

TITLE 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

ALCOHOLIC BEVERAGES

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Section 5.04.010 Purposes of chapter.

This chapter is enacted as an exercise of the police power of the City to preserve the public's health, safety, and welfare, and to aid the enforcement of the policies of the state as established by Title 37 – Intoxicating Liquors and Title 37A - Alcoholic Beverages, of the Oklahoma Statutes, and to establish annual occupational license fees upon all persons engaged in the sale, manufacture, dispensation, or distribution of alcoholic beverages.

Section 5.04.020 Terms and phrases.

For the purpose of this chapter, all of the terms and phrases used shall be given the same use and meaning as defined by Titles 37 and 37A of the Oklahoma Statutes. "Minor" shall mean a person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted. The term "city clerk," when used in this chapter, shall include the City Clerk of the City of Sand Springs and his or her authorized employee or agent designees. The reference of "his or her" as licensees shall include corporate licensees or other such entities.

Section 5.04.030 – License required.

A. Any person who engages in any of the alcoholic beverage occupations requiring a city occupational license by this chapter without first paying the license fee in advance of such is guilty of an offense. Each day of such violation shall constitute a separate offense.

B. For alcoholic beverage occupational licensing purposes of the city, there shall be a succession in occupational classification in which a license issued for an occupational classification with a higher fee shall include city occupational licensing for lesser classifications – provided proper state licenses to conduct such occupations are submitted as a part of any application for a city license. The city clerk shall make notation upon the face of such license the lesser occupation classifications that can legally be conducted by the licensee.

C. Separate city occupational licenses for retail beer sales and retail wine sales shall be issued for such upon a single premises. A valid state license or licenses for such shall be submitted upon application for the respective city license or licenses. (

Section 5.04.040 – Amount of license fee.

A. There is hereby assessed an annual license fee upon occupations engaged in the sale, manufacture, dispensation or distribution of intoxicating liquors and/or alcoholic beverages as defined and regulated by Titles 37 and 37A of the Oklahoma Statutes. License fees shall be set by motion of the City Council and shall include, but not be limited to, the following occupations: brewer, small brewer, distiller, wine maker, small farm winery, rectifier, wholesaler (all wine and spirits), class B wholesaler, beer distributor, retail spirits (liquor) store, mixed beverage establishment, on-premises wine and/or beer sales, caterer, retail wine and/or beer sales, and special event.

B. The license fee for service organizations that are exempt under Section 501(c)(19) of the Internal Revenue Code for mixed beverage licenses shall be one-half the established regular license fee.

C. Should a retail spirits (liquor) store, a mixed beverage establishment or a caterer commence that occupation after July 1 of any given year, a prorated amount for the city occupational license fee shall be paid under the following schedule:

Date application for license received by the City Clerk:	Prorated license amount:
July 1 through September 30	Full amount
October 1 through December 31	75% of full amount
January 1 through March 31	50% of full amount
April 1 through June 30	25% of full amount

Section 5.04.050 – City clerk to collect fee and issue license.

A. Any state licensee initially entering upon any alcoholic beverage occupation shall pay a city occupational license fee to the City Clerk on or before the date he or she enters into such occupation. The licensee shall provide a copy of his or her current state license and applicable state sales tax permit before payment of the license fee will be accepted. Thereafter, the licensee shall pay the city occupational license fee annually on or before July 1 of each successive year.

B. Any state licensee carrying on his or her occupation in more than one location within the city limits shall pay a city occupational license fee for each location. No additional city license fee shall be levied upon a licensee for moving the location of his or her occupation from one place to another within the city limits.

C. Upon payment of the license fee, the city clerk shall issue a city alcoholic beverage occupational license to the state licensee. The license shall be posted in a conspicuous place on the premises wherein the occupation is taking place. The city clerk shall retain a copy of the license and application documents for such periods as determined by the record-keeping policies of the city. (Prior code § 3-123; 1325, amended 08/27/2018; Amended 1325 amended 09/24/2018)

D. Should a retail spirits (liquor) store, a mixed beverage establishment, or a caterer cease that occupation after July 1 of any given year, a prorated refund of the city occupational license fee shall be granted under the following conditions:

1. The state licensee must have completely ceased the occupation;
2. All taxes or other monies due the city from the state licensee or the business must have been paid; and
3. The original sealed copy of the city alcoholic beverage occupational license issued for the current year shall be surrendered.

E. Upon written request, and satisfaction of these conditions for a refund, the following schedule will determine the amount of the refund:

Date request received by City Clerk	Prorated refund amount
July 1 through September 30	75% of fee paid
October 1 through December 31	50% of fee paid
January 1 through March 31	25% of fee paid
April 1 through June 30	No refund

F. Any recipient of a prorated refund shall be a new applicant upon returning to business.

Section 5.04.060 – Civil penalty.

All sums due from any person, corporation or entity by reason of city occupational license fees imposed by this chapter, and all penalties accruing for failure to pay such fees, and interest thereon and attorney’s fees as allowed by law, shall be recoverable by suit of the city brought in any court of competent jurisdiction. Prosecution

for an offense arising out of the failure to pay such fees, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner the city's collection of fees and penalties as herein provided.

Section 5.04.070 – Revocation.

Any state licensee who violates any provision of Title 37 – Intoxicating Liquors, and Title 37A – Alcoholic Beverages, of the Oklahoma Statutes, any of the provisions of this chapter, or any of the ordinances of the city, shall be subject to revocation of his or her city alcoholic beverage occupational license privilege without refund.

Section 5.04.080 – Location to conform to state law.

No person shall own, operate, maintain, or hold an interest in any alcoholic beverage occupation that is located at a place within the city limits which is in violation of or forbidden as a location by the laws of the state, or the zoning code or other ordinances of the city.

Section 5.04.090 – Consumption prohibited, exceptions.

A. No person shall open, break the package seal of, or consume in any manner any alcoholic beverage on the premises of any city alcoholic beverage occupational licensee, or within designated areas thereof, where such is prohibited by the laws of the state; or upon any public property.

B. Alcoholic beverages may be consumed upon specific city properties, buildings or facilities as authorized by ordinance or approved by motion of the city council; or in specific public spaces designated by restaurants with annual license renewal review and approval by the city – provided such consumption is not otherwise prohibited by state law and has been approved by all applicable state regulatory authorities.

Section 5.04.100 – Compliance required.

No person shall sell at retail or otherwise, and no person shall deliver, in consequence of or in completion of such a sale, any alcoholic beverages to any place in the city except at premises compliant with the laws of the state and for which a proper classification of city alcoholic beverage occupational license has been issued.

Section 5.04.110 – Compliance with zoning regulations required.

No premises for which a state license and city alcoholic beverage occupational license are required shall be located, maintained, or operated by any person at any place within the city limits except at a location permitted by the zoning code of the city. No person shall own, operate, maintain or have an interest in any premises where alcoholic beverages are sold, manufactured, dispensed, distributed or otherwise handled, which is in violation of or forbidden as a location by the laws of the state.

Section 5.04.120 – Prohibited sales, possession by minors.

A. No person shall sell, deliver or furnish alcoholic beverages, at any place within the city limits to any person who is a minor.

B. No minor shall misrepresent his or her age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him or her alcoholic beverages.

C. No minor may be in possession of any alcoholic beverage in any public place.

Section 5.04.130 – Furnishing alcohol to intoxicated persons prohibited.

No person shall sell, dispense, deliver or knowingly furnish any alcoholic beverages to an intoxicated person in any occupation regulated by this chapter.

Section 5.04.140 – Transporting alcoholic beverages.

It is unlawful to transport any alcoholic beverage unless the same is:

A. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or

B. In the trunk or other closed compartment or container out of public view and out of reach of the driver or any occupant of a vehicle.

Section 5.04.150 – Prohibited employment.

No person, corporation or other entity shall employ a minor or other person in the sale, manufacture, dispensation or distribution of alcoholic beverages within the city limits where such is contrary to the laws of the state.

Section 5.04.160 – Dates, hours on which sale prohibited.

No person shall open for business or keep open for business, sell, manufacture, dispense or deliver any alcoholic beverages as licensed and regulated by the state and for which a city occupational license is issued on any day, date or time that is contrary to the laws of the state.

Section 5.04.170 – Sale promotions prohibited.

No city alcoholic beverage occupational licensee, or employee or agent thereof, shall offer or furnish any prize, premium, gift or similar inducement in connection with or to promote the sale of alcoholic beverages in any manner which is contrary to the laws of the state.

Section 5.04.180 – Duty of police department, other city departments.

A. The police department may make frequent inspections of all places of business where alcoholic beverages are sold, manufactured, dispensed or distributed, for the purposes of enforcing the ordinances of the city and ascertaining whether the owners or operators thereof are complying with the requirements of those ordinances relating to the handling of alcoholic beverages.

B. The city clerk shall maintain records of all current alcoholic beverage occupational licenses and the classification or classifications of licensees. The police department, code enforcement officer, or authorized designees thereof, shall assure licensees are compliant with the licensing provisions and requirements of this chapter.

Section 5.04.190 – Certificate of Compliance.

A. Where the laws of the state require such, any applicant for an initial city occupational license related to the sale, manufacture, dispensation or delivery of alcoholic beverages shall first make application to the city clerk for a Certificate of Compliance. The occupations and premises contained within such application shall be reviewed and approved by the appropriate city departments for zoning, health and safety, and fire code compliance.

B. A non-refundable fee for such application shall be set by resolution of the city council and shall be paid by the applicant upon submittal. Each premises where an occupation or occupations are to be conducted shall require a separate application and fee. The city clerk shall be required to act on all applications for such certificates within twenty (20) business days of receipt of the written application in proper form.

C. Upon completion and approval of all required reviews, the city clerk shall issue a Certificate of Compliance for the premises and occupation or occupations being sought by the applicant. The issued Certificate of Compliance shall bear the signatures of the city clerk, zoning officer, building official, fire marshal, or their authorized designees.

D. Issuance of a Certificate of Compliance does not assure or constitute occupational licensure in any form by the city for the sale, manufacture, dispensation or distribution of alcoholic beverages within the city limits.

Section 5.04.200 – Penalty

Violation of any provision of this chapter shall be punishable as a Class C offense as provided for in Section 1.20.010 of this code. Each day that such violation exists shall constitute a separate offense.(Prior code § 3-123; 1325, amended 08/27/2018)

Chapter 5.08

CABLE TELEVISION RATE REGULATIONS

Sections:

- 5.08.010 Short title.**
- 5.08.020 Definitions.**
- 5.08.030 Initial review of basic cable service rates.**
- 5.08.040 Review of request for increase in basic cable service rates.**
- 5.08.050 Cable operator information.**
- 5.08.060 Automatic rate adjustments.**
- 5.08.070 Enforcement.**

Section 5.08.010 Short title.

This chapter shall be known and may be cited as the "Sand Springs Basic Cable Television Service Rate Regulation Ordinance." (Prior code § 17-501)

Section 5.08.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory:

"Basic cable service rates" mean monthly charges for a subscription to the basic cable service tier, including charges for associated equipment.

"Basic cable service tier" means any category of separately available cable service provided by a cable operator to which subscription is required for access to any other tier of service and which includes the retransmission of local television broadcast signals; any public, educational, and governmental programming; and any additional video programming signals added by a cable operator.

"Benchmark" means the per channel rate of charge for cable television service and associated equipment which the FCC has determined to be reasonable.

"Cable Act" means the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Public Law No. 102-385, 1992) and as the same may hereafter be amended.

"Cable operator" means any person or group of persons:

1. Who provides cable television service over a cable system and directly, or through one or more affiliates, owns a significant interest in such a cable system; or
2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable television system.

"Channel" means a portion of the electromagnetic frequency spectrum which is used as a unit of cable television service identified and selected by a number of similar designation.

"City" means the City of Sand Springs, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form.

"Cost-of-service showing" means a filing in which a cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic cable service tier and to continue to attract capital.

"Council" means the City Council of the city or anybody constituting in the future the legislative body of the city.

"FCC" means the Federal Communications Commission or its successor.

"Initial basic cable service rates" mean the rates that a cable operator is charging for the basic cable service tier, including charges for associated equipment, at the time the city notifies the cable operator of the city's qualification and intent to regulate basic cable service rates.

"Person" means an individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity.

"Price cap" means the ceiling set by the FCC on future increases in basic cable service rates regulated by the city, based on a formula using the gross national product fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

"Reasonable rate standard" means any per channel rate that is at, or below, the benchmark or price cap level. (Prior code § 17-502)

Section 5.08.030 Initial review of basic cable service rates.

A. Notice. Upon the effective date of the ordinance adopting this chapter and certification of the City by the FCC to regulate basic cable service rates, the City shall immediately notify any cable operator in the City, by certified mail, return receipt requested, that the City intends to regulate basic cable service rates as authorized by the Cable Act.

B. Cable Operator Response. Within thirty (30) days of receiving notice from the City a cable operator shall file with the City its current basic cable service rates and any supporting material concerning the reasonableness of those rates.

C. Expedited Determination and Public Hearing.

1. If the City Council is able to expeditiously determine that the cable operator's basic cable service rates are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the City Council shall:

a. Hold a public hearing at which interested persons may express their views; and

b. Act to approve the basic cable service rates within thirty (30) days from the date the cable operator filed its basic cable service rates with the City;

2. If the City Council takes no action within thirty (30) days from the date the cable operator filed its basic cable service rates with the City, the proposed rates shall continue in effect;

D. Extended Review Period.

1. If the City Council is unable to determine whether the cable operator's basic cable service rates are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City

Council shall, within thirty (30) days from the date the cable operator filed its basic cable service rates with the city and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

a. Ninety (90) days, if the City Council needs more time to ensure that a rate is within the FCC's reasonable rate standard; or

b. One hundred fifty (150) days, if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

2. If the City Council has not made a decision within the ninety (90) or one hundred fifty (150) day period, the City Council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

E. Public hearing. During the extended review period and before taking action on the proposed rate, the City Council shall hold at least one (1) public hearing at which interested persons may express their views and record objections.

F. Objections. An interested person who wishes to make an objection to the proposed initial basic cable service rate may request the Council secretary record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector shall provide the Council secretary with the objector's name and address.

G. Benchmark analysis. If a cable operator submits its current basic cable service rate schedule as being in compliance with the FCC's reasonable rate standard, the City Council shall review the rates using the benchmark analysis, in accordance with the standard form authorized by the FCC. Based on the City Council's findings, the initial basic cable service rates shall be established as follows:

1. If the current basic cable service rates are equal to or below the benchmark, those rates shall become the initial basic cable service rates, and the cable operator's rates shall be capped at that level;

2. If the current basic cable service rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by ten (10) percent, or the applicable benchmark, adjusted for inflation and any change in the number of channels occurring between September 30, 1992, and the initial date of regulation; or

3. If the current basic cable service rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable service rate shall be the benchmark, adjusted for inflation.

H. Cost-of-Service Showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify an initial basic cable service rates above the FCC's reasonable rate standard. The City Council shall review a cost-of-service submission pursuant to FCC standards for review. The City Council may approve initial basic cable service rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus ten (10) percent, shall prescribe the cable operator's new rates.

I. Decision.

1. By Formal Resolution. After completion of its review of the cable operator's proposed rates, the City Council shall adopt its decision by formal resolution. The decision shall include one of the following:

a. If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the City Council shall approve the initial basic cable service rates proposed by the cable operator; or

b. If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the City Council shall establish initial basic cable service rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.

2. Rollbacks and Refunds. If the City Council determines that the initial basic cable service rates, as submitted, exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the City Council may order the rates reduced in accordance with subsection G or H of this section, as applicable. In addition, the City Council may order the cable operator to pay to subscribers refunds of the excessive portion of the rates, with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate shall be in accordance with FCC regulations as directed in the City Council's decision resolution; and

3. Statement of Reasons for Decision and Public Notice. If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution shall state the reasons for the decision and the City Council shall give public notice of its decision by publication of the council's resolution, once, in a newspaper of general circulation within the corporate limits of the city.

J. Appeal. The City Council's decision concerning rates for the basic cable service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations. (Prior code § 17-503)

Section 5.08.040 Review of request for increase in basic cable service rates.

A. Notice. A cable operator in the City who wishes to increase the rates for the basic cable service tier or associate equipment shall file a request with the City and notify all subscribers at least thirty (30) days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one (1) year after the determination of the initial basic cable service rates.

B. Expedited Determination and Public Hearing.

1. If the City Council is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the City Council shall:

a. Hold a public hearing at which interested persons may express their views; and

b. Act to approve the rate increase within thirty (30) days from the date the cable operator filed its request with the City.

2. If the City Council takes no action within thirty (30) days from the date the cable operator filed its request with the City, the proposed rates shall go into effect.

C. Extended Review Period.

1. If the City Council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City Council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

a. Ninety (90) days, if the City Council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and

b. One hundred fifty (150) days, if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.

2. A proposed rate increase shall be tolled during any extended review period; or

3. If the City Council has not made a decision within the ninety (90) or one hundred fifty (150) day period, the City Council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

D. Public Hearing. During an extended review period and before taking action on the requested rate increase, the City Council shall hold at least one public hearing at which interested persons may express their views and record objections.

E. Objections. An interested person who wishes to make an objection to the proposed rate increase may request the Council secretary to record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector shall provide the Council secretary with the objector's name and address.

F. Delayed Determination. If the City Council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the City Council later issues a decision disapproving any portion of the increase.

G. Price cap analysis: if a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the City Council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the City Council's findings, basic cable service rates shall be established as follows:

1. If the proposed basic cable service rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable service rates; or

2. If the proposed basic cable service rate increase exceeds the price cap established by the FCC, the City Council shall disapprove the proposed rate increase and order a basic cable service rate that is in compliance with the price cap.

H. Cost-of-Service Showings. If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the City Council shall review the submission pursuant the FCC standards for cost-of-service review. The

City Council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current basic cable service rate shall prescribe the cable operator's new rate.

I. Decision. The City Council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution shall state the reasons for the decision. Objections may be made at the public hearing by a person requesting the Council secretary record the objection or may be submitted in writing at any time before the decision resolution is adopted.

J. Refunds.

1. The City Council may order refunds of subscribers' basic cable service rate payments, with interest, if:

a. The City Council was unable to make a decision within the extended time period as described in subsection C, of this section;

b. The cable operator implemented the rate increase at the end of the extended review period; and

c. The City Council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the City Council disapproves any portion of the rate increase.

2. The method for paying any refund and the interest rate shall be in accordance with FCC regulations as directed in the City Council's decision resolution.

K. Appeal. The City Council's decision concerning basic cable service rates may be appealed to the FCC in accordance with applicable federal regulations. (Prior code § 17-504)

Section 5.08.050 Cable operator information.

A. City may require:

1. In those cases when a cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the City Council may require the cable operator to produce information, in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section; or

2. In cases where initial or proposed rates comply with the reasonable rate standard, the City Council may request additional information only in order to document that the cable operator's rates are in accord with the reasonable rate standard.

B. Request for Confidentiality.

1. A cable operator submitting information to the City Council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies;

2. If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified;

3. Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based; or

4. Informal requests, which do not comply with the requirements of this subsection, shall not be considered.

C. City Council Action. Requests which comply with the requirements of subsection B of this section shall be acted upon by the City Council. The City Council shall grant the request if the cable operator presents, by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling shall be placed in a public file in lieu of the information withheld from public inspection. If the cable operator does not establish a case for nondisclosure and the City Council denies the request, the City Council shall take one of the following actions:

1. If the information has been submitted voluntarily without any direction from the City, the cable operator may request that the City return the information without considering it. Ordinarily, the City will comply with such a request; however, when the public interest so requires, the information shall be made available for public inspection; or

2. If the information was required to be submitted by the City Council, the information shall be made available for public inspection.

D. Appeal. If the City Council denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five (5) working days of the City Council's decision, and the release of the information shall be stayed pending review. (Prior code § 17-505)

Section 5.08.060 Automatic rate adjustments.

A. Annual Inflation Adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic cable service tier annually by the final gross national product price index.

B. Other External Costs.

1. FCC regulations allow the cable operator to increase its basic cable service rates automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the gross national product price index. These factors include retransmission consent fees, programming costs, state and local taxes applicable to the provision of cable television service, and costs of permit or franchise requirements. The total cost of an increase in a permit or franchise fee may be automatically added to the base per channel rate, without regard to its relation to the gross national product price index; and

2. For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted shall be the date on which the basic cable service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

C. Notification and Review. The cable operator shall notify the City at least thirty (30) days in advance of a rate increase based on automatic adjustment items. The City shall review the increase to determine whether the item or items qualify as automatic adjustments. If the City makes no objection within thirty (30) days of receiving notice of the increase, the increase may go into effect. (Prior code § 17-506)

Section 5.08.070 Enforcement.

A. Refunds. The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

1. A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or
2. The cable operator has failed to comply with a valid rate order issued by the City.

B. Fines. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to punishment as provided in Section 1.20.010 of this code. (Prior code § 17-507)

Chapter 5.12

PAWNBROKERS AND AUTO SALVAGE YARDS

Sections:

- 5.12.010 Pawnbrokers and money lenders defined.**
- 5.12.020 Auto salvage yard or dealer in auto parts defined.**
- 5.12.030 Records required.**
- 5.12.040 Obtaining name.**
- 5.12.050 Restrictions on disposition.**
- 5.12.060 Holding goods unmixd.**

Section 5.12.010 Pawnbrokers and money lenders defined.

A pawnbroker or money lender is defined as any person or corporation who loans money on deposit or pledge of personal property or other valuable thing, or who engages in loaning money upon personal property for security and requires the possession of the property so mortgaged or pledged, or who deals in the purchases of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business--three gilt or yellow balls--or who publicly exhibits any sign of money to loan on pledged personal property, or whose firm name publicly exhibited denotes their business as that of loaning money on pledged personal property, or who offers for sale personal property exhibited and advertised as unredeemed pledges. (Prior code § 9-201)

Section 5.12.020 Auto salvage yard or dealer in auto parts defined.

An auto salvage yard or dealer in auto parts is defined as any person or corporation who acquires new or used automobile, truck, tractor or other motor vehicle parts or related tools, equipment and accessories, by purchase or exchange to be reused or sold to others or who offers for sale automobile, truck, tractor or other motor vehicle parts, or related tools, equipment and accessories. (Prior code § 9-202)

Section 5.12.030 Records required.

A. Any person, firm, or corporation engaging in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts in the City shall keep a book in which is legibly written in ink, at the time any loan, purchase, or exchange is made, by such person or corporation, the following:

1. An accurate account or description, in the English language of the goods, articles, or things so pawned, pledged, mortgaged, or purchased;
2. The amount of money loaned, paid, or exchanged therefor;
3. The time same were received; and
4. The name, residence, and description of the person pawning, pledging, mortgaging, exchanging, or selling the same.

The book, as well as any and all articles pawned, pledged, or purchased, shall be at all reasonable times, open to the inspection of the chief of police or any member of the police department of the City.

5. Verified identification number (state issued ID).

B. It is the duty of every pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts engaging in the business in the City to make and deliver to the chief of police of the City, or a police officer, or to some person authorized by the chief of police, a list of all personal property or other valuable things so pawned, pledged, mortgaged, exchanged for, or purchased during the previous three (3) days, from the book required to be kept in this section, together with the description of the person or persons by whom pawned, or left on pledge, or from whom the same were purchased or exchanged. The provisions of this section shall not apply to any property purchased from manufacturers or wholesale dealers having an established place of business or of goods purchased at open sale from any bankrupt stock or from any other person having an established place of business, but such goods shall be accompanied by a bill of sale or other evidence of a legitimate purchase and must be shown to the chief of police or any member of the police department of the City upon demand. (Prior code § 9-203; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.040 Obtaining name.

Any person, firm, or corporation engaged in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts in the City shall require and obtain from all persons pawning, selling, exchanging, mortgaging, hypothecating, or leaving with any such person, firm, or corporation any goods or chattels of any description, to write his or her name, if such person is able to write. If such person is not able to write his or her name, then the name and mark of such person must be written or obtained upon a sheet of paper which shall be filed with the chief of police along with and at the time specified for the report to be made to the chief of police under the terms of this section as set out above. (Prior code § 9-204; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.050 Restrictions on disposition.

Unless released by the police department, it is unlawful for any personal property of which a record is required to be kept by the provisions of the foregoing sections to be sold, or permitted to be taken from the place of business of such pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts within the space of five (5) days after the delivery to the chief of police of the City, or other person authorized to receive the same, of the list of such property as required by Section 5.12.030 of this code. (Prior code § 9-205; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.060 Holding goods unmixed.

It is unlawful for any person, firm, or corporation engaged in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts not to hold separate and apart for a period of ten (10) days, before mixing

with other goods already in stock in such establishment, all goods or chattels, pawned, hypothecated, left, exchanged, sold, or mortgaged to such establishment. (Prior code § 9-206; 1221, Amended by Recodification, 11/19/2012)

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Chapter 5.16

General Business Licenses and Regulations

Sections:

- 5.16.010 Licenses required**
- 5.16.020 License fees, permits required**
- 5.16.030 Amusement devices**
- 5.16.040 Circuses, carnivals, and related shows**
- 5.16.050 Itinerant peddlers and solicitors**
- 5.16.060 Penalty**

Section 5.16.010 Licenses required

A. It is unlawful for any person, firm, or corporation, or any employee or agent thereof, to engage in a trade, business, or occupation included in this chapter within the corporate limits of the City without having first secured a valid license for such trade, business, or occupation as issued by the City Clerk.

B. It is unlawful for any person, firm, or corporation to permit any unlicensed trade, business, or occupation included in this chapter to operate or otherwise be maintained upon any premises owned, leased, or otherwise controlled by same within the corporate limits of the City. (1079, Amended, 05/24/2004; 1114, Amended, 09/12/2005)

Section 5.16.020 License fees, permits required

A. The fee for trade, business, or occupation licenses included in this chapter shall be set by motion or resolution of the City Council. The fee shall be paid in full prior to issuance of any license.

B. No licenses shall be issued under this chapter unless the applicant possesses a valid State of Oklahoma sale tax permit, if one is required pursuant to the state sales tax code; or other applicable municipal, county, state, or federal licenses or permits. (1114, Amended, 09/12/2005)

Section 5.16.030 Amusement devices

A. All amusement devices shall be issued a license on an annual basis commencing July 1, of each year and expiring June 30, of the following year. An amusement device licenses issued during a fractional part of the year shall be subject to the same fee and conditions as a license issued for a full year. A license shall be required for each amusement device regulated by this chapter. The City Clerk shall issue documentation to be affixed in a conspicuous location upon each amusement device indicating issuance of a valid license. Such license shall not be assignable or transferable from the original purchaser and shall not be transferable to another amusement device. Such license shall not be construed as a permit to operate any amusement device in a manner contrary to any municipal, county, state, or federal law or regulations.

B. For purposes of this chapter, "amusement device" means a device, machine, or appliance for which there are no actual goods, wares, or items of merchandise dispensed of a value reasonably equal to the value of the fee charged, collected, or required.

C. Exempted from the provisions of this chapter are juke or music boxes, the primary function of which is the listening of music for a fee.

D. Any peace officer, code enforcement officer, or other authorized employee of the City shall be permitted to enter upon any premises where an amusement device is being operated or otherwise kept for the purpose of compliance inspections regarding provisions of this chapter and other City ordinances. (1114, Amended, 09/12/2005)

Section 5.16.040 Circuses, Carnivals and Related Shows

A. Any circus, carnival, or show that primary provides amusement or entertainment for an established fee in a venue other than a fixed permanent location shall first obtain a license for such from the City Clerk. The license shall state the date or dates of its validity. Such license shall not be assignable or transferable.

B. In addition to the general requirements of this chapter, an applicant for a carnival, circus, or show license shall present documentation from the property owner or persons in control of the property where the circus, carnival, or show is to be located, authorizing its use for such purposes.

C. Circuses, carnivals, or shows regulated by provisions of this chapter shall operate only between the hours of 8:00 a.m. and 11:00 p.m.

D. A peace officer, code enforcement officer, fire marshal, or other authorized employee of the City shall be permitted to enter upon any premises where a circus, carnival, or show is situated for the purpose of compliance inspections regarding provisions of this chapter and other City ordinances.

E. License fees shall be waived for circuses, carnivals, or shows sponsored by a governmental entity or an organization given non-profit or not-for-profit status by the Internal Revenue Service. (1114, Amended, 09/12/2005)

Section 5.16.050 Itinerant Peddlers and Solicitors

A. All persons, firms, or corporations providing goods, services, or merchandise for sale on a temporary basis within the corporate limits of the City shall first obtain an itinerant peddler's and solicitor's license from the City Clerk. Said license shall be valid for one (1) year from the issuance date. For purposes of this section, "temporary" shall be defined as a business or service operation provided from a non-fixed or non-permanent location. (1229, Amended 08/27/2012; 1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

B. The City Clerk, upon issuance of an itinerant peddler's and solicitor's license, shall provide documentation of such. A copy of such documentation shall be in possession of each itinerant peddler or solicitor while engaged in such business activities. Such documentation shall be presented upon request for inspection by any peace officer, code enforcement officer, or other authorized employee of the City. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

C. In addition to the general requirements of this chapter, an applicant for an itinerant peddler's and solicitor's license located upon private property shall present documentation from the property owner or persons legally in control of the property authorizing its use for such purposes. Additionally, the City Clerk shall prepare and maintain a list of all residents within the City who desire to prevent soliciting and peddling at their residence which shall be known as the No Knock List. Residents of the City who desire to have their addresses placed on the No Knock List may do so by contacting the City Clerk's office.

1. Solicitors must obtain a copy of the No Knock List from the City Clerk's office at the time they obtain a license, and are expressly prohibited from soliciting or peddling at any residence listed on the No Knock List. Contacting residents in disregard of the No Knock List may result in revocation of a Solicitor's license and/or assessment of a fine.

2. This provision shall not apply to non-profit organizations, groups, and associations.

3. It shall be unlawful for a Solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence or dwelling which is listed on the No Knock List or upon which a sign stating "No Solicitors," "No Trespassers," or words of similar import indicating such persons are not wanted on the premises, is painted, affixed, or otherwise plainly displayed to public view either on or near the primary entrance of the residence. This paragraph shall not apply to any Solicitor who gains admittance to a residence either by invitation or consent of the residence's occupant.

4. The registration with the City of Sand Springs shall be effective for three (3) years. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

D. Business locations and functions for itinerant peddlers and solicitors much are in compliance with the Zoning Code of the City, as well as all other municipal, county, state, and federal laws and regulations.

E. No itinerant peddler or solicitor shall use any public property within the corporate limits of the City - including streets, parks, and public rights-of-way - to establish a fixed business or service operation. Exempt from this provision are itinerant peddlers and solicitors engaged in a special event or other activity authorized by the City Council, City Manager, chief of police or other persons or entities permitted to make such authorizations.

F. An itinerant peddler's and solicitor's license is required for all persons, firms, or corporations providing goods for sale dispensed from a moving vehicle or other form of mobile conveyance upon the public streets of the City. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

G. An itinerant peddler's and solicitor's license is required for all person, firms, or corporations conducting residential door-to-door sales of goods, services, or merchandise. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

H. Exempt from the provisions of this section are persons, firms, or corporations engaged in sale of goods, services, or merchandise to businesses for use or resale; and sales of goods, services, or merchandise by a governmental entity or an organization given non-profit or not-for-profit status by the Internal Revenue Service. Also exempt are temporary endeavors that are related to an approved special event by

the special events committee of the City of Sand Springs. (1114, Amended 09/12/2005; 1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

I. The City Council may waive fees for itinerant peddlers and solicitors selling goods, services, or merchandise at a special event or other activity authorized by the City Council, City Manager, chief of police or others persons or entities permitted to make such authorizations. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

J. It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting within the City during sleeping hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. the following morning except by specific appointment with an invitation from the prospective customer. Further, it shall be unlawful to disregard a no soliciting or no trespassing sign in place at business or residence. (1240, Amended/added 08/12/2013.)

K. An applicant for a peddler's and solicitor's license shall file with the City Clerk or authorized designee, a completed application in writing on a form to be furnished by the City Clerk. (1240, Amended/added 08/12/2013.)

L. The application shall include, but not be limited to, the following information:

1. The full name, description, and birth date of the applicant, which may be obtained from a copy of the applicant's driver's license or other acceptable form of government-issued identification.

2. The permanent home address, full local address, and telephone number(s) of the applicant.

3. A description of the nature of the itinerant peddling and soliciting business and types of goods to be sold.

4. If employed by another, the name, corporate address, contact person, and telephone number(s) of applicant's employer.

5. A description and license number of other identification of any vehicle to be used.

6. Whether the applicant, upon any sales or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery.

7. A letter, where applicable, providing authorization from the property owner or persons legally in control of the property for the applicant to engage and peddle or solicit upon the private property. The letter shall also include a diagram showing the exact location of where the activity is to occur.

8. A copy of a sales tax permit issued by the Oklahoma Tax Commission to the applicant or employer thereof, unless the applicant can prove to the City Clerk's satisfaction that he or she is not a vendor within the definition of the state sales tax code.

9. Copies of all permits, certificates or other documents required by the rules and regulations of the Tulsa Health Department to engage in regulated food-related activities.

10. Other relevant information as may be required by the City Clerk, or other City employees responsible for reviewing, investigating or otherwise processing the applications. (1240, Amended/added 08/12/2013)

M. At the time of filing the application, the applicant shall pay a nonrefundable fee as established by motion of the City Council. (1240, Amended/added 08/12/2013.)

N. Licenses issued under the provisions of this section may be revoked for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license;

2. Fraud, misrepresentation or false statement made in the course of carrying on the business as a peddler or solicitor;

3. Any violation of this section;

4. Conviction of any crime or misdemeanor involving moral turpitude;

5. Conducting the business of peddling or soliciting 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; or

6. Violation of any local, state, or federal law.

(1240, Amended/added 08/12/2013.)

O. Any person aggrieved by the denial or revocation of an itinerant peddler's or solicitor's license shall have the right of appeal to the City Manager. Such appeal shall be writing and shall be taken by filing with the City Clerk, within ten (10) days after notice of the action complained of has been given to the applicant by certificate of mailing to his or her local address as it appears upon the application. The appeal shall state specific objections to the denial or revocation. The City Manager shall set a time and place for a hearing on such appeal and notice of such hearing shall given to the applicant by certificate of mailing at least five (5) days prior to the date set for hearing. The decision and order of the City Manager on such an appeal shall be final and conclusive. Any appeal taken in such matters shall not stay any denial or revocation of an itinerant peddler's or solicitor's license. (1240, Amended/added 08/12/2013.)

P. Any person, firm, or corporation violating any provision of this section, including but not limited to willful submittal of invalid or fraudulent information upon any application or documentation as required by this section, shall be deemed guilty of a Class "C" offense as contained in the general penalty section of the City's Code of Ordinances. Where applicable, each day a violation occurs shall constitutes a separate offense. (1240, Amended/added 08/12/2013.)

5.16.060 Penalty

A. Any person, firm or corporation found to be in violation of this chapter shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation of this chapter is committed shall constitute a separate offense.

B. Provisions of this chapter shall be enforceable by any peace officer, code enforcement, or other authorized employee of the City. (1279, Amended 01/25/2016)

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Chapter 5.20

TAXICABS

Sections:

- 5.20.010** **Definition.**
- 5.20.020** **License required.**
- 5.20.030** **License application.**
- 5.20.040** **Rates to be posted.**
- 5.20.050** **Taxicab seating capacity.**
- 5.20.060** **Drivers to be employees and agents of owners.**
- 5.20.070** **Revocation of vehicle license.**
- 5.20.080** **Cruising.**
- 5.20.090** **Soliciting passengers.**
- 5.20.100** **Stopping, loading, and unloading.**

Section 5.20.010 **Definition.**

A "taxicab," for the purpose of this chapter, is any motor vehicle or other vehicle used for the transportation of passengers for hire, not on regular or designated routes. (Prior code § 9-401)

Section 5.20.020 **License required.**

It is unlawful for any person, company, or corporation, to operate or cause to be operated, any automobile, taxicab, auto bus, hack, baggage wagon, or other motor or horsedrawn vehicle for the purpose of hauling or transferring passengers for hire, in the City without first having obtained from the City a license as herein provided for each and every automobile, taxicab, motor or horsedrawn vehicle, used for the purpose of hauling or transferring passengers for hire in the City. A taxicab business currently licensed for business in the City of Tulsa shall be exempt from obtaining a license in the City of Sand Springs, but will be accountable for all other sections of this title. (Prior code § 9-402; 1221, Amended by Recodification, 11/19/2012)

Section 5.20.030 **License application.**

Any person, persons, or business entity desiring to operate any business, whereby motor or other vehicles are operated, which carry passengers for hire in the City commonly known as taxicab businesses, shall first obtain a license therefor by making application to the City Clerk of the City giving the name and business address of the applicant, together with the approximate number of vehicles proposed to be operated and such other information as the Council may require, unless exempt as described in 5.20.020. (Prior code § 9-403; 1221, Amended by Recodification, 11/19/2012)

Section 5.20.040 Rates to be posted.

A. Every vehicle operating under the provisions of this title in the City shall have at all times posted in some conspicuous place in the vehicle, the maximum rates to be charged for services and transportation of passengers and a copy of the rates shall also be filed with the City Clerk.

B. It is unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same. It is unlawful for a person to hire a vehicle with intent to defraud the person from whom it is hired of the value of such service. (Prior code § 9-404)

Section 5.20.050 Taxicab seating capacity.

No more than three (3) persons, including the driver, shall be permitted to be seated in the front seat of any taxicab, and not more than four (4) persons shall be seated in the rear seat of the taxicab. All passengers riding in the vehicle must be seated at all times. (Prior code § 9-405)

Section 5.20.060 Drivers to be employees and agents of owners.

The owner of any vehicle licensed under the provisions of this chapter may employ a driver for the same, but such driver shall in all things be the agent of the owner of the vehicle in operating the same. (Prior code § 9-406)

Section 5.20.070 Revocation of vehicle license.

A. The license for any vehicle to operate as a vehicle for hire in the City may be revoked by the Council for the following reasons:

1. For failure of the driver to be properly licensed, as provided by the provisions of this chapter;

2. If any vehicle fails to pass the inspection provided for under Section 5.20.060 of this chapter, and is used for hauling passengers thereafter; and

3. Whenever it shall appear upon investigation and hearing by the Council that the license issued hereunder has been obtained by misrepresentations or that the owner has permitted such vehicle to be used for immoral purposes, or that the same has become unsafe for transportation of persons.

B. When the license has been cancelled, no license thereafter shall be issued to such owners for a period of twelve (12) months. (Prior code § 9-407)

Section 5.20.080 Cruising.

No driver of a vehicle shall seek employment by repeatedly and persistently driving his or her vehicle to and from in a short space or passing and repassing in front of any theatre, hall, hotel, bus station, store, or other place of public gatherings, or in any manner obstruct or impede traffic, or cruise over the City in general for the purpose of picking up passengers. (Prior code § 9-408)

Section 5.20.090 Soliciting passengers.

No person at any City passenger station or place used by any vehicle for hire for soliciting or delivering or transferring of passengers shall solicit any transportation business, either passenger or property, by any loud noises of voice, instrument, or other

means. Such sound shall be deemed loud and unlawful within the meaning of this chapter when it may be heard for a greater distance than the voice of one speaking in an ordinary conversational tone and manner may be heard. Neither shall such person intervene with, molest, or intimidate any person by any act or unusual persuasion in soliciting such transportation of either person or property. (Prior code § 9-409)

Section 5.20.100 Stopping, loading, and unloading.

Vehicles shall make stops to discharge and take on passengers on the near side of the street intersections, leaving the crosswalks open, and shall pull up as close as possible to the curb to make all such stops. Vehicles may not receive or discharge passengers while in motion. Vehicles shall not stand a longer time than necessary to take on and discharge passengers, and except in an emergency, not more than two (2) minutes at any one place on the streets and roads in the City. (Prior code § 9-410)

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Chapter 5.24

YARD OR GARAGE SALES

Sections:

5.24.010 Yard or garage sale restrictions.

Section 5.24.010 Yard or garage sale restrictions.

It is unlawful for any person or persons to conduct more than two (2) yard or garage sales within the City or to conduct or have conducted more than two (2) yard or garage sales at any location not zoned for business during any one (1) year. No garage or yard sale shall last longer than two (2) consecutive days. No garage or yard sale shall be conducted without first securing a permit therefor from the inspections section of the City and they shall each month forward to the director of finance a list of all persons and locations of garage or yard sales for the preceding month. (Prior § 9-207)

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