

ORDINANCE NO. 771

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF COWETA, WAGONER COUNTY, OKLAHOMA, MORE SPECIFICALLY AMENDING PART 9, LICENSING AND BUSINESS REGULATIONS, CHAPTER 2, SECTIONS 9-201 TO 9-206, ITINERANT VENDORS, REPEALING ALL ORDINANCES TO THE CONTRARY, AND DECLARING AN EMERGENCY

WHEREAS, the Coweta Code of Ordinance requires amending to address a growing type of business, mobile food service, including food trucks, trailers, pedal carts, and clarify that such business is regulated by the Itinerant Vendor sections of the Code, and;

WHEREAS, there is a recognition that there are duly authorized and permitted restaurants and businesses in the City of Coweta, already permitted under State Health Department regulations, already selling food or drink from physical establishments or other fixed, permanent locations inside the city limits, that are seeking the itinerant vendors license to also sell from non-fixed, non-permanent locations in the city, in addition to their fixed, permanent locations in the city, and;

WHEREAS, it is agreed that easing regulatory burden on established businesses that have physical locations in the city, while protecting the safety and welfare of residents and visitors of the community, are in the best interest of the citizens of the City of Coweta, Oklahoma, and recognizing that these goals are not mutually exclusive, and;

WHEREAS, amending the Itinerant Vendor sections of the Code is in the best interest of the citizens of the City of Coweta, Oklahoma.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT, TO-WIT:

SECTION 1. Part 9, Chapter 2, Sections 9-201 to 9-206, Itinerant Vendors, of the Coweta City Code of Ordinance is hereby amended to read as follows:

SECTION 9-201 LICENSE REQUIRED

A. All persons, firms or corporations providing goods, services or merchandise for sale, or soliciting such sale, on a temporary basis within the corporate limits of the city shall first obtain an itinerant vendors license from the City Clerk. Said license shall be valid for one (1) year from the issuance date. For purposes of this section, "temporary" shall be defined as a business or service operation provided from a non-fixed or non-permanent location.

B. The City Clerk, upon issuance of an itinerant vendors license, shall provide documentation of such. A copy of such documentation shall be in possession of the itinerant vendor while engaged in such business activities. Such documentation shall be presented upon request for

request for inspection by any peace officer, code enforcement officer or other authorized employee of the city, or by a customer or person within the city limits being solicited by the itinerant vendor.

SECTION 9-202 APPLICATION

The itinerant vendor shall make application to the city clerk of the city at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the city. The application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it is a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor is a firm. The application must be accompanied by:

- A. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited.
- B. Identification and background of the individuals acting on behalf of the itinerant vendor, including proof of age, address, a photograph, and a background check. Exempt from the background check requirement in this Subsection B are restaurants or businesses already selling food or drink from a fixed, permanent location inside the city limits, that are seeking the itinerant vendors license to also sell from a non-fixed, non-permanent location, in addition to their fixed, permanent location, provided that the restaurant or business otherwise complies with State Health Department requirements and the other requirements in this Chapter.
- C. A certified copy of the charter, partnership agreement, articles of incorporation, or other organizational documents if the itinerant vendor is an entity organized under the laws of any state.
- D. A certified copy of its permit or authority to do business in the State of Oklahoma if the itinerant vendor is an entity organized under the laws of some state if other than Oklahoma.
- E. A copy of the Oklahoma Tax Commission Sales Tax Permit, showing City of Coweta as the recipient of sales tax revenue.
- F. A copy of the Oklahoma State Health Department License (if the vendor is involved in the sale or distribution of food or other goods, products, or services subject to State Health Department regulation.
- G. A bond in the sum of not less than Five Hundred Dollars (\$500.00), executed by the itinerant vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the city for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the city. The bond shall remain in full

force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter.

H. An applicant for an itinerant vendors license located upon private property shall present documentation from the property owner or person in control of the property authorizing its use for such purposes.

SECTION 9-203 LICENSE FEE

The license fee for the itinerant vendor shall be set at \$75.00, plus reasonable costs for the conduct of a background check, when conducted by the city. The fee and costs may be changed by the City Council by motion or resolution. The City Council may waive fees for itinerant vendors selling goods, services or merchandise at a special event or other activity authorized by the City Council, City Manager, Chief of Police or other persons or entities permitted to make such authorizations.

SECTION 9-204 TRANSFER

The license permit provided herein shall not be transferable nor give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business.

SECTION 9-205 GOING UPON PROPERTY

A. Business locations and functions for itinerant vendors must be in compliance with the Zoning Code of the city, as well as all other municipal, county, state and federal laws and regulations.

B. No itinerant vendor shall use any public property within the corporate limits of the city, including streets, parks and public rights-of-way, to establish a fixed business or service operation. Exempt from this provision are itinerant vendors engaged in a special event or other activity authorized by the City Council, City Manager, Chief of Police or other persons or entities permitted to make such authorizations.

C. An itinerant vendors license is required for all persons, firms or corporations providing goods, including food or drink, for sale dispensed from a moving vehicle or other form of mobile conveyance upon the public streets of the city, or upon any property in the city limits.

D. An itinerant vendors license is required for all persons, firms, or corporations conducting residential door-to-door sales of goods, services, or merchandise. Residents are permitted to post signage forbidding solicitation at the residence (for example, a No Soliciting sign). Failure of the itinerant vendor to abide by such signage shall be punishable as a misdemeanor under Part 9, Chapter 2, Section 9-206 (Enforcement) and under Chapter 1, Section 1-108, of this code.

SECTION 9-206 ENFORCEMENT

Any person convicted of violating any provisions of this Chapter shall be fined as provided in Chapter 1, Section 1-108 of this code.

SECTION 2. All ordinances or parts of ordinances in conflict herewith, are hereby repealed. If any parts hereof shall be held invalid or ineffective, the remaining portions shall not be affected but remain in full force and effect.

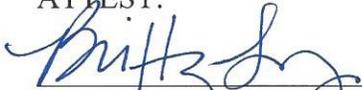
SECTION 3. That an emergency exists for the preservation of the public health, peace and safety, and therefore that this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED with the emergency clause voted upon separately this 2nd day of May, 2016.



Robert Morton, Mayor

ATTEST:


Brittany Long, City Clerk

APPROVED AS TO FORM:



David Weatherford, City Attorney