issued to a particular person or for a particular location shall be transferred to another person or another location unless approved by the Town Clerk. No more than one license per address location or per individual may be issued at any one time by the Town under the provisions of this Chapter except as provided by Section 7, Part B (Denial and Issuance)

SECTION 9-309 **BOGUS CHECKS**

Any applicant or licensee who pays any fee with a check which is subsequently dishonored for any reason shall be automatically suspended from license operation authority without further notice until payment satisfactory to the Town Clerk is made. This provision shall not prevent the filing of criminal charges, if and when applicable.

SECTION 9-310 **OPERATING REQUIREMENT**

(A) *Massage establishments.* The following operating requirements shall apply to licensed massage establishments. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Oologah Municipal Court. Each day that such violation exists shall constitute a separate offense.

(1) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean, in good repair and shall be operated in a sanitary manner.

(2) A price schedule for all services shall be prominently posted in the reception area in a location visible to all prospective patrons.

(3) All employees, patrons, persons, managers, owners, operators, technicians and apprentices shall be clean and shall wear clean, non-transparent outer garments, covering the sexual body areas.

(4) All massage establishments shall be provided with a sufficient quantity of clean sheets and towels which shall be laundered after each use and shall be stored in a sanitary manner. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the storage areas for clean supplies.

(5) No patron shall receive the services of any massage establishment, technician or apprentice, unless such patron is at least eighteen (18) years of age or accompanied at all times by a parent or guardian.

(6) No person shall sell, give, dispense, consume, provide or keep, or cause to be sold, given, dispensed, provided or kept any alcoholic beverage or beer on the premises of any massage establishment.

(7) No massage establishment shall be operated after 8:00 o'clock P.M. or before 7:00 o'clock A.M.

Licensing and Business Regulations

(8) No person may act as manager for a corporate licensee, unless such person has been approved by the Town Clerk and listed on the license of the massage establishment.

(9) No owner, operator, partner or manager may supervise massage technicians, unless such person is approved and licensed as a massage technician as provided in this Chapter.

(10) No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done this massage or touching, or the offer or agreement to massage or touch any person's sexual body areas, including his own.

(11) No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done the exposing, or the offer or agreement to expose to the view of any other person, his or her sexual body areas or the sexual body areas of any other person.

(12) All massages shall be performed in a massage room designed for such purpose.

(13) No patron who is affected with any contagious disease or with any disease of the skin shall be massaged in any massage establishment.

(14) No person holding a massage establishment license shall operate under a name not specified in the license, nor shall business be conducted under any designation or location not specified in the license.

(15) No licensee, patron or any other person shall be intoxicated while upon the premises of a massage establishment.

(16) All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.

(17) Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and massage tables shall be thoroughly cleaned and disinfected after each patrons use.

(18) Each patron and massage table shall be provided with clean and sanitary liens, sheets and towels.

(19) Hot and cold running water shall be provided at all times.

(20) Minimum lighting, direct or indirect, of not less than 40 foot candles shall be provided and shall be in use when massage services are being performed.

Licensing and Business Regulations

(21) No massage establishment shall be used for any purpose except that which is specifically authorized by this Chapter.

(B) *Outcall massage services.* The following operating requirements shall apply to licensed outcall massage services. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Oologah Municipal Court. Each day that such violation exists shall constitute a separate offense.

(1) Any patron and any technician or apprentice working out of a licensed outcall massage service shall, during massage services, be clean and shall wear clean, non-transparent outer garments covering the sexual body areas.

(2) No patron shall receive the services of any outcall massage service unless such patron is at least eighteen (18) years of age.

(3) No outcall massage service shall be provided after 8:00 o'clock P.M. or before 7:00 o'clock A.M.

(4) No patron, technician or apprentice working out of an outcall massage service shall massage or touch, or agree to offer to massage or touch, any person's sexual body areas, including his own.

(5) No patron, technician or apprentice working out of an outcall massage service shall expose or agree to offer to expose his or her sexual body areas or the sexual body areas of any other person.

(6) No person owning, operating or managing an outcall massage service shall knowingly cause, allow or permit any patron, technician or apprentice to perform such acts prohibited in sub-sections (4) or (5) of this section.

(7) No patron in an intoxicated condition or who is affected with any contagious disease or with any disease of the skin shall be massaged by any technician or apprentice of an outcall massage service.

(8) No person granted an outcall massage service license shall operate under a name not specified in the license, nor shall such telephone business be conducted under any designation or number not specified on the license.

(9) All towels and linens used on any patron shall be clean, shall be laundered after each use, and shall be stored in clean containers.

(10) All soiled towels, linens and other materials shall be kept in properly covered containers, separate from clean storage containers.

(11) All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.

SECTION 9-311 **RECORDS TO BE KEPT**

(A) The owner, operator or manager of each massage establishment or outcall massage service shall maintain a current register of all employees, including their address, date of birth, sex, duties and such other information as the Town Clerk may reasonably require. Upon hiring or discharging any massage technician or apprentice, the owner, operator or manager shall immediately notify the Town Clerk in writing, and shall include in such notice the personal information required herein. Failure to comply with the provisions of this sub-section shall be unlawful and an offense.

(B) Every owner, operator or manager of a massage establishment or outcall massage service shall keep a current record of all massage treatments rendered, either on or off the premises, which record shall include the address where the massage treatment was rendered, the name and address of the patron, the technician or apprentice rendering such treatment and the date of such treatment. Such records shall be maintained for a period of one (1) year. Failure to comply with the provisions of this sub-section shall be unlawful and an offense.

SECTION 9-312 **INSPECTIONS**

Any licensed premises, establishment, service or person shall be subject to inspection at any time during working hours by any member of the Town's Police Department, County Health Department, Fire Department or Planning Commission Department to determine and ensure compliance with the provisions of this Chapter. It shall be unlawful and an offense for any person or licensee to refuse to allow such inspections.

SECTION 9-313 **REVOCAATION**

Any license issued hereunder shall be revoked by order of the Town Clerk upon his determination that the licensee has committed any act which would have been cause for denial of a license upon the original application, has made a false statement on the application, or has committed any act in violation of this Chapter or in violation of the standards for good moral character.

SECTION 9-314 **NOTICE**

The Town Clerk shall give notice of denial of license to any applicant by regular mail to his stated home address, or of revocation of license to any licensee by regular mail to his stated business address. Such notice shall state the reasons for denial or revocation, the effective date of such determination and shall advise the applicant or licensee that the Town Clerk's decision may

be appealed to the Board of Trustees by filing a written request for a hearing with the Town Clerk within ten days of the receipt of such notice. All such licenses shall be suspended pending appeal.

SECTION 9-315 **ENFORCEMENT**

Any applicant who has been denied a license, or any licensee whose license has been revoked or suspended hereunder who acts in violation of such denial, revocation or suspension, shall be guilty of an offense, and each day constituting such violation is a separate and distinct offense with a separate and distinct penalty.

SECTION 9-316 **APPEALS**

Appeals to the Board of Trustees from any adverse decision of the Town Clerk hereunder shall, when timely filed, be docketed on the Board's next available agenda and notice of the date and time of hearing shall be given to all parties concerned. At such hearing the Board of Trustees shall receive any evidence it deems appropriate and shall either affirm, reverse or modify the Town Clerk's decision.

SECTION 9-317 **SALE**

Any person desiring to purchase, own, operate or manage a presently licensed massage establishment or outcall massage service shall make application for such license and must be approved by the Town Clerk and licensed by the Town before assuming such business.

SECTION 9-318 **BRANCH OPERATIONS**

No branch operation within the Town shall be permitted by the holder of any license hereunder, unless such operation is separately approved and licensed by the Town according to the provisions of this Chapter.

SECTION 9-319 **REMEDIES CUMULATIVE**

The conviction and punishment of any person for operating hereunder without the appropriate license shall not relieve such person from paying any appropriate license fee due, nor shall conviction and punishment prevent the Town Clerk from denying the issuance of any license, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this Chapter. The conviction and punishment of any person for violating any of the operating requirements herein shall not prevent the Town Clerk from revoking any existing license for such violation, nor shall the revoking of the license prevent a criminal prosecution for the violation of any of the provisions of this Chapter. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the Town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

SECTION 9-320 **PENALTY**

Any person, patron, licensee or individual found guilty of violating any provision of this Chapter shall be guilty of a misdemeanor offense.

Licensing and Business Regulations

CHAPTER 4

ITINERANT MERCHANTS

Section 9-401	Going Upon Private Residences, Prohibited
Section 9-402	License Required, Exception
Section 9-403	Definitions
Section 9-404	Application
Section 9-405	Investigation and Issuance
Section 9-406	Bond
Section 9-407	Service of Process
Section 9-408	Exhibition of License
Section 9-409	Fees
Section 9-410	Transfer
Section 9-411	Loud Noises and Speaking Devices
Section 9-412	Duty of Police to Enforce
Section 9-413	Records
Section 9-414	Revocation of License
Section 9-415	Appeal
Section 9-416	Expiration of License
Section 9-417	Penalty

SECTION 9-401 GOING UPON PRIVATE RESIDENCES, PROHIBITED

A. The practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of the private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

B. Each uninvited visitation of private residences in the Town for the purpose of soliciting orders for the sale of goods, wares and merchandise or for the purpose of disposing of or hawking the same shall be deemed a separate offense.

SECTION 9-402 LICENSE REQUIRED, EXCEPTION

It is unlawful for a transient merchant, itinerant or itinerant merchant or itinerant vendor as defined in Section 9-503 of this Code to engage in such business within the Town without first obtaining a license therefor in compliance with the provisions of this Article. Religious organizations and charitable organizations which can prove their status pursuant to the Internal Revenue Code shall be exempt from Sections 9-502 to 9-516 of this Code.

SECTION 9-403 **DEFINITIONS**

For the purpose of this Article a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town.

SECTION 9-404 **APPLICATION**

Applicants for license under this Article, whether person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the Town Clerk, showing:

1. The name or names of the person or persons having the management or supervision of applicant's business during the time that is proposed that it will be carried on in the Town;
2. The local address or addresses of such person or persons while engaged in such business;
3. The permanent address or addresses of such person or persons;
4. The capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise);
5. The name and address of the person, firm or corporation for whose account the business will be carried on, if any;
6. If a corporation, under the laws of what State the same is incorporated;
7. The fingerprints of the persons conducting applicant's business, or in lieu thereof, at least three (3) letters of recommendation from reliable persons in this County, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Mayor the good character and business responsibility of such person or persons;
8. The place or places in the Town where it is proposed to carry on applicant's business, and the length of time during which it is proposed that the business shall be conducted;
9. The place or places, other than the permanent place of business of the applicant where applicant within the six (6) months next preceding the date of the application conducted a transient business, stating the nature thereof and giving the Post Office and street address of any building or office in which such business was conducted;

Licensing and Business Regulations

10. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the Town, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time the application is filed;

11. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the Town Clerk, copies of all the advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to the application as exhibits thereto;

12. Whether or not the person or persons conducting the applicant's business have been convicted of a felony, the nature of such offense and the punishment assessed therefor;

13. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative;

14. A copy of the current and valid state sales tax permit in the name of the applicant;
and

15. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Town Clerk may deem proper to fulfill the purpose of this Article in the protection of the public good.

SECTION 9-405 INVESTIGATION AND ISSUANCE

Upon receipt of such application, the Town Clerk shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the Town Clerk shall so certify in writing, and a license shall be issued by the Town Clerk. The Town Clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name or names of the person or persons authorized to carry on the same.

SECTION 9-406 BOND

Before any license, as provided by this Article, shall be issued for engaging in a transient or itinerant business in the Town, a bond running to the Town in the sum of One Thousand Dollars

(\$1,000.00) executed by the applicant, as principal, and two (2) sureties, upon which service of process may be made in the State of Oklahoma; conditioned that the applicant shall comply fully with all of the provisions of the Ordinances of the Town and the Statutes of the State regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of the Ordinances or Statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether the misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the Town to the use of the aggrieved person. Such bond must be approved by the Town Attorney, both as to form, and as to the responsibility of the sureties thereon.

SECTION 9-407 **SERVICE OF PROCESS**

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the Town, such applicant shall file with the Town Clerk an instrument nominating and appointing the Town Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond given as required by Section 9-505 of this Article, or for the performance of the conditions of the bond or for any breach thereof, which the instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the license under this Article, according to the law of this or any other State, and waiving all claim or right error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Town Clerk, as herein provided, the Town Clerk shall send to the licensee at his last known address, by registered mail, a copy of the process.

SECTION 9-408 **EXHIBITION OF LICENSE**

The license issued under this Article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for the license shall desire to do business in more than one place within the Town, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

SECTION 9-409 **FEES**

- A. Licensees under this Chapter shall pay a fee of Twenty Dollars (\$20.00) per year.
- B. Every person conducting a business licensed under this Article shall, on the first business day of each week, and upon discontinuance of business in the Town present to the Clerk of the Town, at his office, a verified statement showing the total sales made during the preceding week. The Clerk and any other Officer designated by him shall have power and authority to enter

any store, building, or any other place in which such temporary business may be conducted at any time during business hours for the purpose of ascertaining the amount of sales made and shall at all times have access to the books of such business.

SECTION 9-410 **TRANSFER**

No license shall be transferred.

SECTION 9-411 **LOUD NOISES AND SPEAKING DEVICES**

No licensee under this Article, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell or buzzer or any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the Town or upon any private premises in the Town where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell.

SECTION 9-412 **DUTY OF POLICE TO ENFORCE**

It is the duty of the Police Officers of the Town to examine all places of business and persons in their respective territories subject to the provisions of this Article, to determine if this Article has been complied with and to enforce the provisions of this Article against any person found to be violating the same.

SECTION 9-413 **RECORDS**

The Town Clerk shall deposit the appropriate information of the licensee, together with a license number, with the Chief of Police; the Chief of Police shall report to the Town Clerk any complaints against any person licensed under the provisions of this Article and any conviction for violation of this Article; the Town Clerk shall keep a record of all such licenses and of such complaints and violations.

SECTION 9-414 **REVOCAION OF LICENSE**

A. The permits and licenses issued pursuant to this Article may be revoked by the Mayor of the Town after notice and hearing, for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for license;

2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
3. Any violation of this Article;
4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
5. Conducting the business licensed under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior the date set for the hearing.

SECTION 9-415 **APPEAL**

Any person aggrieved by the decision of the Town Clerk in regard to the denial of application for license as provided for in Section 9-504 of this Article or in connection with the revocation of a license as provided for in Section 9-513 of this Article, shall have the right to appeal to the Board of Trustees of the Town. Such appeal shall be taken by filing with the Board of Trustees within fourteen (14) days after notice of the decision by the Town Clerk has been mailed to such persons' last known address, a written statement setting forth the grounds for the appeal. The Board of Trustees shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 9-513 of this Code for notice of hearing on revocation. The order of this Board of Trustees on such appeal shall be final.

SECTION 9-416 **EXPIRATION OF LICENSE**

All licenses issued under the provisions of this Article shall expire on the date set forth thereon and a new license obtained prior to engaging in the activities set forth in Section 9-501.

SECTION 9-417 **PENALTY**

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punished as provided in Section 1-108 of this Code.

CHAPTER 5

AMUSEMENT CENTERS

Section 9-501	Amusement Centers Defined
Section 9-502	Authorization
Section 9-503	Operating Regulations
Section 9-504	License Schedule
Section 9-505	Disposition of Monies Collected
Section 9-506	Forfeiture of Illegally Used Property
Section 9-507	Pool Hall, License, Fees
Section 9-508	Revocation of License
Section 9-509	Penalty

SECTION 9-501 AMUSEMENT CENTERS DEFINED

An amusement center is defined as an establishment where pool tables or billiard tables or video games are maintained and operated for a profit and offered to all persons of all ages and either sex and designed to furnish recreation for such persons, and in which are located more than two (2) such tables or video games.

SECTION 9-502 AUTHORIZATION

The establishment and operation of amusement centers in the Town is authorized and permitted and subject to the regulations contained in this Article.

SECTION 9-503 OPERATING REGULATIONS

Amusement centers may operate pool tables, billiard tables and video games for a profit for the use of all persons of all ages and either sex. No beer or intoxicating liquors may be sold or consumed on the premises. No gambling or wagering of any kind shall be permitted on the premises. All such places of business shall close at 12:00 a.m. midnight and not open until 6:00 a.m. the following morning, except that same may remain open to 1:00 a.m. on Sunday of each week, but they shall remain closed until 1:00 p.m. on Sunday and shall again close at 12:00 a.m. midnight on that day.

SECTION 9-504 LICENSE SCHEDULE

There is hereby assessed and levied a tax or license fee upon each person engaged in any vocation, occupation, trade or business named in this Chapter for the purpose of meeting the expense of supervising, regulating and policing said trades or business, and every person who engages in any of the following occupations, trades or businesses shall procure a license therefor. Any person who shall engage in more than one business, trade, or occupation which any license fee is required by this Chapter shall pay the license fee required for each of such businesses, trades, or occupations, the same as if each were maintained, operated or exercised independently and exclusively of all others. The license fee shall be an annual fee expiring on April 30 succeeding the day same was issued. The vocations, occupations, trades or businesses covered by this Chapter with the amount of license fee are as follows, to-wit:

(1) Amusement machines are defined as any type of amusement machine, device or instrumentality which is operated by the insertion of any coin, token, slug or other instrumentality for the purpose of playing the same and which shows pictures, provides any game of skill, or furnishes any type of entertainment or amusement, and each operator shall pay an annual license fee for each machine in the sum of Five Dollars (\$5.00), provided no operator shall be required to take out more than one license for each machine. In the event the compensation for using any such machine is paid directly in money, this Subsection shall apply the same as if the machine be operated by the insertion of any coin, token, slug or other instrumentality.

(2) Automatic baseball concern, annual license fee, the sum of Five Dollars (\$5.00).

(3) Mechanical musical instruments are defined to be a musical instrument of any kind or character which is operated by the insertion of any coin, token, slug or other instrumentality for the purpose of playing same or for which a cash fee is charged for playing same, and every operator of such machine shall pay an annual license fee for each machine in the sum of Five Dollars (\$5.00).

It shall be unlawful for any person to have in his possession such machines unless the same have attached to them a license card showing the payment of current year's license fee.

The license fees provided herein for the various machines, devices, and instrumentalities mentioned in Subsections (1), (2), and (3) are to be levied and collected for said machines, devices and instrumentalities in the locations where same are situated at the time application is made for the license of same. The application for the license shall describe accurately the location at which the said machine, device and instrumentality is to be located. The license shall be personal to the one to whom issued, and shall not be transferable to any other person. In the event any such machines, devices or instrumentalities are moved to another location, new licenses must be obtained, for which the same fee must be paid. In the event machine, device or instrumentality for which a license has been obtained is replaced by another machine, device or instrumentality of the same or similar make (and the old machine, device or instrumentality is no longer used), the license then in existence may, by the same owner, be transferred to the new machine, device or instrumentality which is installed in the same place. A fee of Fifty Cents (\$0.50) shall be charged for each transfer.

SECTION 9-505 DISPOSITION OF MONIES COLLECTED

All monies collected for fees under the provisions of this Chapter shall be paid into the general fund of the Town of Oologah.

SECTION 9-506 FORFEITURE OF ILLEGALLY USED PROPERTY

Any machine, instrumentality or other kind of device or property used in violation of the provisions of this Chapter or used as a game of chance on which money or other property is given as a premium in violation of any Ordinance of this Town or any law of the State of Oklahoma against gambling shall be forfeited to the Town of Oologah, Oklahoma. It is the duty of the Police Department of the Town of Oologah, Oklahoma, to report to the Mayor or Council of the Town any such violation of this Chapter and when there be furnished information deemed sufficient to support a suit for forfeiture of said property, the Town Attorney shall be directed to demand, sue for and recover on behalf of the Town of Oologah, Oklahoma, all property so forfeited and to cause the same when recovered to be sold in the manner personal property is sold in the foreclosure of chattel mortgages by posting, and to pay the proceeds of the sale of any such property and any money collected in such suit to the Town Treasurer to go into the general fund.

SECTION 9-507 POOL HALL, LICENSE, FEES

It shall be unlawful and an offense against this Chapter for any person or persons, firm or corporation to maintain or operate a public pool or billiard hall, or any public pool or billiard table, within the corporate limits of the Town of Oologah, Oklahoma, without first securing a license to be issued by the Town Clerk. A fee of Five Dollars (\$5.00) for each pool or billiard table kept in place where such games are publicly played, whether in constant use or not, per year, shall be charged by the Town Clerk for the issuing of such license. The license required by this Section is in addition to any other fees or licenses required by other divisions of government.

SECTION 9-508 REVOCAION OF LICENSE

The Mayor and Board of Trustees, upon five (5) days notice to the person holding such license, shall revoke such license for any of the following reasons:

- (1) Drunkenness of the person holding such license or permitting any intoxicated person to loiter in such place;
- (2) Permitting minors under the age of eighteen (18) years of age to resort to such place, unless accompanied by parent or guardian; and

Licensing and Business Regulations

(3) Violating any of the laws of the Town of Oologah, Oklahoma, relative to drunkenness or violating any of the laws of the Town of Oologah, Oklahoma, relative to gambling; or permitting anyone to violate this Code in such place.

SECTION 9-509 PENALTY

Any person, firm or corporation who violates any provisions of this Article shall be guilty of an offense, and upon conviction thereof shall be punished as provided in Section 1-108 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 6

EMPLOYMENT OF UNLAWFUL WORKER

Section 9-601 Employment of Unlawful Worker; Prohibited
Section 9-602 Definitions

(Ord. No. 2006-3, 10/02/06)

SECTION 9-601 EMPLOYMENT OF UNLAWFUL WORKER: PROHIBITED

It is unlawful for any business entity to recruit, hire for employment, or continue to employ, or to permit, dispatch or instruct any person who is an unlawful worker to perform work in whole or part within the Town of Oologah.

SECTION 9-602 DEFINITIONS

When used in this Chapter the following words, terms and phrases shall have the meanings ascribed to them herein, and shall be construed so as to be consistent with State and Federal laws, including Federal immigration law:

A. "Business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood, whether for profit or not for profit.

 (1) The term business entity shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors.

 (2) The term business entity shall include any business entity that possesses a business permit, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit.

B. "Town" means the Town of Oologah, Oklahoma.

C. "Contractor" means a person, employer, subcontractor or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a subcontractor, contract employee, or a recruiting or staffing entity.

D. "Illegal Alien" means an alien who is not lawfully present in the United States, according to the terms of United States Code Title 8, Section 1101 et seq. The Town cannot conclude that a person is an illegal alien unless and until an authorized representative of the Town

Licensing and Business Regulations

has verified with the federal government, pursuant to United States Code Title 8, subsection 1373(c), that the person is an alien who is not lawfully present in the United States.