

ORDINANCE NUMBER 2770

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE SAPULPA CITY CODE ARTICLE 9, CHAPTER 1, OCCUPATIONAL LICENSES, BY REPEALING SECTIONS 9-101 THROUGH 9-108 AND REPLACING SAME WITH SECTIONS 9-101 THROUGH 9-111; PROVIDING FOR BUSINESS LICENSE REQUIREMENTS, ADMINISTRATION AND ISSUANCE; PROVIDING FOR SCHEDULE OF LICENSES, REVOCATION, APPEAL AND PENALTY; AND AMENDING THE MASTER FEE SCHEDULE TO THE SAPULPA CITY CODE, APPENDIX A, BY REPEALING AND REPLACING SECTION 9.9-101; PROVIDING FOR A RATE OF FEES FOR OCCUPATIONAL LICENSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

Section 1. The Sapulpa City Code, Article 9, Chapter 1, Occupational Licenses, is hereby repealed, amended, revised and replaced, to read in its entirety, as follows:

"CHAPTER 1

OCCUPATIONAL LICENSES

Section 9-101	License Defined; Levy.
Section 9-102	Administration.
Section 9-103	License Required.
Section 9-104	Issuance of License.
Section 9-105	License Period.
Section 9-106	License to be Displayed.
Section 9-107	Transfer of License Prohibited.
Section 9-108	Duplicate License.
Section 9-109	License May Be Revoked.
Section 9-110	Appeals.
Section 9-111	Penalty.

SECTION 9-101 LICENSE DEFINED; LEVY

A license is the written authority of the city, issued by its duly authorized agent, employee or officer, conferring permission on some person to pursue and exercise a trade, occupation or business for a definite period of time within the limits of the city, under the conditions prescribed by ordinance. A license fee is hereby levied on every person engaging in, exercising, or pursuing any business, profession, trade, occupation, or privilege in this city, for the annual amount as set forth in the Master Fee Schedule.

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

SECTION 9-102 ADMINISTRATION.

The issuance of all licenses, collection of all license fees, inspection of all licenses, and the enforcement of license conditions and revocation of licenses shall be under the jurisdiction of the city clerk, except where such duties are placed elsewhere by the ordinance prescribing the particular license.

SECTION 9-103 LICENSE REQUIRED.

It shall be and is hereby declared to be unlawful for any person, either as principal, officer, agent, servant or employee or any corporation, partnership, limited liability company and/or other business entity formed for the purpose of engaging in any trade, profession, business or occupation, to engage in any calling, trade, profession or occupation without first procuring from the city a license and paying to the city the fee required as set forth in the Master Fee Schedule.

SECTION 9-104 ISSUANCE OF LICENSE.

A. All licenses shall be issued by the city clerk. No license shall be issued until all conditions prescribed by ordinance have been complied with by the applicant. All applicants for a license shall make application upon such forms as may be prescribed by ordinance or by the city clerk.

B. In order to receive a license under this chapter, all persons, principals, officers, agents, servants, employees, corporations, partnerships, limited liability companies or other business entities, which are subject to collection and payment of sales or use taxes in connection with their business activities, are required to possess a valid and current state sales tax permit. A copy of this permit shall, upon obtaining or renewing the license from the city required herein, be presented as a part of the application or renewal request.

C. Upon making proper application to the city clerk, the payment of the license fee and fulfillment of any other condition which may be prescribed by law or ordinance, the city clerk shall issue a license therefor. Such license fees shall be credited to the general fund of the city.

D. The city clerk shall keep a record of each license issued under the ordinances of this city, showing the date of issuance of each license, to whom issued, the time for which the license is issued, the amount paid to the city clerk, the receipt number, and the nature of the license.

E. Any person who shall engage in more than one (1) business, trade or occupation on which any license fee is required shall pay the license fee required for each

of such business, trade or occupation, the same as if each were maintained, operated or exercised independently and exclusively of all others. Businesses housed or located on separate premises shall be considered as separate businesses for the purpose of levying this fee.

SECTION 9-105 LICENSE PERIOD.

Annual licenses shall expire on April 30th of each year except as may be otherwise provided. When an annual license is issued after May 1st 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 fee collected shall be a fractional part of the annual fee equal to the fraction of the year remaining, with a minimum amount as set by the Master Fee Schedule. Any license issued between March 1, 2017 and April 30, 2017 shall not be prorated and shall be valid until April 30, 2018.

SECTION 9-106 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of 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 9-107 TRANSFER OF LICENSE PROHIBITED.

No license shall be sold or otherwise transferred. Each and every license is for a particular business or person and is issued on consideration of the peculiar fitness to pursue the occupation, as determined by previous examination or inspection, and the same shall not be transferred.

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

SECTION 9-108 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 city clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the city 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 city clerk, is set forth in the Master Fee Schedule.

SECTION 9-109 LICENSE MAY BE REVOKED.

All licenses issued by the city shall be subject to revocation by the duly authorized officer of the city council upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or if the licensee operates the licensed occupation or business in violation of the laws of the city or the state or in violation of any law or regulation of the United States government. The duly authorized officer shall mean the city clerk in all instances except when some other person or board is given the authority by ordinance to revoke or suspend the particular license. The duly authorized officer shall either give written notice, by personal service or by mail, to the licensee, of the revocation of his license or the suspension of the same, which notice, if mailed, shall be mailed to the address given on the application or license.

SECTION 9-110 APPEALS.

The license shall stand revoked or suspended from the time of the giving of such notice; provided, that any licensee may appeal to the city manager from such decision within ten (10) days after the aforesaid notice by filing a written request with the city clerk for a hearing.

- A. The hearing shall be held by the city manager within 10 business days following the filing of the notice of appeal, but may be continued from day to day.
- B. The appealing licensee may be represented by counsel.
- C. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence.
- D. The city manager may affirm, modify, or vacate the order of revocation or suspension, and its decision shall be final.
- E. No suspension shall be in excess of sixty (60) days.

SECTION 9-111 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."

Section 2. The Sapulpa City Code, Appendix A, Section 9, is amended by repealing and replacing Section 9.9-101 with the following:

"SECTION 9.9-101 OCCUPATIONAL LICENSE FEES.

The fees referenced in Section 9-101 and 9-103 are as follows:

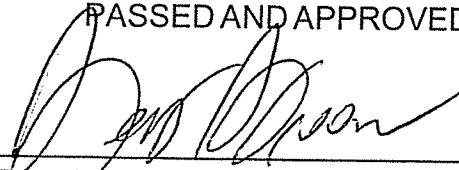
- Food Service Establishment: \$35.00 annually upon production of affidavit from county health department.
- Billiard/Pool Hall: \$50.00 annually
- Auctioneer: \$50.00 annually
- Any other trade, profession or occupation: \$15.00 annually
- Duplicate/Replacement: \$ 5.00"

Section 3. Effective Date. The provisions of this Ordinance shall become effective and in full force and effect on March 1, 2017.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of conflict only.

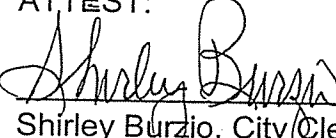
Section 5. If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

PASSED AND APPROVED in regular session this 19th day of Dec. 2016,



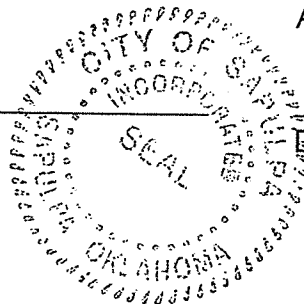
Reg Green, Mayor

ATTEST:



Shirley Burzio, City Clerk

APPROVED AS TO FORM:



David R. Widdoes, City Attorney