

ORDINANCE NO. 869

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE BY ADDING A SECTION NUMBER 14-8; REQUIRING PERSONS OBTAINING A PEDDLER'S OR SOLICITOR'S PERMIT TO FILE A SURETY BOND WITH THE CITY CLERK; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. The Nichols Hills City Code is hereby amended by adding a section to be numbered 14-8, which section reads as follows:

“14-8, Peddler's and Solicitor's Bond. Notwithstanding any provision contained in section 14-7, no permit shall be issued to a peddler or solicitor until a surety bond, issued by a surety company authorized to do business in the State of Oklahoma, in the amount of Five Hundred Dollars (\$500.00) has been filed with the City Clerk. Such surety bond shall run in favor of the City and shall be conditioned that the peddler or solicitor shall fully comply with all provisions of the Nichols Hills City Code and state laws regulating peddlers and solicitors and guaranteeing to any citizen of the City that all money paid will be accounted for and applied according to the representations of the peddler or solicitor, and further guaranteeing that the property or service purchased will be delivered in accordance with the representations made by the peddler or solicitor. Actions on such bond may be brought in the name of the City for the use and benefit of the aggrieved person or by any citizen who has been damaged by the peddler or solicitor.”

Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. EMERGENCY.

WHEREAS, it is immediately necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 13th day of November, 2003.

PEDDLERS AND SOLICITORS PERMIT

CITY OF NICHOLS HILLS

INSTRUCTIONS TO APPLICANTS

Permit Required:

It shall be unlawful for any person to peddle, sell, solicit, canvas, or take orders for any services, wares, merchandise, or goods, or any article of value, including plants, flowers, paintings, novelties, painting house numbers on streets, firewood, books magazines, photographs, or any articles for future delivery, on a sidewalk or parkway within the city or from door to door without having first obtained a permit. A permit shall not be issued to any person under fourteen (14) years of age. All permits shall expire within ninety (90) days from the date issued.

Required Attachments:

There shall be attached to each application for a permit, two (2) recent photographic likenesses of the applicant's face, which shall not exceed one (1) inch square in size and a certificate of letter from the owner, president, vice-president, general manager, sales manager, assistant sales manager or district or area manager of the company for which the applicant works, sells or solicits stating that the applicant works, sells or solicits stating that the applicant is an employee and/or agent of such company. Proof of Surety Bond in the amount of five hundred dollars (\$500.00) payable to the City of Nichols Hills.

Places Where Soliciting Prohibited:

(1) It shall be unlawful for any person to peddle, solicit, hawk, sell or take orders for or offer to take orders for any item or service in the following places in the city:

- (a) On any public street, alley or traffic island;
- (b) On any public sidewalk or parkway, except for persons engaged in sales of subscription solicitation of literary items.

(2) It shall be unlawful for any person to block, obstruct or hinder the free flow of traffic on any street or the free passage of pedestrians on any sidewalk. No solicitation, sales, or distribution of merchandise, products, or service shall be offered or made to occupants of motor vehicles moving or stopped in traffic on a public street or other public way.

(3) It shall be unlawful for any person to enter or remain upon any privately owned premises within the city for the purpose of making any solicitation where there is posted a notice stating " **NO SOLICITORS**" or " **NO SOLICITATIONS**" or similar wording, advising that solicitations are not desired.

(4) No person shall, in person or by telephone, peddle, solicit, or sell in the city from 9:00 p.m. to 9:00 a.m.

Permit To Be Carried on Person and Openly Displayed:

It shall be unlawful for any person to sell or solicit in the city without carrying the permit required on his person while engaged in selling or soliciting. Permit shall be openly displayed on the out side of all clothing and visible to all persons.

Revocation of Permit:

If, after a permit has been issued, the chief of police finds that the permit was obtained by any false representation, or the permit has been reproduced or transferred or assigned to another person or the applicant has led someone to believe the permit is an endorsement of the applicant's product or service by the city, or in the event of fraud or misrepresentation by the permit holder, or in the event of conviction of the permit holder of a felony, or misdemeanor involving moral turpitude, or in the event the permit holder has failed to furnish the items required, such permit may be revoked by the chief of police.

Signature

Date

PEDDLERS & SOLICITORS PERMIT

COST: \$ 50.00

PERMIT NO: _____

APPLICANT INFORMATION:

RENEWAL: (YES) (NO)

NAME:	(LAST)	(FIRST)	(MIDDLE)
PERMANENT ADDRESS:	(STREET)	(CITY/STATE)	(ZIP)

FIRM REPRESENTING:

COMPANY:	(NAME)	(TELEPHONE NO.)	(SUPERVISOR)
COMPANY ADDRESS:	(STREET)	(CITY/STATE)	(ZIP)

TYPE OF GOODS OR SERVICE FOR SALE: _____

NAME AND ADDRESS OF (5) PERSONS AS REFERENCE, EXCLUDING RELATIVES AND PERSONS LIVING WITH APPLICANT:

(NAME)	(STREET,CITY,STATE,ZIP)	(PHONE)

LIST THE CITIES WHERE APPLICANT HAS WORKED WITHIN THE PREVIOUS THIRTY (30) DAYS: _____

HAS APPLICANT BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL TURPITUDE ?
 YES NO .

(SOCIAL SECURITY NUMBER)	(DATE OF BIRTH)	(DRIVER'S LICENSE NUMBER)	(LICENSE STATE)	(PLACE OF BIRTH)

PLEASE READ AND SIGN THE FOLLOWING STATEMENTS:

I hereby affirm that the information on this application is true and complete to the best of my knowledge. I also agree that falsified information or significant omissions may disqualify my application for a permit. Further more, I understand that the Nichols Hills Police Department will conduct an investigation into my background, with the information provided herein. I authorize persons, my current employer, previous employers, state and local depositories of criminal records and organizations named in this application to provide any relevant information that may be required.

 (APPLICANT'S SIGNATURE)

 (DATE)

Appeals if Permit Denied:

If the chief of police refuses to issue a permit, the applicant shall have the right to appeal to the city council. Such appeal, if taken, must be in writing, addressed to the city council, and filed with the city clerk within ten (10) days from the date of refusal. The city council shall hold an open public hearing on such appeal, after furnishing notice of such hearing to the applicant.

DO NOT WRITE BELOW THIS LINE

CERTIFICATE OF LETTER

PICTURES

BACKGROUND INVESTIGATION COMPLETE BY:

_____ DATE: _____

APPLICATION HAS BEEN:

APPROVED

DENIED

_____ DATE: _____

(MISC.)

PERMIT ISSUE DATE: _____ EXPIRES: _____ ISSUED BY: _____