

CHAPTER 5

BUSINESS AND OCCUPATIONS

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§ 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.
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- § 5-205 Discrimination in financing or housing.
- § 5-206 Discrimination in the provision of brokerage services.

- § 5-207 Exemption.
- § 5-208 Administration.
- § 5-209 Education and conciliation.
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- § 5-214 Prevention of intimidation in fair housing cases.

§ 5-201 POLICY.

It is the policy of the city of Blanchard to provide, within constitutional limitations, for fair housing throughout the city of Blanchard. [Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15]

§ 5-202 DEFINITIONS.

A. Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupation as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

B. Family includes a single individual.

C. Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

D. To rent includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

E. Discriminatory housing practices means an act that is unlawful under sections IV, V, and VI. [Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15]

§ 5-203 UNLAWFUL PRACTICES.

Subject to the provisions of subsection B and Section VII, the prohibitions against discrimination in the sale or rental of housing set forth in Section III shall apply to:

A. All dwellings except as exempted by subsection B.

B. Nothing in Section IV shall apply to:

1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of any such single-family house shall be excepted from the application of this Title only if such house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and
- b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of Section IV.C of this policy. However, nothing in this provision shall prohibit the use of attorney's, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one such living quarters as his residence.

C. For the purposes of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

2. He has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. [Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15]

§ 5-204 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by Section III and except as exempted by Sections III.B and VII, it shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any persons regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws).

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling on in the provision of services or facilities in connection therewith regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws).

C. To make, print or publish or cause to be made, printed or published notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on a person's race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) or an intention to make any such preference, limitation or discrimination.

D. To represent to any person regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

E. To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). [Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17]

§ 5-205 DISCRIMINATION IN FINANCING OR HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section III.B. [Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17]

§ 5-206 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). [Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17]

§ 5-207 EXEMPTION.

Nothing in this policy shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). Nor shall anything in this policy prohibit a private club, not, in fact, open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or

occupancy of such lodgings to its members or from giving preference to its members. [Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17]

§ 5-208 **ADMINISTRATION.**

A. The authority and responsibility for administering this policy shall be in the chief executive officer of the city of Blanchard.

B. The chief executive officer may delegate any of these functions duties and powers to employees of the city or to boards of such employees, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this policy. The chief executive officer shall, by rule, prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of the policy and shall cooperate with the chief executive officer to further such purposes. [Ord. No. 626, 12/15/15]

§ 5-209 **EDUCATION AND CONCILIATION.**

Immediately after the enactment of this policy, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this policy. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and his suggested means of implementing it and shall endeavor, with their advice, to work out programs of voluntary compliance and of enforcement. [Ord. No. 626, 12/15/15]

§ 5-210 **ENFORCEMENT.**

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period of reference under subsection C, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides

to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this policy without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall, upon conviction, be fined not more than \$100 or imprisoned not more than ten (10) days.

B. A complaint under subsection A shall be filed within one-hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the chief executive officer which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If, within thirty days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this policy, the person aggrieved may, within thirty days thereafter, file a complaint with the secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

D. If the chief executive officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this policy insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceedings brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. [Ord. No. 626, 12/15/15]

§ 5-211 INVESTIGATIONS, SUBPOENAS, GIVING OF EVIDENCE.

A. In conducting an investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statement of such persons

as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoenas of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fee payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

D. In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

E. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than one-hundred dollars (\$100.00) or imprisoned not more than ten (10) days, or both. Any person who, with intent to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chief executive officer pursuant to his subpoena or other order

or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents or shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be fined not more than one-hundred (\$100.00) or imprisoned not more than ten (10) days, or both.

F. The city's attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this ordinance. [Ord. No. 626, 12/15/15]

§ 5-212 ENFORCEMENT BY PRIVATE PERSONS.

A. The rights granted herein by sections III, IV, V, and VI may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one-hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or section X.D from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this policy and involving a bona fide purchaser, encumbrancer or tenant, without actual notice of the existence of the filing of a complaint or civil action under the provisions of this policy, shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than one-thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided that the said plaintiff, in the opinion of the court, is not financially able to assume said attorney's fees. [Ord. No. 626, 12/15/15]

§ 5-213 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by sections III, IV, V, or XI. This section may be enforced by appropriate civil action. [Ord. No. 626, 12/15/15]

§ 5-214 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with or attempts to injure, intimidate or interfere with:

A. Any person because of his race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws), and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

B. Any person because he is or has been or in order to intimidate such person or any other person or class of persons from:

1. Participating without discrimination on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) in any of the activities, services, organizations or facilities described in subsection XV.A; or

2. Affording another person or class of person's opportunity or protection so to participate.

C. Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws), in any of the activities, services, organizations or facilities described in subsection XV.A or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one-hundred dollars (\$100.00) or imprisoned not more than 10 days, or both; and if bodily injury results, shall be fined not more than one-hundred dollars (\$100.00) or imprisoned not more than ten (10) days, or both; and if death results, shall be subject to imprisonment for any term of years or for life. [Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17]

ARTICLE 3

AMBULANCE SERVICES

§ 5-301 Reserved.

ARTICLE 4

MISCELLANEOUS PROVISIONS

- § 5-401 Sale of merchandise on vacant property.
- § 5-402 Shooting galleries.
- § 5-403 Short weights and measures prohibited.
- § 5-404 Pool, billiard and other recreational halls.
- § 5-405 Licensing of wrecker services.
- § 5-405 Junkyard and salvage yard regulations.

§ 5-401 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.

§ 5-402 SHOOTING GALLERIES.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the city of Blanchard, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1981, §§ 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 therefor.

§ 5-403 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.

§ 5-404 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 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

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.

§ 5-405 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 Blanchard, Oklahoma, unless the owner or operator of said wrecker or wrecker service first obtains a wrecker service license from the office of the city clerk-treasurer.

2. Each wrecker or wrecker service operating within the city of Blanchard, Oklahoma, shall pay an annual license fee of twenty dollars (\$20.00). Said fee shall be due on May 1st on each year; any licenses issued for a portion of a year shall have the fee therefor 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.

3. The office of the city clerk-treasurer shall issue or renew each license only if the applicant has not been refused for state licensing.

§ 5-406 JUNKYARD AND SALVAGE YARD REGULATIONS.

1. For the purpose of this section, the terms "junkyard" or "salvage yard" shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; the terms (above) shall also include garbage dumps and sanitary landfills.

2. No junkyard or salvage yard shall be located nearer than fifty (50) feet from the right-of-way line of any road or highway.

3. All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sight-proof

fence (with a minimum height of at least eight (8) feet), or such material as may be approved by the city council, or by the planting of appropriately-sized shrubbery.

4. No junkyard or salvage yard shall be operated in such a manner as to cause the creation of a public nuisance to the health, safety and welfare of the residents of the surrounding areas.

ARTICLE 5

VIDEO SYSTEM FRANCHISE

§ 5-501	Definition of terms.
§ 5-502	Grant of franchise.
§ 5-503	Standards of service.
§ 5-504	Regulation by franchising authority.
§ 5-505	Insurance, indemnification, and bonds or other surety.
§ 5-506	Enforcement and termination of franchise.
§ 5-507	Miscellaneous.

§ 5-501 **DEFINITION OF TERMS.**

For the purpose of this article, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

1. “*Basic video*” means the tier of video service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.

2. “*Video service*” means (i) the one-way transmission to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

3. “*Video system*” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other equipment that is designed to provide video service or other service to subscribers.

4. “*FCC*” means Federal Communications Commission, or successor governmental entity thereto.

5. “*Franchise*” means the initial authorization, or renewal thereof, issued by franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the video system for the purpose of offering video service or other service to subscribers.

6. “*Franchising authority*” means the city of Blanchard, Oklahoma, or the lawful successor, transferee, or assignee thereof.

7. “*Grantee*” means Pioneer Long Distance, Inc., or the lawful successor, transferee, or assignee thereof.

8. “*Gross Revenues*” means the monthly revenues for the provision of video service received by grantee from subscribers located within the service area from basic and extended basic Service. “Gross Revenues” does not include any taxes or fees on video service which are imposed directly or indirectly on any Subscriber by any governmental unit or agency, and which are collected by grantee on behalf of such governmental unit or agency.

9. “*Person*” means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

10. “*Public way*” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by franchising authority in the service area which shall entitle franchising authority and grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the video system. “Public way” also means any easement now or hereafter held by franchising authority within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Franchising Authority and Grantee to the use thereof for the purposes of installing or transmitting grantee’s video service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the video system.

11. “*Service area*” means the present municipal boundaries of franchising authority and shall include any additions thereto by annexation or other legal means, except as limited by the technology available to grantee as it presently exists, or may exist in the future.

12. “*Subscriber*” means a user of the video system who lawfully receives video service or other service therefrom with grantee’s express permission.

13. “*Video programming*” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-502 GRANT OF FRANCHISE.

A. *Grant.* Franchising authority hereby grants to grantee a nonexclusive franchise which authorizes grantee to construct and operate a video system and offer video service and other service in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the video system.

B. *Term.* This franchise shall take effect and be in full force and effect immediately and shall continue in full force and effect for a term of ten (10) years from December 14, 2004, said date being the effective date of this article.

C. *Favored Nations.* In the event franchising authority enters into a franchise, permit, license, authorization, or other agreement of any kind with any person other than grantee to enter into franchising authority’s streets and public ways for the purpose of constructing or operating a video system or providing video service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

D. *Renewal of Franchise.* By mutual consent, the grantee shall have the option to renew this franchise for an additional period not to exceed ten (10) years. Such grantee desire to exercise this option, it shall so notify the franchising authority in writing, not less than three (3) months prior to the expiration of this franchise. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-503 STANDARDS OF SERVICE.

A. *Conditions of Street Occupancy.* All transmission and distribution structures, poles, other lines, and equipment installed or erected by grantee pursuant to the terms hereof shall be located so as to cause a minimum of

interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways. Blanchard reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the grantee and to reasonably designate where such facilities are to be placed within the public ways and places. In the event that at any time during the period of this franchise, Blanchard shall lawfully elect to alter, or change the grade of, any street, alley, or any public way, the grantee, upon reasonable notice by the city of Blanchard, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

B. *Restoration of Public Ways.* If during the course of grantee's construction, operation or maintenance of the video system there occurs a disturbance of any public way by grantee, it shall, at its expense, replace and restore such public way to a condition at least as good as the condition of the public way existing immediately prior to such disturbance.

C. *Safety Requirements.* Construction, installation, and maintenance of the video system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations and the grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the city of Blanchard, and to such reasonable regulation as the city of Blanchard shall hereafter by resolution or ordinance provide. The video system shall not unreasonably endanger or interfere with the safety of persons or property in the service area.

D. *Required Extensions of Service.* Grantee is hereby authorized to establish and to extend the video system as desirable, or as required pursuant to the terms hereof within the service area, as defined in §5-501(11) of this article. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-504 REGULATION BY FRANCHISING AUTHORITY.

A. *Franchise Fee.* On or before the 31st day of January and the 31st day of July of each year in which this franchise is effective, grantee shall pay to the city of Blanchard a sum equal to five percent (5%) of the gross revenue from basic and extended basic video subscriber services for the preceding six (6) month period ending on the 31st day of December and the 30th day of June, respectively, as a franchise fee for the use of the streets and other facilities of franchising authority in the operation of the video system and in lieu of occupation or license taxes. Grantee shall keep true and accurate books and records relating to its operation of the video system. During the term of this franchise, the franchising authority, through its designated representative, may upon reasonable notice within grantee's regular business hours, inspect and make copies of such portions of the books and records as relate to subscribers

to basic and enhanced video service, in order to determine the accuracy of any and all of grantee's statements and payments rendered pursuant to this agreement, provided, however, the provision of such records will not violate the privacy provisions of the Telecommunications Act of 1934 as amended.

B. *Rates and Charges.* Franchising authority may not regulate the rates for the provision of video service or other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as may be authorized pursuant to federal and state law. From time to time, and at any time, grantee has the right to modify its rates and charges, at its discretion and without consent of franchising authority, including, but not limited to, the implementation of additional charges and rates; provided, however, that grantee shall give notice to franchising authority of any such modifications or additional charges thirty (30) days prior to the effective date thereof.

C. *Transfer of Franchise.* The grantee's legal, character, financial, technical, and other qualifications, have been approved and the grantee shall not transfer this franchise to any non-affiliated person, firm or corporation without prior approval of franchising authority. All provisions of this ordinance shall be binding upon grantee, its successors, lessees and assigns, whether expressly stated herein or not. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-505 INSURANCE, INDEMNIFICATION, AND BONDS OR OTHER SURETY.

A. Grantee shall maintain in full force and effect during the term of the franchise, at its own cost and expense, comprehensive general liability and property insurance in an amount not less than one-million dollars (\$1,000,000), with the city of Blanchard named as an additional insured, said insurance to be carried with an insurance company with a recognized national rating acceptable to the city of Blanchard. Documentation of such insurance shall be provided to the city of Blanchard.

B. *Indemnification.* Grantee shall indemnify, hold harmless, release and defend Franchising Authority, its officers, agents and employees from and against any and all liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of grantee's construction, operation or maintenance of its video system, including, but not limited to, reasonable attorneys' fees and costs. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-506 **ENFORCEMENT AND TERMINATION OF FRANCHISE.**

A. *Notice of violation.* In the event that franchising authority believes that grantee has not complied with the terms of the franchise, it shall notify grantee in writing of the exact nature of the alleged default.

B. *Grantee's right to cure or respond.* Grantee shall have sixty (60) days from receipt of the notice described in subsection A to cure such default. In the event that, by the nature of the default, such default cannot be cured within the sixty (60) day period, grantee shall be allowed additional reasonable time to cure such default, upon written consent of franchising authority, which consent will not be unreasonably withheld. In the event grantee fails to cure any default as provided for herein, the city of Blanchard may immediately terminate this franchise without further notice to grantee.

C. *Acts of God.* Grantee shall not be held in default of the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

§ 5-507 **MISCELLANEOUS.**

A. *Preemption.* If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by franchising authority, the jurisdiction of franchising authority shall cease and no longer exist.

B. *Employment requirements.* Grantee shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, religion, age, national origin or sex. Grantee shall maintain and carry out a continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices.

C. *Actions of franchising authority.* In any action by either franchising authority or grantee, or representatives thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

D. *Notice.* Unless expressly otherwise agreed between the parties, every notice or response to be served upon franchising authority or grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service.

E. The notices or responses to franchising authority shall be addressed as follows:

City of Blanchard
P. O. Box 480
Blanchard, Oklahoma 73010

The notices or responses to grantee shall be addressed as follows:

Pioneer Long Distance, Inc.
Attention: Ralph Kookan, Division Manager
P. O. Box 539
Kingfisher, OK 73750

Franchising authority and grantee may designate such other address or addresses from time to time by giving written notice to the other party. [Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04]

ARTICLE 6

PENALTY

§ 5-601 Penalty.

§ 5-601 PENALTY.

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in §8-301, of this code of ordinances, and is subject to revocation of any license. Each day upon which a violation continues shall constitute a separate offense.

ARTICLE 7

RESIDENTIAL SALES

§ 5-701 Residential sale defined.
§ 5-702 Number of sales allowed.
§ 5-703 Signs or other advertising devices.

§ 5-704 Penalty.

§ 5-701 RESIDENTIAL SALE DEFINED.

For the purpose of this chapter, the term “residential sale” means any sale of more than three (3) items held out to be a garage, room, yard, or patio sale, or any other type of general sale conducted from or on any residence located on property zoned residential, agricultural or suburban estates.

§ 5-702 NUMBER OF SALES ALLOWED.

It is unlawful for any person or organization to conduct more than four (4) residential sales during any calendar year at any one address. One event is considered four (4) consecutive days.

§ 5-703 SIGNS OR OTHER ADVERTISING DEVICES.

A. No signs or other devices shall be placed on utility poles, traffic sign poles, trees, culverts or bridges, or any other structure being part of the streets or roadways or within any public right-of-ways.

B. No sign to be posted more than three (3) days prior to the sale.

C. All signs shall be removed within two (2) days of the end of the sale.

§ 5-704 PENALTY.

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable by a fine not to exceed twenty-five (\$25.00) dollars. [Ord. No. 635, 5/24/16]

ARTICLE 8

COLLECTION RECEPTACLES FOR DONATED GOODS

§ 5-801 Collection receptacles for donated goods.

§ 5-801 COLLECTION RECEPTACLES FOR DONATED GOODS.

A. It shall be an unlawful for any for-profit-entity or other natural person to collect donations of unwanted clothing, books or household items via a public receptacle located within the city of Blanchard, Oklahoma unless they are acting as a disclosed agent of an entity that is authorized to collect unwanted

clothing, books, or household items via a public receptacle pursuant to Paragraph B of this Section;

B. Non-profit organizations registered with the Oklahoma Secretary of State that are in good standing with the state of Oklahoma or an organization affiliated with a public school or church having its main office located within the city of Blanchard or within the Blanchard School District or at an a Blanchard address (“authorized entities”), may collect unwanted clothing, books, or household items via a public receptacle located within the city of Blanchard, Oklahoma on the following conditions:

1. All authorized entities, or their disclosed agents, seeking to collect such items must obtain a permit from the Blanchard city clerk prior to the placement of a public receptacle within the city of Blanchard;

2. The application for a permit to place a public receptacle within the city of Blanchard, Oklahoma shall be accompanied with:

- a. The full name and address of the authorized entity to which collections will be donated;
- b. A photograph of the actual receptacle that will be placed within the city;
- c. The name and address of the property owner upon which the receptacle will be placed;
- d. Written permission to locate the receptacle signed by said property owner; and
- e. In the event the receptacle will be operated by a disclosed agent of an authorized entity, the application shall also include:
 - i. Written authorization from the authorized entity stating that the applicant/permittee is acting as the disclosed agent of the authorized entity; and
 - ii. The full name and address of the applicant/permittee that will be operating the collection bin.

3. In the event the receptacle is operated by the authorized entity, the receptacle must contain a disclosure label with the full name and phone number of the authorized entity on the receptacle prominently located in bold letters at least one (1) inch high and one (1) inch wide;

4. In the event the receptacle is operated by a disclosed agent of the authorized entity, the receptacle must contain a disclosure label with the full name of the authorized entity and the full name and phone number of the disclosed agent (permittee).

5. The receptacle must be placed on private property in such a way that it does not block traffic or encroach on any public right of way, street or alley;

6. Any authorized entity not having its main office located within the city of Blanchard or the Blanchard School District or at a Blanchard address that applies for a permit from the Blanchard city clerk for the placement of a receptacle in the city of Blanchard, Oklahoma shall provide the city clerk with the following ADDITIONAL information:

- a. A certificate in good standing of the Authorized Entity issued by the Oklahoma Secretary of State;
- b. A phone number that will provide callers with the actual percentage of the gross value of collections that will benefit the cause for which donations are solicited;
- c. Written evidence of the actual percentage of the gross value of collections that will benefit the cause for which donations are solicited; and
- d. In the event the receptacle is operated by a disclosed agent of the authorized entity, a certificate in good standing of the authorized entity's disclosed agent.

C. All permits for the location of a donation receptacle in the city of Blanchard expire on June 30 of each year and must be renewed annually.

D. As used in this section:

1. "Authorized entity" means an entity which may legally collect unwanted clothing, books, or household items via a public receptacle located within the city of Blanchard, Oklahoma pursuant to Paragraph B of Section 5-801 of the Code of Ordinances of the city of Blanchard;

2. "Public receptacle" means a large container, or donation bin, commonly placed in a parking lot for the purpose of encouraging individuals to donate clothing or other items;

3. "Disclosure label" means a printed or typed notice permanently affixed to a public receptacle on the side or front which is easily readable and legible.

E. Nothing in this section shall apply to paper, glass, plastic, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

F. Any organization or person violating this Ordinance shall, upon conviction, be required to pay a fine of no less than \$50 and no more than two-hundred dollars (\$200.00), plus court costs and assessments as required by state and local law. [Ord. No. 640, 7/26/16; Ord. No. 643, 8/23/16; Ord. No. 647, 11/29/16]

ARTICLE 9

FIREWORKS REGULATIONS

- § 5-901 Adoption of state fireworks laws.
- § 5-902 Application.
- § 5-903 Eligibility.
- § 5-904 Fees.
- § 5-905 Consumer fireworks retail sales facilities requirements.
- § 5-906 General operational requirements.
- § 5-907 Restrictions on the discharge of fireworks.
- § 5-908 Display permit required.
- § 5-909 Enforcement.
- § 5-910 Transferability.
- § 5-911 Signs.
- § 5-912 Penalty.

§ 5-901 ADOPTION OF STATE FIREWORKS LAWS.

The Oklahoma Fireworks laws (Title 68 of the Oklahoma Statutes, as amended, and every ten (10) years recodified thereof) is hereby adopted and incorporated in the Code of Ordinances of the City of Blanchard, Oklahoma, by reference, for the purposes of establishing locally appropriate rules and regulations for the sales, use and storage of fireworks, to specify conditions of sales and licensing provisions, to prohibit certain fireworks, to provide for seizure and disposition of illegal fireworks and to establish penalties for violations. The adoption of this code shall not repeal any existing portion of this Chapter but shall be in addition thereto. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

State Law Reference: Fireworks Laws, Title 68 O.S. §§1621 - 1643.

§ 5-902 APPLICATION.

A. Any resident or organization as defined in §5-903(A) seeking a permit to sell fireworks must apply between May 1 through June 1 of the license year to the city clerk by filing a written application in such form and content as the city manager may prescribe.

B. The applicant must attach or submit with the application, the following documents:

1. a copy of the state's retail fireworks license issued by a licensed wholesaler, manufacturer, or distributor prior to stand opening; and any and all other licenses required by the state of Oklahoma.

2. A copy of a certificate of insurance showing liability and naming the City of Blanchard as a "Certificate Holder" prior to stand opening.

3. A copy of a plot plan as approved by the Fire Chief.

4. Pay any and all fees, as set forth in Section 5-904, as adopted by the city council by motion or resolution, on or before June 1. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-903 ELIGIBILITY.

A. Any new citizen or non-profit, civic, charitable, educational, or religious organization or for profit organization located and domiciled within the corporate limits of the city may be permitted by the city clerk to sell Class C (common) fireworks and related items as set forth below.

B. All applicants previously permitted by the City as of June 1, 2017, are hereby grandfathered to make application again. However, if applicant fails to apply for an application, then the grandfather clause shall cease to exist.

C. Any and all applicants must be at least twenty-one (21) years of age, at the time of application, to be eligible for a permit.

D. All fireworks must be invoiced from a licensed distributor or wholesaler licensed to do business in Oklahoma. The original (not photocopy) invoice must be in applicants name and be available at all times upon request.

F. Further requirements for a non-profit organization are as follows:

1. A letter from the Oklahoma Tax Commission stating that the organization is a non-profit must be provided with the application.

G. Appeals. Should a question arise concerning the eligibility of an individual or an organization to qualify for a license under this article or if the plot plan is not approved by city staff, or the application is denied for any other reason, the matter may be timely submitted to the city council for a final decision at the request of the applicant. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-904 FEES.

A. The permit for the sale of fireworks within the corporate limits of the city shall be obtained by filing a written application for each location with the city clerk and paying a fee, as set by motion or resolution adopted by the city council, for each location no later than June 1 of each year:

1. A permit fee, as set by motion or resolution by the city council, is required for each fireworks stand that a permit is issued. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

Prior Permit Fee: \$25.00

§ 5-905 CONSUMER FIREWORKS RETAIL SALES FACILITIES REQUIREMENTS.

A. The fireworks retail sales facilities must be located on private property zoned commercial, with written permission from the property owner and filed with the application.

B. Fireworks retail sales facilities cannot be placed on the approved site until June 1st or December 1st and shall be removed from their location within fifteen (15) days after July 6 or January 2nd of the same licensed year.

C. Final approval. An inspection shall be performed by the code enforcement officer, city inspector or fire chief (combination thereof) to insure compliance with the Oklahoma State Fire Marshal's rules and regulations by using the state's inspection form. If the applicant meets the requirements set forth above, a permit shall be issued by the city clerk and shall be evidenced by the signature of the city manager, or his designee, upon the application. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-906 GENERAL OPERATIONAL REQUIREMENTS.

A. Any retail sales facility selling consumer fireworks commonly referred to as Class "C", shall meet the minimum requirements as mandated by

O.S. Title 68, Article 16 §1621-1634 and the Oklahoma State Fire Marshal Commission rules established in accordance with O.S. Title 68 §1633.

1. Fireworks retail sales facilities may open for sale from the 15th day of June through the 6th day of July or the first Sunday after July 4th, whichever is later of the same licensed year and December 15th through January 2nd to residents and nonresidents of the state each calendar year. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18; Ord. No. 702, 6/25/19]

§ 5-907 RESTRICTIONS ON THE DISCHARGE OF FIREWORKS.

A. No fireworks shall be discharged, exploded or ignited within five-hundred (500') feet of any fireworks stand, church, hospital, asylum, unharvested flammable agricultural crops, public schools or public property.

B. The discharge of fireworks shall be allowed only on private property during the following times:

1. June 27 through July 3 between the hours of 3:00 p.m. and 11:00 p.m., except that on Fridays and Saturdays during such period, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m.;

2. July 4 between the hours of 8:00 a.m. to 12:00 midnight, except that if July 4 falls on a Friday or a Saturday, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m.;

3. July 5 through July 6 between the hours of 3:00 p.m. and 11:00 p.m., except that on any July 5 or July 6 that falls on a Friday or a Saturday, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m. on the day or days that fall on a Friday or a Saturday;

4. December 31 between the hours of 12:00 Noon to 12:00 midnight; and

5. January 1 from 12:01 a.m. to 12:30 a.m.

C. Consumers must have written permission from property owner to discharge fireworks upon another private property.

D. In the event of a county-wide or state-wide burn ban, the city council may ban all sales and/or place additional restrictions on the discharge of fireworks as it deems appropriate.

E. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person

place or throw any ignited article of fireworks into or at such motor vehicle or at or near any group of people. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-908 DISPLAY PERMIT REQUIRED.

A. Special Events Permit. The discharge of fireworks is totally prohibited at all other times, unless permitted by special events issued by the city manager within the week that the Fourth of July occurs. Applicants must file an application for such special events permit and pay a fee as set by the city council adopted by motion or resolution.

B. It is unlawful to discharge any fireworks, except as otherwise provided by this article, at any public display, including but not limited to any public display at any public park. The city manager shall permit the use of fireworks for public or private displays only when the following requirements are met:

1. Applications for such special events permit must be filed with the city clerk and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee as adopted by the city council by motion or resolution shall be paid upon the filing of the application.

Note: Prior fee \$25.00.

2. A copy of federal form ATF F5400.4, Bureau of Alcohol, Tobacco and Firearms, must be submitted with the application.

3. All the provisions of NFPA 1123 must be met. NFPA 1123 refers to the National Fire Protection Association's Standard for Public Display of Fireworks, as it existed on 12/17/96. This subsection does not apply to the use of Class C (common) fireworks by the general public.

4. Every display requiring a permit shall be handled by a properly trained operator and approved by the city manager. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.

C. Any permit issued by the city of Blanchard may be subject to any other restrictions and conditions as the city may find necessary.

D. Qualifications of Operators of Public Displays. The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state in a sum sufficient to satisfy the city council, and must possess any and all licenses required by the state of Oklahoma. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-909 ENFORCEMENT.

A. The police department, code enforcement officer, code administrator, city inspector and all members of the fire department, are hereby authorized to issue citations for violations of any part of this article.

B. All applicants must further comply with the fireworks' laws of the state, attached to this article and made a part hereof.

C. The site for the fireworks stand must be inspected by the code enforcement officer, fire chief or city inspector to verify that all requirements for zoning have been met.

D. The site for the fireworks stand must be inspected by the fire department for safety and ordinance compliance.

E. Annual payment of sales tax as required by the Oklahoma Tax Commission.

F. Failure to comply is subject to a penalty as set forth in §5-912 of this code and/or denial of permit for next licensed year. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-910 TRANSFERABILITY.

All licenses granted will be strictly and absolutely non-transferable. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-911 SIGNS.

All signs advertising a retail fireworks stand and location shall be in compliance with the Blanchard Municipal Code §§4-301 et al. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-912 PENALTY.

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in Article 6 of this Chapter. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

ARTICLE 10

FOOD TRUCK REGULATIONS

- § 5-1001 Intent.
- § 5-1002 Scope.
- § 5-1003 Definitions.
- § 5-1004 Permit requirements.
- § 5-1005 General requirements.
- § 5-1006 Site plans for locations on private property.
- § 5-1007 Maintenance standards.
- § 5-1008 Penalties for violation.

§ 5-1001 INTENT.

This ordinance provides standards for permitting of food trucks, trailers, and carts. The purpose of these regulations is to:

A. Protect the health, safety, and general welfare of the citizens of the City of Blanchard, Oklahoma;

B. Establish an orderly and equitable system for the proper, legal, and safe placement and operation of food trucks within the City of Blanchard;

C. Improve traffic and pedestrian safety, by minimizing undue obstacles to the motoring public, and by increasing pedestrian opportunities within the City of Blanchard;

D. Protect the rights of individuals and businesses to conduct business in a safe, sanitary, and legal manner;

E. Ensure the fair and consistent enforcement of food truck permitting standards;

F. Protect the tourism industry by promoting a pleasing community image; and

G. Enhance and strengthen economic stability. [Ord. No. 710, 11/12/19]

§ 5-1002 SCOPE.

These provisions apply to any food truck, trailer, or cart, which is based in or operates at any time within the corporate limits of the city of Blanchard, Oklahoma. [Ord. No. 710, 11/12/19]

§ 5-1003 DEFINITIONS.

The definitions contained in this section shall be applied in the interpretation of all sections within this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular. Anywhere "truck" is used, it shall include "food truck," "food trailer," and "food cart." [Ord. No. 710, 11/12/19]

§ 5-1004 PERMIT REQUIREMENTS.

A. No food truck, trailer, or cart shall operate in or be based within the corporate limits of the City of Blanchard, Oklahoma, unless all necessary permits have been issued by the City of Blanchard. Applicants shall submit an application form to the permits clerk for review before any permit may be issued.

B. Applications will require the following items to be permitted:

1. Information detailing the business name and truck name (or DBA) applying for permit.

2. Oklahoma Sales Tax Permit.

3. General information concerning each food truck to be operated, including:

- i. Year, Make, and Model;
- ii. License Plate Number;
- iii. Copy of Liability Insurance;
- iv. Copy of Current Oklahoma Commercial Driver's License;
- v. Certification by an Oklahoma state or county health department that the food truck is permitted to serve food.

4. Proof that food preparation will be in a safe and sanitary manner, by the demonstration of at least one of the following:

- i. Certification by an Oklahoma state or county health department that the food truck is a permitted, safe, and sanitary kitchen to prepare food, if food is to be prepared on the truck.
- ii. Proof that pre-prepared food is prepared in a commissary kitchen which is compliant with health department regulations of the county it is located in, if food is to be prepared off-site.
- iii. Affidavit that the truck will only serve pre-packaged foods still in their packaging, if no certification by the appropriate

departments for either a commissary kitchen or preparation of food on the truck is shown.

5. Proposed location information, approval of private property owner(s), and site plan information for all private sites.

6. Agreement with Blanchard Parks and Recreation for appearance at public events or on public property. City sponsored events may be located upon public right-of-way subject to safety precautions.

7. Permit application fee of \$150 for first application, which will include the site review for one private food truck location; \$25 per year for annual renewal; \$25 for a single-day permit.

C. Food trucks, trailers, or carts shall only operate in compliance with the approved permit.

D. Signs not attached to the food truck shall be regulated by the Blanchard Sign Ordinance.

E. Permits shall expire as of June 30 of each year and must be renewed and shall only require site plans for changing sites. [Ord. No. 710, 11/12/19; Ord. No. 717, 1/28/20]

§ 5-1005 GENERAL REQUIREMENTS.

All food trucks, trailers, or carts operating within the City of Blanchard, Oklahoma shall comply with the following requirements:

A. Food trucks may not sell on any public right-of-way. The truck, and any queue lines, shall be prohibited from impeding normal pedestrian and motor traffic.

B. No signs, awnings, or other projections shall project over a roadway, sidewalk, or other path.

C. No sign or food truck shall be located within the sight triangle of any intersection.

D. No sign shall be placed in or project into any public property, easement, or right-of-way, except for government signs that are placed by government officers in the performance of their professional/elected duties.

E. Every food truck shall be maintained in good condition, and in accordance with all safety and health regulations stated in this chapter, at all times.

F. Any food truck, trailer, or cart which operates within the City of Blanchard, Oklahoma, without adhering to the requirements in this section shall be considered in violation of the ordinance. [Ord. No. 710, 11/12/19]

§ 5-1006 SITE PLANS FOR LOCATIONS ON PRIVATE PROPERTY.

Each site on private property on which a food truck or food trucks wish to conduct business shall first have a site plan submitted to and approved by the code enforcement and planning departments of the City of Blanchard. Each site plan should include the following:

- A. North arrow and scale.
- B. Proposed location of food truck and queue location.
- C. Space for eating and table locations, if provided.
- D. Portable restroom locations, or locations of permanent restrooms which patrons may use during operating hours of the food truck, if provided.
- E. Driveway and access point locations for the truck and for motor and pedestrian patrons.
- F. Locations of existing hydrants, buildings, signs, and other features of the site. [Ord. No. 710, 11/12/19]

§ 5-1007 MAINTENANCE STANDARDS.

Food trucks must be maintained in a manner that will permit the serving of food that is safe for human consumption and shall be operated in compliance with all federal, state and local regulations. [Ord. No. 710, 11/12/19; Ord. No. 717, 1/28/20]

§ 5-1008 PENALTIES FOR VIOLATION.

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 14 for violation of this Ordinance. [Ord. No. 710, 11/12/19]

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