

ORDINANCE NO. 292

AN ORDINANCE FOR LICENSING OF TEMPORARY VENDORS, DEFINING TEMPORARY VENDORS, FIXING LICENSING FEES, AND EXCEPTIONS THERETO, PRESCRIBING PENALTY FOR VIOLATION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Mayor and Council of the City of Stilwell, Oklahoma:

SECTION 1. DEFINITION.

A temporary vendor as used in this ordinance is any person, firm, corporation or association, either profit or non-profit, who offers goods, wares, merchandise, food or beverage to the public from a portable establishment upon premises which are occupied by lease or license upon a temporary term.

SECTION 2. LICENSE REQUIRED.

(a) No temporary vendor shall hold, conduct, engage in or participate in any manner in a sale at any place within the limits of the City of Stilwell without first having obtained a license therefor.

SECTION 3. LICENSE APPLICATION.

An applicant for a license under this article shall furnish the Clerk with the following information:

- (1) Full name and address of the applicant;
- (2) The location at which the proposed sale is to be held;
- (3) The date or dates upon which the sale shall be held; and
- (4) An affidavit from the applicant to the effect that all goods to be sold are being sold after procuring and displaying an Oklahoma Tax Commission Certificate.

SECTION 4. ISSUANCE OF LICENSE; INVESTIGATION.

- (a) The clerk is authorized to grant a license for a temporary vendor for a period not to exceed three (3) consecutive days to any qualified applicant.
- (b) Before issuing such license, the clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with all other ordinances of the City.

SECTION 5. REVOCATION OR REFUSAL TO ISSUE LICENSE.

Any license issued under this ordinance may be revoked, or any application for issuance of such license may be refused by the clerk in the event the ordinances of this City are not complied with or if the application submitted contains any false, fraudulent or misleading statement.

SECTION 6. LICENSE FEE.

The Clerk shall charge and collect for each license issued the sum of \$35.00 for each twenty-four (24) hour period or portion thereof, provided, that the fee may be waived for charitable organizations when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on consignment.

SECTION 7. EXCEPTIONS.

This ordinance shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a Court of competent

- jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officials;
 - (3) Duly licensed auctioneers selling at auctions;
 - (4) Existing business who vend from their own property unless such operation is conducted by a licensee or tenant.

SECTION 8. PENALTIES.

Any person, firm or corporation or association violating the provisions of this ordinance shall be guilty of a public offense and shall be fined \$100.00 including costs. Each day of violation of this ordinance shall constitute a separate offense.

SECTION 9. EMERGENCY.

Whereas, an immediate necessity exists therefor, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council this 7th day of April, 1998.

APPROVED by the Mayor this 7th day of April, 1998.

W. Neil Morton
Mayor

(Seal)

ATTEST: DEAN WATT
City Clerk

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