

CHAPTER 5

BUSINESSES AND OCCUPATIONS

- Article 1. Itinerant Occupations.
- Article 2. Fair Housing.
- Article 3. Private Ambulance Service.
- Article 4. Miscellaneous Provisions.
- Article 5. Penalty.

Article 1. Itinerant Occupations

Section 5-1. "Itinerant Occupations" Defined.

"Itinerant occupations, trades, businesses or solicitations" shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the City of Hollis, Oklahoma, at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this Chapter), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the City of Hollis, Oklahoma; provided, however that no occupation, trade or business engaged in by a charitable, educational or religious organization, association or regulations, and by-laws of said organization, association or club and the majority of said members being residents of the City of Hollis or of Harmon County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation".

Section 5-2. Itinerant Occupation Licenses; Fees.

1. It shall be an offense for any person to engage in any kind of itinerant occupation in the City of Hollis, Oklahoma, without first having obtained and Itinerant Occupation License form the Office of the City Clerk.
2. There is hereby levied an itinerant occupation tax in the amount of thirty dollars (\$30.00) per person, per day, or two hundred (\$200.00) per person, annually, against persons, firms, associations and corporations, engaged in itinerant occupations, trades, business on solicitations within the City of Hollis, Oklahoma.

Section 5-3. Itinerant Occupation Licenses Provisions.

1. Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation License is required, shall pay the fee and secure a separate license for each such business or occupation and shall show proof that State and Local Sales taxes are collected. At the time of application for said license, every person, firm, association or corporation shall show proof of identification and a current address.
2. Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, shall carry the license and shall display it to any person who requests to see it.
3. Assignment or transfer of licenses shall not be permitted.
4. Whenever an Itinerant Occupation License has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, may issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with said 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 not been able to find it. The fee for every duplicate license issued, payable to said City Treasurer, shall be one dollar (\$1.00).

BUSINESSES AND OCCUPATIONS

5. An Itinerant Occupation License issued to any person, firm, association or corporation may be revoked by the City Manager and/or City Council, after adequate opportunity for a hearing, for any one (1) of the following reasons:

- a. That the licensee is engaging in, exercising or pursuing the business or occupation in such a manner that he has created or is creating a public nuisance; or
- b. Serious or repeated violation of the law or ordinances.

6. No person, firm, association or corporation to whom an Itinerant Occupation License has been issued, shall conduct, exercise or pursue the business or occupation for which such license is issued, between the hours of 7:00 o'clock p.m. and 6:00 o'clock a.m. (on the following day), on any day.

Section 5-4. Exemptions.

The City Council, by motion, resolution, or ordinance, may exempt any person, firm, association or corporation from the provisions of the itinerant occupation license.

Sections 5-5 through 5-9. (Reserved for future use.)

Article 2. Fair Housing

Section 5-10. Certain Acts Prohibited.

It shall be unlawful for any person, firm or corporation, or the authorized agents or representatives of said person, firm or corporation to:

1. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, religion, or national origin;
2. Refuse to negotiate with any person for the sale, rental or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease, when in fact it is so available, because of such person's race, color, religion, age or national origin;
3. Solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, age or national origin, either by direct solicitation or inducement, or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed, material or statements designed to induce a residential property owner to sell or lease his property, due to such change in neighborhood; or to
4. File a complaint alleging a violation of this Article, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 5-11. Certain Acts Exempted.

Nothing herein shall apply to:

1. Prohibit persons from giving preference to prospective buyers or tenants for any reason other than race, color, religion, age or national origin;
2. The sale of a dwelling which is, or was at the time when first offered for sale, the residence of its owner;

BUSINESSES AND OCCUPATIONS

3. The rental of rooms in an owner-occupied resident or in a dwelling used exclusively as a rooming house;
4. The rental or leasing of a housing unit in a building containing not more than eight (8) housing units; or
5. The rental or leasing of a dwelling or housing unit owned by any religious or fraternal organization, or private club used and occupied for such organizational purposes.

Section 5-12. Fair Housing Board Created.

(See Chapter 1, Section 1-62, this Code of Ordinances.)

Section 5-13. Grievance Procedures.

1. Any person aggrieved by a discriminatory housing practice prohibited by municipal ordinance, may file a written signed complaint with the Fair Housing Board.
2. Said complaint shall state the name and address of the person alleged to have violated the provisions of this Article, or any other municipal ordinance, and shall set forth the particulars of said violation.
3. The Fair Housing Board shall receive such complaint, investigate its allegations and set a date for a hearing to be held on the complaint; said hearing shall be held within sixty (60) days of the date of receipt of the complaint.
4. At least ten (10) days prior to the hearing, the person named in the complaint and the complainant shall be notified, in writing, of the time and place of such hearing.
5. The Fair Housing Board shall take, and may allow, such actions at the hearing, as may be necessary to ensure that all parties are afforded the opportunity to fairly present their cases.
6. If the Fair Housing Board, by majority vote at the conclusion of the hearing, finds that the person has not engaged in any discriminatory housing practice, it shall state its findings and dismiss the case.
7. If the Fair Housing Board, by majority vote at said hearing, finds that the person has engaged in discriminatory housing practices, it shall state its findings in writing and submit them to the respondent and the City Attorney for consideration. Unless the complaint is withdrawn or the City Attorney finds that there is insufficient information upon which to base a charge, the charge shall be filed in the Hollis, Oklahoma, Municipal Court within twenty (20) days of said hearing.

Section 5-14 through 5-19. (Reserved for future use.)

Article 3. Private Ambulance Services

Section 5-20. Definitions.

1. The term “ambulance” shall mean any privately owned vehicle equipped or used for transporting the wounded, injured, sick or dead, and shall include, but shall not be restricted to, emergency vehicles used for such purposes, invalid coaches and funeral coaches.
2. The term “license officer” shall mean the City Clerk of the City of Hollis, Oklahoma.

Section 5-21. License Required.

No person shall operate ambulances within the corporate limits of the City of Hollis, Oklahoma, without first obtaining a license, as hereinafter provided, from the City Clerk.

BUSINESSES AND OCCUPATIONS

Section 5-22. License Provisions.

1. Applications for licenses hereunder shall be made upon forms prepared by the City Clerk, and shall contain:
 - a. The name and address of the owner of, the ambulance(s);
 - b. A description of the ambulance(s), including the make, model, year of manufacture, State license number for the current year, motor and chassis numbers, and the length of time the ambulance has been in use;
 - c. The location and description of the place or places from which it is intended to operate; and
 - d. Such other information as the City Clerk shall find reasonably necessary to develop a fair determination of whether the terms of this Code of Ordinances have been complied with.
2. Application for a license issued under the provisions of this Article shall be accompanied by a license fee of one hundred dollars (\$100.00).
3. Upon receipt of an application, as provided for herein the City Council shall cause an investigation to be made of the applicant and his proposed operation.
4. The City Council shall issue a license under the provisions contained herein, when it is determined that:
 - a. The public convenience and necessity require the proposed ambulance service for which the application has been submitted. In determining whether public convenience and necessity require the licensing of the proposed ambulance service, the City Council shall consider whether the public is adequately served at the current time, the financial responsibility of the applicant, the number, kind and type of equipment, the schedule of rate proposed to be charged, the increased traffic congestion upon the streets of the town, the demand which will result for increased parking space, the preservation of the streets for safe use by vehicles and pedestrians, and such other facts as the City Council shall consider important;
 - b. The ambulance, drivers, attendants, and premises have been certified by the appropriate health officials;
 - c. Insurance policies, as required by this Code of Ordinances, have been procured;
 - d. The applicant and all attendants and drivers are fit and proper persons to conduct or work in the proposed business; and
 - e. All the requirements of this Article and all other governing laws and Ordinances have been met.

Section 5-23. Health Officials' Duties.

The proper health officials shall inspect the vehicles and premises designated in an application hereunder, and shall certify their approval to the City Council when it is found that such vehicles and premises are suitable, from the standpoint of health and sanitation, for the conduct of an ambulance business, and that all State Laws and locale Ordinances relating to health, safety and sanitation have been complied with.

Section 5-24. Insurance.

An applicant hereunder shall file with the City Council an insurance policy, to be approved by the City Council, providing insurance coverage, for each and every ambulance owned, operated or leased by the applicant, for injury of or death to, persons in accidents resulting from any cause for which the owner of said vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the ambulance was being driven by the owner, his agent or a lessee, and as against damage to the property of another, including personal property under like circumstances, in sums to be approved by the City Council.

BUSINESSES AND OCCUPATIONS

Sections 5-25 through 5-29. (Reserved for future use.)

Article 4. Miscellaneous Provisions

Section 5-30. Sale of Merchandise on Vacant Property.

It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property, without the consent of the owner or person in control of said property.

Section 5-31. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the City of Hollis, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1971, § 701-708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any licenses required by this Code of Ordinances have been secured therefore.

Section 5-32. Short Weights and Measures Prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, any food, fuel, clothing or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the State of Oklahoma, as the weight or measure for which it is sold or offered for sale.

Section 5-33. Pool, Billiard and Other Recreational Halls.

1. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current State Law) to work in such a hall or parlor.

2. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection 1 (above) to permit any minor (as defined by current State Law) to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian; it shall be unlawful for such person to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian.

3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Laws or this Code of Ordinances.

4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type.

Section 5-34. Pawnbrokers.

1. Every pawnbroker shall keep at his place of business a register, in which he shall record an adequate description of all property purchased, taken or received by him, including any number that may be thereon. The following information shall be recorded in the register:

- a. The date when all property is received;
- b. The name of the person leaving the property;
- c. The address of said person;

BUSINESSES AND OCCUPATIONS

- d. The amount loaned; and
 - e. The time when the loan is to become due.
2. The pawnbroker shall give, without charge to the person leaving or pledging property, a legible ticket containing a true copy of all entries made in the register concerning the property left or pledged.
 3. The register herein required to be kept, shall be subject to the inspection at any time by the Chief of Police, any policeman, the County Sheriff, any Deputy Sheriff of the County, the City Attorney, the District Attorney, or any person authorized in writing to make inspection by the Chief of Police. Upon request, the pawnbroker shall show to such officer or person for inspection, any article or articles purchased, taken or received, unless such article or articles have already been disposed of.

Section 5-35. Licenses for Taxicab Operators.

1. It shall be unlawful for any person, firm or corporation to operate one (1) or more taxi cabs within the City of Hollis, Oklahoma, without first obtaining an annual Taxicab Operators' License from the City Clerk.
2. The City Clerk may issue such license once the applicant has:
 - a. Paid the annual license fee of twenty dollars (\$20.00) for each taxicab;
 - b. Filed with said City Clerk proof of financial responsibility (as outlined and required by 47 O.S. 1980, § 8-104); and
 - c. Appeared before the City Council for a hearing on his application.
3. The City Council shall approve or disapprove the issuance of the license, and shall cause the applicant to be notified of their decision and the reasons for disapproval (if applicable).
4. Taxicab Operators' Licenses shall expire on April 30th of each year.
5. Upon revocation or refusal to issue a license, the applicant may request a new hearing before the City Council.

Section 5-36. Licensing of Wrecker Services.

1. It shall be unlawful to operate a wrecker vehicle or to operate a wrecker service within the corporate limits of the City of Hollis, Oklahoma, unless the owner or operator of said wrecker or wrecker service first obtains a license from the Office of the City Clerk.
2. Each wrecker or wrecker service operating within the City of Hollis, Oklahoma, shall pay an annual license fee of twenty dollars (\$20.00). Said fee shall be due on May 1st of each year; any licenses issued for a portion of a year shall have the fee therefore pro-rated on the basis of the number of months remaining in the application year at the time the application for a license is made.

Section 5-37. Garage Sales; Permits.

1. For purposes of this Code of Ordinance, "garage sales" are defined as those advertised and conducted on property not zoned for commercial, industrial or other business use, and on which no State or municipal sales tax is paid.
2. Garage sales shall be limited to three (3) days a week for one (1) garage sale, per quarter, per year, except for charitable or nonprofit organizations.
3. Before any garage sale is held, a permit shall be obtained for each sale, from the City Clerk of the City of Hollis, Oklahoma.

BUSINESSES AND OCCUPATIONS

4. Each permit shall cost five dollar (\$5.00) and shall have designated thereon the days for which it shall be valid.

Sections 5-38 through 5-39. (Reserved for future use.)

Article 5. Penalty

Sections 5-40. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-34 of this Code. Each day upon which a violation continues shall be deemed a separate offense.