

The City of
Blanchard
Applications & Licenses


**Solicitor, Peddler, and
Itinerant Occupant License**

Office Use Only

Cash
Check
Received \$ _____
Receipt No. _____
Date: _____

Permit No. _____

Applicant/Representative: Name _____ Phone _____

Email _____ Address _____ City _____ State _____ Zip _____

Business: Name _____ Phone _____

Address _____ City _____ State _____ Zip _____

Business Type/Use: _____

Outdoor Seller, Peddler, and Solicitors—Describe how merchandise will be sold and attach a list of items to be sold: _____

Vehicle Information: Year _____ Make _____ Model _____

Tag # _____ Driver's License # _____

Have you ever been convicted of a felony? Yes / No If yes, please state the date and nature of offense:

PLEASE PROVIDE THE FOLLOWING WITH THIS APPLICATION:

1. Written proof that you will collect and remit State and Local Taxes to the City of Blanchard, OK.
2. Surety bond or cash in the amount of one thousand dollars (\$1,000.00) by a surety company qualified to do business within the state of Oklahoma.
3. License fees as specified— \$30.00 per day—\$75.00 3 days—\$100.00 7 days—\$250.00 180 days
4. Copy of the applicant's Driver's License

CERTIFICATION OF APPLICATION SUBMISSION

WE, THE UNDERSIGNED, AGREE AND ATTEST TO THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION AND WILL OBSERVE AND CONFORM IN ALL ASPECTS OF BLANCHARD MUNICIPAL CODE CHAPTER 5 ARTICLE 1—PEDDLERS AND ITINERANT OCCUPATIONS—, AND HAVE RECEIVED A COPY OF THE POLICIES AND PROCEDURES REGULATING PEDDLERS AND ITINERANT OCCUPATIONS.

Printed Name _____ **Signature** _____

Date: _____

OFFICE USE ONLY

- () Application Complete () Written proof of collection/remittance of State and Local taxes
() Surety Bond () Investigation completed by Blanchard Police Department

Approved / Not Approved: _____ **City Clerk:** _____ **Date:** _____

ARTICLE 1

PEDDLERS AND ITINERANT OCCUPATIONS

- § 5-101 Definitions.
- § 5-102 License required; exclusions.
- § 5-103 Application for license.
- § 5-104 Investigation of applicant and issuance of license; fees.
- § 5-105 Revocation of license; term of license; renewal.
- § 5-106 Hours of solicitation; transfer and exhibition of license.

§ 5-101 DEFINITIONS.

1. *Itinerant Occupations.* The term 'itinerant occupations' shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the city of Blanchard, 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 Blanchard, Oklahoma; provided, however, that no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and by-laws of said organization, association or club and the majority of said members being residents of the city of Blanchard, or of McClain County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation.

2. *Peddler.* The word "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who does not travel from place to place, and shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.

3. *Person.* The word "person" shall mean any individual, and shall not extend and be applied to firms, corporations or any other organizations.

4. *Solicitor or Canvasser.* The words "solicitor or canvasser" shall mean a person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the same of goods, wares, merchandise or personal property of whatsoever

nature for future delivery, or for services to be furnished or performed in the future.

§ 5-102 LICENSE REQUIRED; EXCLUSIONS.

1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the city of Blanchard, Oklahoma, without first obtaining a license therefor, as provided in this Article, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application. The fee shall be paid to the city clerk-treasurer when the application is filed and shall not be returnable under any circumstances. The city council, from time to time, may change such fee (by ordinance) to an amount not to exceed the reasonable costs of licensing and enforcement under this article.

2. The following persons are hereby specifically excluded from the application of the provisions of this article:

- a. Persons engaged in selling personal property at wholesale to dealers in such property; and
- b. Merchants growing their own local produce, and having regular places of business in the city of Blanchard, Oklahoma, and their employees in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered; such exclusion shall not apply to a person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within said city, for the purpose of exhibiting samples and taking orders for future delivery.

§ 5-103 APPLICATION FOR LICENSE.

1. Applicants for a license hereunder shall file with the city clerk-treasurer, in duplicate, a sworn application in writing, on a form to be furnished by the city clerk-treasurer.

- 2. The application shall give the following information:
 - a. Full name, description and birthdate of each individual applicant;
 - b. Address, both legal and local;

- c. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates and controls;
- d. If employed by another, the name and address of the applicant's employer together with a brief description of credentials showing the exact relationship;
- e. Length of time for which the right to do business is desired;
- f. Description and license number or other identification of any vehicle to be used; and
- g. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

3. Each individual applicant for a license shall provide written proof that the applicant will collect and remit state and local sales taxes to the city of Blanchard, Oklahoma, if required by state law and municipal ordinance.

4. Each individual applicant for a license shall submit with his application a surety bond or cash in the amount of one-thousand dollars (\$1,000.00), executed by the applicant and by a surety company qualified to do business within the state of Oklahoma. The bond shall run in favor of the city of Blanchard, Oklahoma, but action may be taken on the bond by any citizen who has been damaged by the applicant. If more than one applicant shall be employed by the same employer, the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by one-thousand dollars (\$1,000.00). The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the amount of the original surety bond in the amount of one-thousand dollars (\$1,000.00) for each additional employee. Any employer furnishing such a bond shall furnish to the city clerk-treasurer a current list of employees covered by the bond.

§ 5-104 INVESTIGATION OF APPLICANT AND ISSUANCE OF LICENSE; FEES.

1. Upon receipt of an application for a license, the city clerk-treasurer shall refer one copy to the chief of police who shall note thereon any record concerning the applicant which may appear from the official records in his charge and return the same promptly to the city clerk-treasurer.

2. The city clerk-treasurer shall cause such other investigation or inquiry to be made concerning the applicant as may be deemed necessary to determine the character and business responsibility of the applicant and whether the application is in compliance with the terms and conditions of this article.

3. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this article, the city clerk-treasurer, upon payment of the prescribed license fee, shall issue the license, together with any badge, tag or other materials properly an accompaniment thereto.

4. If, as a result of the investigation provided for in this article, the applicant's character or business responsibility are found to be unsatisfactory, the chief of police or the city clerk-treasurer shall endorse on such application his disapproval thereof and the reasons for the same, and the city clerk-treasurer shall then notify the applicant that his application has been disapproved and that no license will be issued.

5. Any applicant aggrieved by the action of the chief of police or the city clerk-treasurer in the denial of a license as provided in subsection (4) of this section, shall have the right to appeal therefrom to the city council. Such appeal shall be filed, in writing with the city council, within fourteen (14) days after notice of the action complained of has been given to the applicant personally or mailed, postage prepaid, to his last known address. The city council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant at least five (5) days prior to the date set for hearing. The decision and order of the city council on such appeal shall be final and conclusive.

6. A fee of thirty dollars (\$30.00) per day; seventy-five dollars (\$75.00) for three (3) days or one-hundred dollars (\$100.00) for seven (7) days or two-hundred fifty dollars (\$250.00) for one-hundred eighty (180) days, shall be paid to the city clerk-treasurer at the time of issuance; revocation of a license shall not be grounds for returning the license fee to the applicant. (Ord. No. 2011-02, 4/12/11)

§ 5-105 REVOCATION OF LICENSE; TERM OF LICENSE; RENEWAL.

1. Licenses issued under the provisions of this article may be revoked by the city clerk-treasurer of the city of Blanchard, Oklahoma, after notice has been served on the applicant for any of the following causes:

- a. Fraud, misrepresentation or false statements contained in the application;

- b. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser;
- c. Any violation of this article;
- d. Conviction of any felony involving moral turpitude; or
- e. Conducting the business of soliciting or canvassing 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.

2. Notice of revocation of a license shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the city council. Such notice shall be given to the appellant in the same manner as provided in subsection 5 of section 5-104 of this article, for notice of hearing on approval of an application for a license.

§ 5-106 HOURS OF SOLICITATION; TRANSFER AND EXHIBITION OF LICENSE.

1. No solicitations shall be conducted between the hours of 6:00 o'clock p.m. and 10:00 o'clock a.m. because of the need for public security and protection; provided, however, that, solicitations may be made where the person solicited has agreed by previously-arranged appointment for a time other than the prescribed hours.

2. No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

3. Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling, canvassing or soliciting.

ARTICLE 2

FAIR HOUSING

- § 5-201 Policy.
- § 5-202 Definitions.
- § 5-203 Unlawful practices.
- § 5-204 Discrimination in the sale or rental of housing.
- § 5-205 Discrimination in financing or housing.
- § 5-206 Discrimination in the provision of brokerage services.