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**AFFIDAVIT OF PUBLICATION**

**ORDINANCE 386**

**THE STILWELL DEMOCRAT JOURNAL**

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Cathy Harrison - Adair County Clerk  
State of Oklahoma

County of Adair

Keith Neale, of lawful age, being duly sworn and authorized says he is the Editor of the Stilwell Democrat Journal newspaper printed in the City of Stilwell, Adair County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 as amended, and complies with all other requirements of the laws of Oklahoma with references to legal publication.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper and not any supplements thereof, for .....consecutive weeks:

1st insertion May 9th, 2018  
2nd insertion \_\_\_\_\_, 20  
3rd insertion \_\_\_\_\_, 20  
4th insertion \_\_\_\_\_, 20  
5th insertion \_\_\_\_\_, 20

Keith W. Neale  
Editor

Subscribed and sworn to me before this 9 day of may 2018

Christina S. Fuson  
Notary Public

9-30-21  
My Commission expires:

CHRISTINA S. FUSON  
Notary Public - State of Oklahoma  
Commission Number 13009065  
My Commission Expires Sep 30, 2021

\$1359.50  
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MAY 14 2018

CITY CLERK'S OFFICE  
Stilwell, Ok

AN ORDINANCE CONCERNING TEMPORARY VENDOR PERMITS, LICENSE TO HOLD SPECIAL EVENTS, VENDING PERMIT FOR MACHINE, DOOR TO DOOR, NOVELTY VENDING, PENALTY FOR NON-COMPLIANCE, FEE PAYMENT, ADHERENCE TO THIS ORDINANCE, AND REPEAL AND REPLACEMENT OF ORDINANCES 327, 332, 332B.

WHEREAS, in order to fulfill the needs of the community, policies and regulations are necessary to provide a framework for care and safety of the citizens of the City of Stilwell; and

WHEREAS, the responsibility for such is the lawful responsibility of the City of Stilwell;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

**ARTICLE 1  
GENERAL INFORMATION**

**Section 1**

A "temporary vendor" as used in this ordinance is any person, firm, corporation or association, either profit or non-profit, who offers goods, wares, merchandise, food, or beverage to the public from a portable establishment upon premises which are occupied by lease, rental, or license upon a temporary term.

A "special event" is any event operated within the city limits of the City of Stilwell, by any person, firm, corporation or association, either profit or non-profit, approved by the City Council of the City of Stilwell as a special event.

"Outdoor selling" means any selling done from a temporary or mobile location by a seller who is not selling from a permanent business location. Such activities as street vending, door to door sales, vending machines, or novelty vending to the general public on private property are included in this definition.

"Machine vending" means any self-service device that provides a good or service to a customer.

"Door to door" means any type of sales that are completed by actively going from house to house within the city limits.

"Novelty vending" means any type of vending whether machine or otherwise that would provide a trinket, bobble, or other non-essential item or service whether for profit or not-for-profit.

**Section 2**

**License Required:**

No temporary vendor, special event promoter, or person, firm, or corporation engaged in outdoor selling shall hold, engage in or participate in any manner in a sale at any place within the limits of the City of Stilwell without first having obtained a permit or license. The approved permit or license must be posted in a conspicuous place both visible to the public and any approved official making inspection for licensing.

**ARTICLE 2  
TEMPORARY VENDOR PERMIT**

**Section 1**

An applicant for a license under this article shall furnish the City Clerk with the following information:

1. Date of the Application
2. Type of Business
3. Length of Temporary Permit: three (3) days, thirty (30) days, ninety (90) days or twelve (12) months.
4. Name of Applicant, Title, Phone Number, Permanent Business Address, Business Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, and a valid State of Oklahoma Department of Health Vending License (when applicable).
5. Location for Temporary Vending: Address, Property Owner's Business Name, Owner's Address, Phone #, and Email if applicable.
6. Brief Description of business to be conducted and items to be sold.
7. Description of signs to be used along with the content of the signs.
8. Days of the week to be in operation and business hours.
9. Copies of valid vehicle registration, vehicle insurance, and general liability insurance.

**Section 2**

Prior to issuance of the temporary vendor permit:

1. A health inspection, electrical, plumbing, or other necessary safety inspections may be completed or proof provided by the temporary vendor that such inspection has been successfully completed within the previous 90 days of the application date.

**Issuance:**

1. If an applicant is issued a temporary vendor permit it will be valid for three (3) days, thirty (30) days, ninety (90) days or twelve (12) months depending on the request of the vendor. For any reason shall a temporary vendor permit be issued for more than two (2) ninety (90) day periods in one calendar year or a total of 180 days regardless of the amount of time actually vending within the city limits for any type permit other than twelve (12) months.
2. A twelve (12) month permit requires approved hook-up to city utilities, i.e. electric, water, sewer, by a licensed professional.
3. The City Clerk is able to issue or revoke the application of any applicant for any reason.

**Section 3**

**Permit Fee:**

The permit fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the temporary vendor permit.

**Section 4**

**Exceptions:**

This ordinance shall not apply to or affect the following persons or entities:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction
2. Persons acting in accordance with their powers and duties as public officials
3. Existing business who vend from their own property unless such operation is conducted by a licensee or tenant.

**Section 5**

**Penalty for non-compliance:**

1. The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement or allowance for the temporary vendor to resume sales.
2. If this ordinance is abused the temporary vendor may not be allowed to conduct business in the city limits of the City of Stilwell in the future.

**Section 6**

**Waiver:**

A waiver of the fee may be granted at the discretion of the City Council for any individual, corporation, or association whose purpose is non-profit or charitable as outlined in the State of Oklahoma statutes concerning not for profit sales.

**ARTICLE 3  
SPECIAL EVENTS LICENSE**

**Section 1**

**License Application:**

An applicant for a license under this article shall furnish the City Clerk with the following information:

1. Date of the Application
2. Type of Special Event (i.e. parade, festival, rally, etc.)
3. Special Event Date(s)
4. Name of Applicant, Title, Phone Number, Permanent Business Address, Event Host's Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, a valid State of Oklahoma Department of Health vending license (when applicable).
5. Site Plan depicting the location and parameters of the event, defining the proposed parade route (if applicable), defining the proposed streets to be closed (if applicable), defining the nature and extent of services requested from the city, including but not limited to: Trash Service, Utility Services, Police, Emergency Management, and Clean Up Services.
6. Brief Description of the Special Event to be held and the purpose of the event. (Civic Awareness, Strawberry Festival, Founder's Day, etc.)
7. Description of signs to be used along with the content of the signs.
8. Days of the week to conduct the special event and hours of the event.
9. Copies of general liability insurance, photo id of applicant, and a list of officers in charge of the special event.

**Deadline and Review:**

An application for the special event must be received no less than 60 days prior to the date of the special event. Any application received with less than 60 days' notice will be denied.

The City Clerk shall review the application to ensure:

2018-001340 Book 0545 Pg: 18  
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05/17/2018 10:28 am Pg 0017-0027  
Fee: \$ 33.00 Doc: \$ 0.00  
Cathy Harrison - Adair County Clerk  
State of Oklahoma

- 1. The applicant is aware it is the responsibility of the special event license holder to either report or verify the proper reporting by vendors of all applicable sales tax to the Oklahoma Sales Tax Commission. Any and all taxable sales must be verified by the special event license holder and any discrepancies in proper reporting will be solely the responsibility of the special event license holder.
- 2. That the chosen location is appropriate and does not extend onto the public right-of-way, unless authorized by the City Council.
- 3. That the applicant's event operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property or cause other sight-distance related problems.
- 4. That all laws and ordinances regarding advertising and signs are understood and in full compliance.
- 5. That a valid county health permit is obtained, if required.

Presentation to the City Council shall only occur after the application has been reviewed by the City Clerk or his/her designee. The City Council shall then:

1. Approve or Deny the application
2. Provide in writing for the City Clerk to issue the license within 5 business days of the Council's approval and acquisition of the license he had not less than 15 days prior to the event, or
3. Provide in writing the reason that the application was denied and allow 5 business days for the City Clerk to mail a letter of denial to the address indicated on the application via certified receipt mail. Mailing shall be considered proper and necessary notification of denial of the special event license

**Special Event License Parameters:**

1. Upon the completion of an application for a special event license and approval by the City Council, a special event license may be issued to an organization, association, or nonprofit corporation, organized for political, fraternal, charitable, religious or social purposes.
2. The holder of a special event license is authorized to grant individual temporary vendor permits, for the dates indicated by the applicant, for the locations described within the site plan on the application, to specified temporary vendors that meet the criteria of a temporary vendor as defined in this ordinance, and to assess a fee no greater than the amount of \$250.00 to vendors who participate in outdoor selling as defined by this ordinance.
3. A special event license shall be valid for no more than 24 hours before or after the date(s) indicated on the application. No qualified organization may obtain more than 4 such licenses within any calendar year.
4. It is the responsibility of the special event license holder to either report or verify the proper reporting by vendors of all applicable sales tax to the Oklahoma Sales Tax Commission. Any and all taxable sales must be verified by the special event license holder and any discrepancies in proper reporting will be solely the responsibility of the special event license holder.
5. The holder of a special event license will be required to issue temporary vendor permits in such manner as is amenable to the City of Stilwell's standard for a temporary vendor permit.
6. Event permits may be issued, sold, or distributed for the special event dates with a no-compete waiver by the City of Stilwell for 7 days prior to the event and up to 3 days after the event. No-compete means the city of Stilwell will not license a vendor within the event site area within that time period. Vendors outside of the event area but during the event timespan will be required to purchase a vendor license from the hosting organization for that period.
7. Any vendor who wishes to set up their business prior to or remain longer than the designated event timespan will be required to have a permit from the City of Stilwell for the amount of days they will be selling outside of the above described parameters.

**Section 3**

**License Fees:**

The license fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the special event license.

**Section 4**

**Penalty for Non-Compliance:**

If this ordinance is abused the special event planner or promoter may not be allowed to conduct business in the city limits of the City of Stilwell in the future.

1. The special events license may be revoked by the City Council after notice and hearing, for any valid reason, including, but not limited to, the following:
2. Any fraud, misrepresentation or false statement contained in the application for the license;
3. Any violation of this ordinance;
4. Conducting the special event licensed under this ordinance in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement or allowance for the special event planner or promoter to continue the special event.

**ARTICLE 4  
MACHINE, DOOR TO DOOR, OR NOVELTY VENDING**

**Section 1**

**Permit Application:**

An applicant for a license under this article shall furnish the City Clerk with the following information (as applicable to the particular business to be conducted):

1. Date of the Application
2. Type of Business
3. Name of Applicant, Title, Phone Number, Permanent Business Address, Business Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, a valid State of Oklahoma Department of Health Permit (when applicable)
4. Location of Vending: Address, Property Owner/Business Name, Owner's Address, Phone #, and Email if applicable. If vending occurs in multiple locations a list with the location of the location, unique identifier, and the type of machine (i.e. soda machine, kiosk, candy machine, tattoo machine, etc.)
5. Description of business to be conducted and items to be sold.
6. Description of signs or vending labeling to be used along with the content of the signs.
7. Days of the week to be in operation and business hours
8. Copies of valid vehicle registration, vehicle insurance, and general liability insurance.

**Section 2**

**Permit Issuance:**

Prior to issuance of the machine, door to door, or novelty permit:

1. A health inspection, electrical, plumbing, or other necessary safety inspections when applicable may be completed prior to the issuance of the permit.
2. Such inspection may be subject to an inspection fee for each unit inspected.

**Basic requirements are:**

1. Should one company have more than one machine or novelty vending apparatus only one permit will be issued with a list provided by the owner of the location, unique identifier, and type of all machines, kiosk, or other such apparatus covered by this permit.
2. Upon approval of an application for a machine, door to door, or novelty vendor permit the permit will be valid for 12 months beginning with July 1 and ending on June 30 of each successive year.
3. It will be the responsibility of the permit holder to renew the license annually.
4. It will be the responsibility of the permit holder to update the list of machines in use should they be changed or updated within 15 days of such change.

The City Clerk is able to issue or revoke the application of any applicant for any reason.

**Section 3**

**Permit Fee:**

The permit fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the machine, door to door, or novelty vendor permit.

**Section 4**

**Non-compliance:**

The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement of the machine, door to door, or novelty vendor to resume sales. If this ordinance is abused the machine, door to door, or novelty vendor may not be allowed to conduct business in the city limits of the City of Stilwell in the future.

**Section 5**

**Waiver:**

A waiver of the fee may be granted at the discretion of the City Council for any individual, corporation, or association whose purpose is non-profit or charitable as outlined in the State of Oklahoma statutes concerning not for profit sales.

**ARTICLE 5  
REPEAL AND REPLACE**

**Section 1**

**Repeal and Replace:**

This ordinance repeals and replaces Ordinance 327, 332, 332B and all other Ordinances that may be found to be in conflict with this ordinance upon its passage and approval.

PASSED by the City Council this 7th day of May, 2018.

APPROVED by the Mayor this 7th day of May, 2018.

/s/ Jim Spray  
Jim Spray, Acting Mayor

ATTEST:  
/s/ Larry A. Nettles  
Larry A. Nettles, City Clerk-Treasurer

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MAY 14 2018  
CITY CLERK'S OFFICE  
Stilwell, OK

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## ORDINANCE 386

**AN ORDINANCE CONCERNING TEMPORARY VENDOR PERMITS, LICENSE TO HOLD SPECIAL EVENTS, VENDING PERMIT FOR MACHINE, DOOR TO DOOR, NOVELTY VENDING, PENALTY FOR NON-COMPLIANCE, FEE PAYMENT, ADHERENCE TO THIS ORDINANCE, AND REPEAL AND REPLACEMENT OF ORDINANCES 327, 332, 332B.**

**WHEREAS**, in order to fulfill the needs of the community, policies and regulations are necessary to provide a framework for care and safety of the citizens of the City of Stilwell; and

**WHEREAS**, the responsibility for such is the lawful responsibility of the City of Stilwell,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:**

### ARTICLE 1 GENERAL INFORMATION

#### Section 1

##### Definitions:

A "temporary vendor" as used in this ordinance is any person, firm, corporation or association, either profit or non-profit, who offers goods, wares, merchandise, food, or beverage to the public from a portable establishment upon premises which are occupied by lease, rental, or license upon a temporary term.

A "special event" is any event operated within the city limits of the City of Stilwell, by any person, firm, corporation or association, either profit or non-profit, approved by the City Council of the City of Stilwell as a special event.

"Outdoor selling" means any selling done from a temporary or mobile location by a seller who is not selling from a permanent business location. Such activities as street vending, door to door sales, vending machines, or novelty vending to the general public on private property are included in this definition.

"Machine vending" means any self-service device that provides a good or service to a customer.

"Door to door" means any type of sales that are completed by actively going from house to house within the city limits.

"Novelty vending" means any type of vending whether machine or otherwise that would provide a trinket, bobble, or other non-essential item or service whether for profit or not-for-profit.



## Section 2

### License Required:

No temporary vendor, special event promoter, or person, firm, or corporation engaged in outdoor selling shall hold, engage in or participate in any manner in a sale at any place within the limits of the City of Stilwell without first having obtained a permit or license. The approved permit or license must be posted in a conspicuous place both visible to the public and any approved official making inspection for licensing.

## ARTICLE 2 TEMPORARY VENDOR PERMIT

### Section 1

An applicant for a license under this article shall furnish the City Clerk with the following information:

1. Date of the Application
2. Type of Business
3. Length of Temporary Permit: three (3) days, thirty (30) days, ninety (90) days or twelve (12) months.
4. Name of Applicant, Title, Phone Number, Permanent Business Address, Business Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, and a valid State of Oklahoma Department of Health Vending License (when applicable).
5. Location for Temporary Vending: Address, Property Owner/Business Name, Owner's Address, Phone #, and Email if applicable.
6. Brief Description of business to be conducted and items to be sold.
7. Description of signs to be used along with the content of the signs.
8. Days of the week to be in operation and business hours
9. Copies of valid vehicle registration, vehicle insurance, and general liability insurance

### Section 2

Prior to issuance of the temporary vendor permit:

1. A health inspection, electrical, plumbing, or other necessary safety inspections may be completed or proof provided by the temporary vendor that such inspection has been successfully completed within the previous 90 days of the application date

Issuance:

1. If an applicant is issued a temporary vendor permit it will be valid for three (3) days, thirty (30) days, ninety (90) days or twelve (12) months depending on the request of the vendor.

2. For no reason shall a temporary vendor permit be issued for more than two (2) ninety (90) day periods in one calendar year or a total of 180 days regardless of the amount of time actually spent selling within the city limits for any type permit other than twelve (12) months.
3. Twelve (12) month permit requires approved hook-up to city utilities, i.e. electric, water, sewer, by a licensed professional.
4. The City Clerk is able to issue or revoke the application of any applicant for any reason.

### **Section 3**

Permit Fee:

The permit fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the temporary vendor permit.

### **Section 4**

Exceptions:

This ordinance shall not apply to or affect the following persons or entities:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction
2. Persons acting in accordance with their powers and duties as public officials
3. Existing business who vend from their own property unless such operation is conducted by a licensee or tenant.

### **Section 5**

Penalty for non-compliance:

1. The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement or allowance for the temporary vendor to resume sales.
2. If this ordinance is abused the temporary vendor may not be allowed to conduct business in the city limits of the City of Stilwell in the future.

### **Section 6**

Waiver:

A waiver of the fee may be granted at the discretion of the City Council for any individual, corporation, or association whose purpose is non-profit or charitable as outlined in the State of Oklahoma statutes concerning not for profit sales.



## ARTICLE 3 SPECIAL EVENTS LICENSE

### Section 1

#### License Application:

An applicant for a license under this article shall furnish the City Clerk with the following information:

1. Date of the Application
2. Type of Special Event (i.e. parade, festival, rally, etc.)
3. Special Event Date(s)
4. Name of Applicant, Title, Phone Number, Permanent Business Address, Event Host's Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, a valid State of Oklahoma Department of Health vending license (when applicable).
5. Site Plan depicting the location and parameters of the event, defining the proposed parade route (if applicable), defining the proposed streets to be closed (if applicable), defining the nature and extent of services requested from the city, including but not limited to: Trash Service, Utility Services, Police, Emergency Management, and Clean Up Services.
6. Brief Description of the Special Event to be held and the purpose of the event. (Civic Awareness, Strawberry Festival, Founder's Day, etc.)
7. Description of signs to be used along with the content of the signs.
8. Days of the week to conduct the special event and hours of the event.
9. Copies of general liability insurance, photo id of applicant, and a list of officers in charge of the special event.

#### Deadline and Review:

An application for the special event must be received no less than 60 days prior to the date of the special event. Any application received with less than 60 days' notice will be denied.

The City Clerk shall review the application to ensure:

1. The applicant is aware it is the responsibility of the special event license holder to either report or verify the proper reporting by vendors of all applicable sales tax to the Oklahoma Sales Tax Commission. Any and all taxable sales must be verified by the special event license holder and any discrepancies in proper reporting will be solely the responsibility of the special event license holder.
2. That the chosen location is appropriate and does not extend onto the public right-of-way, unless authorized by the City Council.
3. That the applicant's event operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property or cause other sight-distance related problems.
4. That all laws and ordinances regarding advertising and signs are understood and in full compliance.
5. That a valid county health permit is obtained, if required.



Presentation to the City Council shall only occur after the application has been reviewed by the City Clerk or his/her designee. The City Council shall then:

1. Approve or Deny the application
2. Provide in writing for the City Clerk to issue the license within 5 business days of the Council's approval and acquisition of the license be had not less than 15 days prior to the event, or
3. Provide in writing the reason that the application was denied and allow 5 business days for the City Clerk to mail a letter of denial to the address indicated on the application via certified return receipt mail. Mailing shall be considered proper and necessary notification of denial of the special event license.

## Section 2

### Special Event License Parameters:

1. Upon the completion of an application for a special event license and approval by the City Council, a special event license may be issued to an organization, association, or nonprofit corporation, organized for political, fraternal, charitable, religious or social purposes.
2. The holder of a special event license is authorized to grant individual temporary vendor permits, for the dates indicated by the application, for the locations described within the site plan on the application, to specified temporary vendors that meet the criteria of a temporary vendor as defined in this ordinance, and to assess a fee no greater than the amount of \$250.00 to vendors who participate in outdoor selling as defined by this ordinance.
3. A special event license shall be valid for no more than 24 hours before or after the date(s) indicated on the application. No qualified organization may obtain more than 4 such licenses within any calendar year.
4. It is the responsibility of the special event license holder to either report or verify the proper reporting by vendors of all applicable sales tax to the Oklahoma Sales Tax Commission. Any and all taxable sales must be verified by the special event license holder and any discrepancies in proper reporting will be solely the responsibility of the special event license holder.
5. The holder of a special event license will be required to issue temporary vendor permits in such manner as is amenable to the City of Stilwell's standard for a temporary vendor permit.
6. Event permits may be issued, sold, or distributed for the special event dates with a no-compete waiver by the City of Stilwell for 7 days prior to the event and up to 3 days after the event. No-compete means the city of Stilwell will not license a vendor within the event site area within that time period. Vendors outside of the event area but during the event timespan will be required to purchase a vendor license from the hosting organization for that period.
7. Any vendor who wishes to set up their business prior to or remain longer than the designated event timespan will be required to have a permit from the City of Stilwell for the amount of days they will be selling outside of the above described parameters.



### **Section 3**

#### License Fees:

The license fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the special event license.

### **Section 4**

#### Penalty for Non-Compliance:

If this ordinance is abused the special event planner or promoter may not be allowed to conduct business in the city limits of the City of Stilwell in the future.

1. The special events license may be revoked by the City Council after notice and hearing, for any valid reason, including, but not limited to, the following:
2. Any fraud, misrepresentation or false statement contained in the application for the license;
3. Any violation of this ordinance;
4. Conducting the special event licensed under this ordinance in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement or allowance for the special event planner or promoter to continue the special event.

## **ARTICLE 4 MACHINE, DOOR TO DOOR, OR NOVELTY VENDING**

### **Section 1**

#### Permit Application:

An applicant for a license under this article shall furnish the City Clerk with the following information (as applicable to the particular business to be conducted):

1. Date of the Application
2. Type of Business
3. Name of Applicant, Title, Phone Number, Permanent Business Address, Business Name, Type of Business (LLC, Partnership, Inc.), Oklahoma Sales Tax Number, a valid State of Oklahoma Department of Health Permit (when applicable).
4. Location of Vending: Address, Property Owner/Business Name, Owner's Address, Phone #, and Email if applicable. If vending occurs in multiple locations a list with the location of the machine, unique identifier, and the type of machine (i.e. soda machine, kiosk, candy machine, tattoo machine, etc.)
5. Brief Description of business to be conducted and items to be sold.
6. Description of signs or vending labeling to be used along with the content of the signs.

7. Days of the week to be in operation and business hours
8. Copies of valid vehicle registration, vehicle insurance, and general liability insurance.

## **Section 2**

Permit Issuance:

Prior to issuance of the machine, door to door, or novelty permit:

1. A health inspection, electrical, plumbing, or other necessary safety inspections when applicable may be completed prior to the issuance of the permit.
2. Such inspection may be subject to an inspection fee for each unit inspected.

Basic requirements are:

1. Should one company have more than one machine or novelty vending apparatus only one permit will be issued with a list provided by the owner of the location, unique identifier, and type of all machines, kiosk, or other such apparatus covered by this permit.
2. Upon approval of an application for a machine, door to door, or novelty vendor permit the permit will be valid for 12 months beginning with July 1 and ending on June 30 of each successive year.
3. It will be the responsibility of the permit holder to renew the license annually.
4. It will be the responsibility of the permit holder to update the list of machines in use should they be changed or updated within 15 days of such change.

The City Clerk is able to issue or revoke the application of any applicant for any reason.

## **Section 3**

Permit Fee:

The permit fee shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits annually and such fee shall be collected prior to issuance of the machine, door to door, or novelty vendor permit.

## **Section 4**

Non-compliance:

The penalty for non-compliance of this article shall be set forth and updated in the City of Stilwell Schedule of Fees and Permits and shall be collected prior to reinstatement of the machine, door to door, or novelty vendor to resume sales. If this ordinance is abused the machine, door to door, or novelty vendor may not be allowed to conduct business in the city limits of the City of Stilwell in the future.



**Section 5**

Waiver:

A waiver of the fee may be granted at the discretion of the City Council for any individual, corporation, or association whose purpose is non-profit or charitable as outlined in the State of Oklahoma statutes concerning not for profit sales.

**ARTICLE 5  
REPEAL AND REPLACE**

**Section 1**

Repeal and Replace:

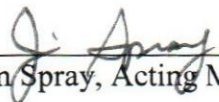
This ordinance repeals and replaces Ordinance 327, 332, 332B and all other Ordinances that may be found to be in conflict with this ordinance upon its passage and approval.

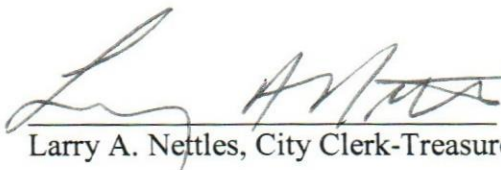
PASSED by the City Council this 7<sup>th</sup> day of May, 2018.

APPROVED by the Mayor this 7<sup>th</sup> day of May, 2018.

ATTEST:



  
\_\_\_\_\_  
Jim Spray, Acting Mayor

  
\_\_\_\_\_  
Larry A. Nettles, City Clerk-Treasurer