

ORDINANCE NO. 332B

AN ORDINANCE FOR LICENSING SPECIAL EVENTS AND PROVIDING LICENSE FEES, PRESCRIBING PENALTY FOR VIOLATION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STILWELL, OKLAHOMA.

SECTION 1. DEFINITION.

“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 to the general public on private property are included in this definition. Whether or not rent has been paid by one other than the established business occupying the property for the temporary use of the space, if such selling is merely temporary or seasonal and not done by the established business occupying the property.

A “temporary vendor” as used in this ordinance is any person, firm, corporation or association, either profit or non-profit, who engages in outdoor selling.

A “special event” as used in this ordinance 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.

SECTION 2. LICENSE REQUIRED.

No person shall operate a special event where any goods, wares, merchandise, food or beverage products are manufactured, sold or distributed without first obtaining a Special Events License from the City of Stilwell.

SECTION 3. SPECIAL EVENTS LICENSE.

- a. Upon the completion of an application for a special event license and approval thereof 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.**
- b. The holder of a special event license is authorized to grant individual temporary vendor permits, for a specified duration of time, for a specified location, for specified temporary vendors, and to assess a fee no greater than the amount of \$250.00 to outdoor vendors and other non-permanent business establishments to offer for sale goods, wares, merchandise, food or beverage or otherwise engage in “outdoor selling” to the public from a portable establishment upon**

premises which are occupied by lease or license upon a temporary term no greater than the duration of the special event.

- c. A special event license shall be valid for a period not to exceed twenty-one (21) consecutive days. No qualified organization may obtain more than one such license at a given site within a 30 day-period.
- d. The holder of a special event license shall be required to collect and report sales taxes for all individual temporary vendor permits it grants or issues, pursuant to the requirements of the Oklahoma Tax Commission.
- e. The holder of a special event license shall be required to issue individual temporary vendor permits.
- f. Individual temporary vendor permit holders are required to have their permits at the site of their temporary business locations, during the special event, for inspection by the City of Stilwell.
- g. The City Police Department shall be authorized to assist in the enforcement of the requirements of individual temporary vendor permit holders.

SECTION 4. LICENSE FEES.

The application fee to be paid to the City Clerk upon submission of the application for a license shall be \$50.00.

SECTION 5. APPLICATION FOR SPECIAL EVENTS LICENSE

A Special Events License shall be obtained by making proper application to the City Clerk, on forms furnished by the city, such forms to require the following information:

- a. Name of applicant;
- b. Address of applicant;
- c. Brief description of business, goods to be sold, location desired;
- d. Time period for Special Event;
- e. If applicable, proof that a county health permit has been obtained;
- f. 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:

1. **Trash Dumpster Service**
2. **Temporary Waste Management**
3. **Clean up services**

- g. **At the time of filing, a fee as set by the City Council shall be paid to the City Clerk.**

SECTION 6. REVIEW OF APPLICATION.

The City Clerk shall review the application to ensure:

- a. **That the applicant is aware of the responsibility to collect and pay sales tax and that applicant is properly registered with the state tax commission. If the applicant is not properly registered with the state tax commission, the license shall not be issued.**
- b. **That the chosen location is appropriate and does not extend onto the public right-of-way, unless authorized by City Council.**
- c. **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.**
- d. **That all laws and ordinances regarding advertising and signs is to be properly complied with during the applicant's special event.**
- e. **That a valid county health permit is obtained, if required.**

SECTION 7. ACTION ON APPLICATION.

- a. **If the application is approved by the City Council, the City Clerk shall issue the license within three days after the approval.**
- b. **If the application is not approved, the City Clerk shall state the specific reason for non-approval and the City Clerk shall notify the applicant within three days after non-approval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.**

SECTION 8. ISSUANCE OF LICENSE.

- a. **The license shall be issued by the City Clerk.**
- b. **A license must be obtained not less than thirty (30) days prior to the start of the special event.**

- c. Each license shall be issued for a period not to exceed twenty-one (21) consecutive days.
- d. The format of such license shall be determined by the City Clerk.

SECTION 9. REVOCATION OF LICENSE.

Licenses issued pursuant to this ordinance may be revoked by the City Council after notice and hearing, for any valid reason, including, but not limited to, the following:

- a. Any fraud, misrepresentation or false statement contained in the application for the license;
- b. Any violation of this ordinance;
- c. 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.

SECTION 10. PENALTY.

Any person, firm, corporation or association violating the provisions of this ordinance shall be guilty of a public offense and shall be fined up to the maximum fine allowed by law.


SECTION 11. EXEMPTIONS FROM OTHER ORDINANCES.

Any person, firm, corporation or association who receives an individual temporary vendor permit from a special event license holder, shall not be subject to the provision of Ordinance No. 327 of the City of Stilwell.

PASSED and APPROVED by the Mayor and City Council this 3rd day of April, 2006.



Reggy E. Cox, Mayor

ATTEST:


Kenneth Davidson, City Clerk/Treasurer