

**CITY OF EL RENO ITINERANT VENDOR, PEDDLER OR SOLICITOR LICENSE APPLICATION**

Application fee must be paid and all necessary documents must be received before any application will be considered.

**APPLICANT INFORMATION**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ OTHER PHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

DRIVERS LICENSE #: \_\_\_\_\_ STATE: \_\_\_\_\_

**ALL APPLICATIONS MUST HAVE THE FOLLOWING ITEMS ATTACHED:**

- \_\_\_\_\_ A valid photo identification card such as a driver’s license, tribal or school identification card.
- \_\_\_\_\_ An Oklahoma State Bureau of Investigation (OSBI) criminal history report generated no later than thirty (30) days prior to application for licensing, which includes the following searches:
  - \_\_\_\_\_ Name based search of OSBI Criminal History database.
  - \_\_\_\_\_ Search of Oklahoma Department of Corrections Violent Offender database.
  - \_\_\_\_\_ Search of Oklahoma Department of Corrections Sex Offender database.
- \_\_\_\_\_ Photograph I.D. (\$5.00 fee) and fingerprint (\$5.00 fee) to be taken by the ER Police Dept.
- \_\_\_\_\_ A complete site plan (only if selling from a static location).
- \_\_\_\_\_ A \$20 application fee.

**AFFIDAVIT**

*I attest all information attached and all information contained hereinabove is true to the best of my knowledge. Furthermore, I acknowledge the City of El Reno requires an active permit anytime an individual engages in peddling or soliciting, and that I have received a copy of the current City of El Reno regulations concerning itinerant vending.*

SIGNATURE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

**FOR CITY OF EL RENO USE ONLY**

RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_ BY: \_\_\_\_\_

APPLICATION FEE OF \$ \_\_\_\_\_ PAID BY: CASH CHECK # \_\_\_\_\_

LIC. # \_\_\_\_\_ EXPIRATION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

APPROVED: \_\_\_\_/\_\_\_\_/\_\_\_\_ BY: \_\_\_\_\_

City of EI Reno OK  
Friday, March 27, 2015

## Chapter 147. BUSINESSES

### Article II. Peddling and Soliciting

#### § 147-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

##### **SOLICITOR**

- A Any person who goes from house to house or place to place in the City for the purpose of selling or taking orders for the sale of, or offering to take orders for, goods, wares or merchandise, including magazines, or any article or service delivered at the time of sale or sold for future delivery.
- B Also includes persons, both natural and corporate, who engage in house-to-house, place-to-place or telephonic solicitation in furtherance of a public cause, the aims of a nonprofit corporation or other not-for-profit organization, or any other form of public fund-raising.

##### **STATIC LOCATION**

A nonpermanent location where an itinerant vendor has established its presence to offer merchandise and/or services limited to a period of no more than 30 consecutive days during any six-consecutive-month time frame.

##### **TRANSIENT MERCHANT, ITINERANT MERCHANT or ITINERANT VENDOR**

Any person, firm or corporation, whether as owner, agent, consignee or employee, who or which does not have an established place of business within the City, who or which engages in a temporary business of selling and delivery of goods, wares and merchandise within said City which have a retail selling price in excess of \$5 per item, and who or which, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public rooms in hotels, lodging houses, apartments, shops or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

#### § 147-6. Exemptions.

The provisions of this article shall not apply to the following entities:

- A Any regularly established business which uses vehicles from which to sell in front of or in the vicinity of its own permanent location.

- B. Persons in groups of 20 or more aggregated in "flea market" operations in a City-approved location.
- C. Bona fide auction sales.
- D. The sale of farm and garden products from the land on which it was produced and by the person producing the product.
- E. Temporary events by existing local merchants outside of their existing locations.
- F. Traveling salespeople selling to existing established local businesses.
- G. Government officers conducting auctions or other sales as part of a judicial process.
- H. Individuals, companies or firms conducting business within the parameters of an approved, valid special event permit issued by the Community Development Department are exempt from this section.
- I. Charitable organizations. As used in this subsection, "charitable organization" means any organization incorporated with a 501(c)3 federal tax-exempt status and a permanent address in the State of Oklahoma functioning as a philanthropic, patriotic, educational, social, civic, recreation or religious organization.

## **§ 147-7. Licensing.**

It shall be unlawful for any person to engage in the business of itinerant vendor within City limits without first obtaining a license from the Community Development Department.

- A. Licenses are valid for three months from the time of issuance.
- B. Licensing fees will be established by the City Council.
- C. No license may be sold, transferred or traded.
- D. No one other than the original applicant may wear or display the license.

## **§ 147-8. License application procedures.**

- A. All license applications must include the following:
  - (1) The full name, birth date and social security number of the applicant.
  - (2) A valid photo identification card such as a driver's license, tribal or school identification card.
  - (3) The applicant's address.
  - (4) An Oklahoma State Bureau of Investigation (OSBI) criminal history report generated no later than 30 days prior to application for licensing, which includes the following searches:
    - (a) Name-based search of OSBI Criminal History database.
    - (b) Search of Oklahoma Department of Corrections Violent Offender database.
    - (c) Search of Oklahoma Department of Corrections Sex Offender database.
  - (5) If applicable, the name and address of the applicant's employer.

- (6) Photograph and fingerprint of the applicant to be taken by the El Reno Police Department.
  - (7) Nonrefundable application fee as approved by the City Council.
- B. The Community Development Department shall review all licensing applications within seven business days of their filing. Applications may be denied for any one of the following:
- (1) Incomplete application.
  - (2) Falsification of any document.
  - (3) Determination that any part of the application conflicts with the Code of the City of El Reno.
  - (4) Failure of the applicant to verify proper registration with the Oklahoma Tax Commission as required by law.
  - (S) Proof the applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, or any offense involving a firearm.
  - (6) A finding the applicant has been convicted of a provision of this article or had his/her license suspended within the previous 12 months.
  - (7) A finding that a permit held by the applicant pursuant to the provisions of this article was revoked within the previous six months.

### **§ 147-9. License expiration.**

All licenses shall expire three months from the date of issuance. It is the individual licensee's responsibility to renew the license.

### **§ 147-10. License suspension.**

The City Manager, Community Development Director, Fire Chief or Police Chief may suspend and impound the license of any individual who is believed to be violating any provision of this chapter or any licensee whose activity is deemed a threat to public safety.

- A. When a license issued pursuant to the provisions of this article expires, or is revoked, its holder shall immediately surrender it to the officer to be forwarded to the Community Development Department. The license shall then become property of the City.
- B. All suspensions shall be temporary until reviewed by the City Council at its next regularly scheduled meeting.
- C. The City Council retains the right to uphold or overturn the suspension and to determine the length of time it is in effect.

### **§ 147-11. Permits required; exemptions.**

- A. It shall be unlawful for any individual, company or firm to engage in the business of itinerant vendor within City limits without first obtaining a permit from the Community Development

Department. Anyone applying for a permit must first be licensed as required hereinabove. One permit may cover the activities of all licensees employed by the same company.

- B. Permits are available on a daily, weekly, and monthly basis at fees established by the City Council.
- C. Permit applications must include the following information:
  - (1) A brief description of the business to be conducted and the items to be sold. The applicant must provide a site plan acceptable by the Community Development Department.
  - (2) The time period for which the applicant desires to conduct business.
  - (3) The license number(s) and description(s) of any vehicle to be used.
  - (4) The names and City license numbers of any individual working under the permit for the same company.
  - (5) Proof the applicant or his/her employer is a vendor registered with the Oklahoma Tax Commission or proof proper sales tax has been or is being paid from the items sold or to be sold; or proof the applicant or the applicant's employer is exempt from the payment of sales tax.
  - (6) A site plan review is required if the vendor is establishing its presence at an existing address. Application for review will be charged a review fee as established by City Council.

## **§ 147-12. Permit revocation.**

The City Manager or any officer of the Community Development, Fire or Police Department may revoke a permit indefinitely for any violation of this article.

- A. All revocations shall be considered temporary until they are reviewed by the City Council at its next regularly scheduled meeting.
  - B. The City Council retains the right to uphold or overturn the revocation and to determine the length of time it is in effect.[]
- [1]: *Editors Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

## **§ 147-13. Written orders.**

All orders taken by solicitors for goods or services shall include the following information:

- A. Customer name and address.
- B. Quantity, description and individual price of all items or services sold.
- C. Details of applicable sales or use taxes.

## **§ 147-14. Prohibited activities.**

The following activities are expressly prohibited by this article:

- A. Any fraud, misrepresentation or false statement contained in the application for license or permit.
- B.

Engaging in business between the hours of 6:00 p.m. and 9:00 a.m. local time in any agricultural or residential zoning district or between the hours of 9:00 p.m. and 9:00 a.m. in any other district.

- C. Using the public right-of-way or public parks for business unless it is being conducted within the parameters of an existing, valid special event permit.
- D. Establishing a presence on private property in violation of Chapter 361, Zoning.
- E. Failing to display a valid itinerant vendor license on his/her person.
- F. Failing to post a valid permit number at a static location.
- G. Attempting to do business on any property where "no solicitors," "no trespassers," "no trespassing" or similar signs are posted indicating the occupant does not want to be disturbed.
- H. Conducting the business licensed under this article in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

## **§ 147-15. Violations and penalties.**

Any person, corporation, partnership, firm, association or entity who or which shall violate any of the provisions of this article shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine in an amount as described in § 1-10 of the Code of the City of El Reno and may have its permits revoked, and its licenses may be suspended. Each act in violation of any of the provisions hereof shall be deemed a separate offense. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such.