

Chapter 5

BUSINESS AND OCCUPATIONS

Article 1. Licenses Generally

Sec. 5-1-1. Annual license fee levied.

A license fee is hereby levied on every person, firm, association, or corporation engaging in, exercising or pursuing any of the following businesses, professions, trades, occupations or privileges in this City.

- (1) For each carnival twenty-five dollars (\$25.00) per day. Carnival must furnish copy of certificate of insurance.
- (2) For each peddler of ice cream, soda pop and similar beverages, fruits, vegetables and other foodstuffs from power-driven vehicles twenty-five dollars (\$25.00) per year.
- (3) For each person, agent, peddler or solicitor selling, offering for sale, taking orders for, or offering to take orders for any other goods, products, wares, magazines, services or other things of any kind, on the sidewalks, streets, alleys, parks, or from door to door, whether it be in a residential or business area of the city will be charged a fee in the amount of twenty five dollars (\$25.00) per day subject to approval of application by the police department and the city clerk's office and proof of tax identification number. Said approved applicant must carry the license on his/her person while soliciting in the City.

Sec. 5-1-2. Persons exempted by law.

Nothing in this chapter shall be construed to require a person to pay a license fee when he is exempted by law from paying such fees.

Sec. 5-1-3. Payment of license fee; issuance of license; expiration date, etc.

- (a) It is unlawful for any person, firm, association, or corporation to engage in, exercise, or pursue any business, profession, occupation, or privilege for which a license fee is levied by the above section or by any other ordinance or ordinance provision without paying the license fee, and securing and possessing a valid license therefore. Upon making proper application to the city clerk, the payment of the license fee and fulfillment of any other condition, which may be prescribed by law and/or ordinance, the city clerk shall issue a license therefore. The fee collected shall be placed in the general fund of the city to help in bearing the general expenses of city government.
- (b) Annual license shall expire on the 31st day of December of the year for which they are issued, and shall not be prorated.

Sec. 5-1-4. Separate licenses issued.

Every person, firm, association or corporation who engages in, exercises or pursues a business, profession, trade, occupation or privilege for which a license is required, at or from more than one place in the city, or who engages in, exercises or pursues more than one such business, profession, trade, occupation or privilege, shall pay the fee, and secure a separate license, for each such place and/or for each such business, profession, trade, occupation or privilege.

(Code 1972 § 5-4.)

Sec. 5-1-5. License to be displayed.

Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it and shall be so placed or attached if the license so states on

its face. It is unlawful to fail or refuse to display the license as required in this section (Code 1972, § 5-5.)

Sec. 5-1-6. License may be denied or revoked.

Any license, license, permit, certificate, or certificate of registration issued by the city to any person, firm, association, or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege, may be denied or revoked by the council, after adequate opportunity for a hearing, for the following reasons:

- (1) The licensee is engaging in, exercising or pursuing the business profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by 50 O. S. § 1 and 3; or
- (2) Serious or repeated violations of the laws or ordinances; or
- (3) For the protection of the morals, peace, health or safety of the people of the City; or
- (4) For the violation of the applicable ordinances of the City. (Amended 12/06/2010, Ord. No. 2010-18).

Sec. 5-1-7. Transfer of license prohibited.

Title 11 O. S. 1980 Supp., § 27-107 prohibits the assignment or transfer of licenses, and hence assignment or transfer of licenses shall not be permitted in this city. (Code 1972, § 5-7.)

Sec. 5-1-8. Duplicate license.

Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk on application shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the city clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that if believed lost, he has made diligent search for it and has not been able to find it. The fee for every duplicate license issued, payable to the city clerk, shall be one dollar (\$1.00.) (Code 1972, § 5-8.)

Sec. 5-1-9. Inspection of Business.

Any person, firm, association, or corporation engaging in, exercising or pursuing any business profession, trade, occupation, or privilege in this city will be subject to an annual inspection by the fire department.

Sec. 5-1-10. Appeals.

Any applicant aggrieved by the denial of an application for a license, the denial of a license renewal or aggrieved by the revocation or suspension of a license shall have the right to appeal the decision to the City Council. The appeal shall be filed in writing and submitted to the City Clerk within fourteen (14) calendar days after receipt of notice of the denial, revocation or suspension. The City Clerk shall set a time and place for a hearing on such appeal and notice of such hearing shall be sent by mail to the last known address of the applicant at least ten days prior to the date set for the hearing. An appeal of the decision and order of the City Council shall be perfected to the District Court as provided by state law. (Amended 12/06/2010, Ord. No. 2010-18).

Sec. 5-1-11. Application to All Licensed Professionals.

The provisions of Article 1 and Article 11 of Chapter 5 shall apply to all licensed professions regulated by the City of Chickasha in either Chapter 4 or Chapter 5 of the Code of Ordinances.

Article 2. Auctioneers

Sec. 5-2-1. License required.

No person shall engage in the business or occupation or auctioneering of any goods, wares and merchandise in the City of Chickasha, unless and until he shall have first procured a license therefore and shall have complied with all the provisions of the city ordinances relating thereto.

(Code 1972, § 5-11.)

Sec. 5-2-2. License fee.

Each and every person desiring a license for the purpose of engaging in auctioneering as provided by this article, shall pay an annual license fee of fifty dollars (\$50.00) to the city clerk of said city. The license fee shall not be prorated and shall be due January 1, annually. *(Ord.*

1427, § 1.)

Sec. 5-2-3. Judicial sales.

No provision of this article shall be considered to apply to sales made at public auction under and by virtue of any legal process or proceeding through or from a court of law or equity nor to sales under mortgage or deed of trust or to any tax sales or to sales made by any persons required by law to sell property by auction or sales made under ordinances of this city by any municipal officer. *(Code 1972, § 5-13.)*

Sec. 5-2-4. By-bidding.

No auctioneer shall authorize any person to act as his agent or servant or co-principal and in said capacity make any bid on any goods, wares, and merchandise offered at public auction by said auctioneer. In addition to being subject to the penalties provided by this article for such act, the license of such auctioneer shall be revoked, and no other license shall be issued within the space of one (1) year. *(Code 1972, § 5-14.)*

Sec. 5-2-5. Good faith with bidders.

All representations made at public auction by any auctioneer shall be deemed as warranties binding on said auctioneer and his principal, upon whom or either or both of whom recourse may be had at law within reasonable time after delivery of merchandise and opportunity of inspection and use. All conditions of sale shall be stated before the offer is made for bids and no reservations against interest of bidder shall be binding unless the same shall have been fully disclosed openly and publicly before the call for bids is made. *(Code 1972, § 5-15.)*

Sec. 5-2-6. Offense.

Any person who shall violate any provision of this article either by doing that which is prohibited or by failing or refusing to do that which is commanded, shall be guilty of an offense, and upon conviction shall be punished by fine as provided in this chapter. The payment of such fine shall not constitute a defense against the revocation or suspension of the license of any auctioneer. *(Code 1972, § 5-17.)*

Article 3. Pawnbrokers

Sec. 5-3-1. License fee.

Each and every person engaged in the business of pawnbroker or person engaged in the business of making loans on pledges of chattels or personal property, shall before the exercise of said occupation pay a license fee of twenty-five dollars (\$25.00) per annum expiring the 31st day of December of each year.

Sec. 5-3-2. Register; contents, etc.

Every pawnbroker shall keep at his place of business a register in which he shall enter in writing a minute description of all property taken, purchased or received by him, including any

number that may be in stock of such article or articles, together with the time and the name and place of residence (giving street and number, if within the city) of the person leaving said property, also the amount loaned, the interest charged and the time when the loan falls due; which said register shall be kept clean, in good order and plainly legible. He shall make such entries within one (1) hour after the receipt or purchase of any and all such property. (Code 1972, § 5-19.)

Sec. 5-3-3. Entries in register.

- (a) Every entry shall be made in the register in ink and shall not in any manner be obliterated or erased. He shall give a plainly written or printed ticket to the person negotiating or leaving such property, having upon it a full and perfect copy of all the entries required by ordinance to be kept in such register for which copy at no charge shall be made. It shall be the further duty of each and every pawnbroker to make out and deliver to the chief of police on each and every day, before the hour of 12:00 noon, a legible and correct copy from said register of all personal property or other valuable things received or deposited or purchased and a description of the person or persons by whom left in pledge or from whom the same was purchased.
- (b) Provided that no person shall be required to furnish such description of any property purchased from manufacturers or wholesale dealers having an established place of business or of any goods purchased at open sale or from any bankrupt stock or from any other person having an established place of business. Such goods shall be accompanied by a bill of sale or other written evidence of open and legitimate purchase and shall be exhibited to any public officer when demanded. (Code 1972, § 5-20.)

Sec. 5-3-4. Register; inspection.

Said register, so kept by said person, shall at all times be open to the inspection of police of said city, and the sheriff or deputy sheriffs of Grady County, Oklahoma, or by any person authorized in writing for that purpose by any of such officers, which authority shall be exhibited to the said pawnbroker. Said pawnbroker shall upon request, show, and exhibit to such person or officer, for inspection any article purchased, taken or received by him, unless the time of the pledge has expired and the goods sold and delivered to the purchaser. (Code 1972, § 5-21.)

Sec. 5-3-5. Hours of business.

No pawnbroker shall purchase, receive, or take on deposit from any person, any article of property between the hours of 9:00 p.m. and 6:00 a.m.; and their places of business shall remain closed all day Sunday. (Code 1972, § 5-22.)

Sec. 5-3-6. Drunken vendors.

It shall be unlawful and an offense in the city for any junk dealer, foundry, repair shop, pawnbroker or a secondhand dealer or the proprietor or his employee in such cases, or for any person whosoever to purchase, take or receive in pledge or by gift or on deposit, or to accept possession of any article or property from any common drunkard or person under the influence of intoxicating liquor or drugs. (Code 1972, § 5-23.)

Sec. 5-3-7. Minors.

It shall be unlawful and an offense for any person in the city in charge of any junk shop, secondhand shop, pawnshop or salvage shop to purchase from or advance any money to any minor upon anything or articles of value, or to have any dealing with such minor with respect to the title of chattels or personal property without the written consent of the parent or guardian of such minor, which said consent shall be kept on file and subject to police inspection. (Code 1972, § 5-24.)

Sec. 5-3-8. Suspicious circumstances.

Any suspicious circumstances, sufficient to put any ordinarily prudent person upon his guard, shall be sufficient notice to pawnbroker or person making loans on pledged chattels or purchasing the same that the property involved or tendered is or may be stolen property. Any knowledge, notice, or information as to the improper character of the person offering chattels in pledge shall in each case require positive proof of the holder's right to dispose of said property.

Any person or pawnbroker making any loans upon chattels from persons, where the crime of petty theft in any and all cases where it has been or may be established by any court of competent jurisdiction that the said chattels were illegally acquired or illegally disposed of by said holder. (Code 1972, § 5-25.)

Sec. 5-3-9. License; forfeiture.

Any pawnbroker, junk dealer, secondhand dealer or any other person who may be engaged in any calling or occupation, which shall under the present or future ordinances of the city, require a license or permit, who shall be guilty of the violation of any of the provisions hereof, shall in addition to the fine otherwise provided as a penalty therefore, be upon conviction deprived of such license or permit and upon conviction the police judge shall order such license or permit to be revoked. (Code 1972, § 5-26.)

Article 4. Secondhand Dealers

Sec. 5-4-1. Definition.

A secondhand dealer is any person engaged in buying or receiving any secondhand goods, wares, and merchandise for the purpose of selling or trading the same. For the purpose of this article, secondhand goods shall include any and all goods, wares and merchandise, which have been used however slightly or have been sold by a regular established merchant and are offered to such secondhand dealer by any person not engaged in a merchandising business, at sale, trade, or consignment. (Code 1972, § 5-27.)

Sec. 5-4-2. Dealer; duty.

It shall be the duty of each and every secondhand dealer to keep a register of all goods, wares and merchandise which he buys or receives from any source, except those acquired from a regular established merchant. He shall enter a complete description of all secondhand goods, wares and merchandise, which he shall acquire in said register on the date of its acquisition. The register shall show the name of the person from whom acquired, the date of same, the character of the merchandise, the quantity of the merchandise or weight in lieu thereof and such other facts as are necessary to give the police authority and information leading to any fraud or theft. (Code 1972, § 5-28.)

Sec. 5-4-3. Reports.

It shall be the duty of each and every secondhand dealer to report at once any suspicious characters to the police authority for investigation. (Code 1972, § 5-29.)

Sec. 5-4-4. Purpose.

It is the purpose of this article to discourage and prevent theft and fraud, and to this end the police authority shall make such investigation in the affairs and transactions of secondhand dealers relating to any particular transaction as is necessary to accomplish the desired purpose and no further. Such investigation cannot extend beyond the inspection of the register record and an inspection of the goods alleged to be fraudulently transferred. (Code 1972, § 5-30.)

Sec. 5-4-5. License.

Any person engaged in buying and selling or either of any secondhand goods, wares and merchandise as herein defined shall before the exercise of said occupation procure a license

from the city clerk for which he shall pay the sum of twenty- five dollars (\$25.00.) Said license will expire the 31st day of December of each year. The condition of said license shall be that the licensee shall at all times during the exercise of said occupation, comply with the provisions of the city ordinances relating to said occupation and for the violation of any such conditions or parts thereof such license shall be revoked. The revocation of such license shall not operate as a defense to any charge by the city for the commission of any offense as defined by the city ordinances. *(Code 1972, § 5-31.)*

Article 5. Junk/Scrap Iron Yards

Sec. 5-5-1. Definition.

For the purpose of this article, a junkyard is any place where scrap iron, waste iron or discarded iron or other metal is bought or acquired for the purpose of resale. *(Code 1972, § 5-32.)*

Sec. 5-5-2. License required.

No person shall maintain or operate any junkyard within the City of Chickasha, except he shall first obtain a license therefore for which he shall pay a fee of twenty-five dollars (\$25.00.) This license will expire the 31st day of December of each year. The condition of said license shall be that he shall maintain and operate said junkyard at all times strictly in accordance with the provisions of the city ordinances in relation thereto. *(Code 1972, § 5-33.)*

Sec. 5-5-3. Yard wall.

In any case where a junk yard is operated in a yard or open space or outside of any building, it shall be the duty of the operator or proprietor to erect and maintain a substantial solid wall or board fence, entirely around the premises out of new materials, the same to be in a good and safe condition and not less than seven (7) feet in height. He shall at all times keep the same in a good state of repair so as to obstruct the view from the inside thereof to the traffic on the adjoining streets and alleys. Said fence shall be built strictly as by this section required, provided that any structure shall accomplish the objects herein set forth, shall be accepted in lieu of said specifications. In any case, the said fence or wall shall have the approval of the community development department. Each junk yard operator shall maintain a register in which he shall enter the item or items which he acquires in the course of trade for sale or trade, showing its true character sufficient to identify the same, the party or persons from whom acquired and the date of the same. *(Code 1972, § 5-34.)*

Sec. 5-5-4. Register; inspection.

The register herein required and any goods, wares, and merchandise that said junk dealer may acquire in the course of his business and offered for sale or trade shall be subject to the inspection of the police authority of the city. *(Code 1972, § 5-35.)*

Article 6. Automobile Salvage Shops

Sec. 5-6-1. Definition.

An automobile salvage shop is a place where motor vehicles of any and all kinds, or parts thereof, are bought or acquired for the purpose of wrecking, disassembling, and salvaging the parts taken there from for the purpose of resale as secondhand parts. *(Code 1972, § 5-36.)*

Sec. 5-6-2. License required.

No person shall maintain or operate any automobile salvage shop within the city unless he shall first obtain a license therefore, for which, he shall pay a fee of twenty-five dollars (\$25.00.) This license will expire the 31st day of December of each year. The condition of said license shall be that he shall maintain and operate said automobile salvage shop at all times strictly in accordance with the provisions of the city ordinances applicable thereto. *(Code 1972, § 5-37.)*

Sec. 5-6-3. Conditions of operation.

No person shall maintain or operate for himself or for another any automobile salvage at any place within the city except in a building or on a lot or lots, which are wholly surrounded by a fence or wall, sufficiently high to obstruct the view of traffic from all streets and alleys adjoining the same. Said fence shall be not less than seven (7) feet high of solid construction and erected in a substantial and workmanlike manner. It shall be unlawful for any person engaged in the operation of any automobile salvage shop to permit any vehicle, which he has acquired for the purpose of wrecking to remain on the street or alley adjoining his premises or any parts taken from the same to be placed or displayed thereon. (Code 1972, § 5-38.)

Sec. 5-6-4. Register.

It shall be the duty of the owner or operator of each and every automobile salvage shop to keep a register in which shall be entered the name of each person who sells or delivers to him any motor vehicle or any part thereof, together with the date, vendor's residence and street address, the automobile license number assigned by the State Highway Department or other state authority and the style, brand, make and model of each such vehicle. (Code 1972, § 5-39.)

Sec. 5-6-5. Inspection.

The register herein required shall be at all times subject to the inspection by the police authorities without notice, and any inaccuracies or incomplete or fraudulent entries therein shall be sufficient grounds to revoke the license required for such business. (Code 1972, § 5-40.)

Sec. 5-6-6. Offense.

Any person who shall violate any provision of this article by failing or refusing to do that which is commanded or by doing anything, which is prohibited, shall be guilty of an offense, and upon conviction shall be punished as provided by this chapter. Provided that each day of such violation shall constitute an offense and upon conviction shall be punished accordingly. (Code 1972, § 5-41.)

Article 7. Pool Halls, Snooker Parlors and Recreation Centers

Sec. 5-7-1. Definitions.

- (a) A "billiard room" is hereby defined to mean a room or place where one or more billiard tables are kept and operated for hire or where a charge is made for playing thereon, either directly or indirectly.
- (b) A "pool hall" is hereby defined to mean a hall, room, or place where one or more pool tables are kept and operated for hire, or where a charge is made for the playing thereon, either directly or indirectly.
- (c) A "snooker parlor" is hereby defined to mean a room or place where one or more snooker tables are kept and operated for hire, or where a charge is made for playing thereon, either directly or indirectly.
- (d) A "combination billiard room, pool hall and snooker parlor" is hereby defined to mean a room, hall or place where any two (2) or three (3) of the games of billiard, pool or snooker are played for hire, or tables are kept or operated for hire, or where a charge is made for playing thereon, either directly or indirectly. (Code 1972, § 5-42.)
- (e) A recreation center shall be any place, business or premises which maintains more than one pool table, snooker table or billiard table or one or more electronic or video games, pinball machines, table games or other similar services, provided that the following shall not be considered recreation centers:
 - 1. Private homes.
 - 2. Duly licensed bottle clubs, taverns, bars and dance halls
 - 3. Churches and church recreation or activity centers
 - 4. Businesses maintaining either:
 - a. Not more than one table for pool, snooker or billiard

- b. Not more than five (5) or a combination of not more than five (5) electronic or video games, pinball machines, table games or similar amusement games or devices.

Sec. 5-7-2. License fee.

Each person conducting any billiard room, pool hall or snooker parlor, or combination billiard room, pool hall and snooker parlor, shall be required to obtain a business license in the amount of fifty dollars (\$50.00.) This license will expire the 31st day of December of each year.

Sec. 5-7-3. Minors; rooms; combining businesses; hours of operation.

- (a) It shall be unlawful for any person owning or operating any billiard room, pool hall or snooker parlor, or combination billiard room, pool hall or snooker parlor in the City of Chickasha to knowingly employ any minor under twenty-one (21) years of age to work in any such billiard room, pool hall or snooker parlor, or combination billiard room, pool hall and snooker parlor; or to knowingly permit any minor under the age of eighteen (18) years to play, frequent or loiter in any such billiard room, pool hall, snooker parlor or combination billiard room, pool hall and snooker Parlor.
- (b) It shall be unlawful for any minor under the age of eighteen (18) years to play, frequent or loiter in any billiard room, pool hall or snooker parlor, or combination billiard room, pool hall and snooker parlor, within the City of Chickasha, unless accompanied by a parent or guardian; and this provision shall apply with equal force and effect both as to the owner or proprietor or employee of any such billiard room, pool hall, snooker parlor or combination billiard room, pool hall and snooker parlor, and to the minor who plays, frequents or loiters in any such billiard room, pool hall or snooker parlor, or combination billiard room, pool hall or snooker parlor.
- (c) All rooms or places adjoining other rooms or places in the same building on the same floor in the City of Chickasha where a public billiard room, pool hall, snooker parlor, or combination billiard room, pool hall and snooker parlor is conducted or maintained, not separated by any unpierced dividing wall, shall be construed as one and the same room or place within the meaning of this article.
- (d) It shall be unlawful for any person, either as owner, proprietor, manager or employee to conduct, carry on or maintain any other business, calling or profession than the billiard room, pool hall, snooker parlor or combination billiard room, pool hall and snooker parlor in the same room or place where a public billiard room, pool hall, snooker parlor, or combination billiard room, pool hall or snooker parlor is maintained; or permit any other person to conduct, carry on or maintain any other business, calling or profession in the same room or place where a public billiard room, pool hall and snooker parlor is maintained. Provided, however, that the provisions of this section shall not be construed to prohibit the sale of cigars, cigarettes, tobacco, chewing gum, and candy and bottled soda pop. And provided further, that a domino parlor may be operated in conjunction with either a billiard room, pool hall or snooker parlor or a combination of any such businesses, provided that the article in reference to the operation of domino parlors contained in this chapter are fully complied with.
- (e) All billiard rooms, pool halls, snooker parlors and combination billiard room, pool hall and snooker parlors shall close by 12:00 midnight daily and shall not reopen until the hour of 7:00 a.m. in the morning, and no one, except the owner, proprietor, and persons in charge thereof and regular employees actually in the performance of their duties, shall be or remain in said place during the closing hours fixed herein; provided, further that all of such places may remain open for

business on Sundays from 1:00 p.m. to 10:00 p.m. on said days and remain closed the rest of the day on Sunday of each week. (Ord. 1230, § 1.)

Article 8. Immoral Publications, Displaying Material Harmful to Minors.

Sec. 5-8-1. Immoral Publications prohibited. displaying material harmful to minors.

- (a) No person, firm or corporation shall print, publish, design, prepare, import, distribute, exhibit, display, sell, possess with intent to sell, offer for sale, loan or give away to a minor, within the City of Chickasha, any book, pamphlet, magazine, printed paper, phonograph record, drawing, picture, photograph, figure, image article, or other thing which is obscene, immoral, lewd, lascivious, or indecent, or which depicts by pictures or printed matter, fanciful deeds of crime or bloodshed tending to incite minors to violent, depraved, or immoral acts, or manifestly tends to the corruption of the moral of minors, or which manifestly tend to incite minors to disregard the law of the land.
- (b) The provisions of this article shall have no application to the printing of factual information or news about a crime which has been committed, when printed in a newspaper or magazine of general circulation, and such publications are printed at regular intervals not greater than once a month, and regularly admitted to the United States mail, nor shall this article apply to the distribution of such information so printed.
- (c) Definitions. For the purpose of this section:
- (1) "Minor" means any unmarried person under the age of eighteen (18) years.
- (2) "Harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:
- (a) The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and
- (b) The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standard in the adult community with respect to what is suitable for minors; and
- (c) The material or performance lacks serious literary, scientific, artistic, or political value for minors.
- (3) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.
- (4) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.
- (5) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (6) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record or recording tape, videotape.
- (7) "Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration.
- (8) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both:

- (i) The character and content of any material or performance which is reasonably susceptible of examination by the defendant, and
 - (ii) The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
- (9) "Person" means any individual, partnership, association, corporation or other legal entity of any kind.
- (10) "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.
- (d) Offenses. No person having custody, control or supervision of any commercial establishment shall knowingly:
 - (1) Display material, which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material. However, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds of the material is not exposed to view;
 - (2) Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
 - (3) Present to a minor, participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
 - (e) Defenses. It shall be an affirmative defense to any prosecution under this section that: the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such person or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, education or scientific purpose.
 - (f) Penalty. Any person who shall be convicted of violating any provision of this section is guilty of an offense and shall be fined a sum not exceeding the maximum amount allowable by law. Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by this section shall constitute a separate offense as to each item; issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense. *(Code 1972, Sec. 5-62; Ord. No. 1953, 9/8/88.)*

Article 9. Merchandising on Streets.

Sec. 5-9-1. Merchandising on streets prohibited.

All persons are hereby prohibited from using any portion of any street, alley or sidewalk within the fire limits of the city for the purpose of selling or displaying for sale any goods, wares and merchandise or produce, fruit, melons, or any other personal property. *(Code 1972, § 5-59.)*

Sec. 5-9-2. Stands on streets, etc., prohibited.

It shall be unlawful for any person to build, place, set up, occupy, or use any stand on any sidewalk, parking, street, or alley for sale, display, advertising, purchase, or dealing in any commodity or service. *(Code 1972, § 5-60.)*

Article 10. Garage Sales.

Sec. 5-10-1. Defined.

"Garage Sales" are hereby defined to mean any of those sales by individuals either as occupant, tenant or owner of the residential property in the City of Chickasha, Oklahoma, making sales of individual, personal property and may advertise the same. (Ord. 1234, § 1.)

Sec. 5-10-2. Permit: Required; issued, etc.

Any person conducting such garage sale shall be required to obtain a permit for such sale. The permit shall be issued by the city clerk upon payment of a fee for such permit in the amount of five dollars (\$5.00.) (Ord. 1585, § 6.)

Sec. 5-10-3. Posting Signs.

Posting signs on utility poles or property maintained by the City is strictly prohibited. Any person caught violating this section, is subject to receiving a fine not to exceed the maximum amount allowable by law plus court costs per offense.

Sec. 5-10-4. Number and length of garage sales per person.

No person or resident may hold more than two (2) garage sales per calendar year and any sale shall not last or continue for any longer period of time than two (2) days. (Ord. 1234, § 4.)

Article 11. Transient Merchants.

Sec. 5-11-1. Defined; regulations; exceptions, etc.

- (a) A "transient merchant" is any person, firm or corporation whether as owner, agent, consignee or employee, or whether a resident within the city limits that:
- (1) Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants; or
 - (2) Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities during the course of or any time within six (6) months after a lecture or public meeting on said goods, wares, services, franchises, business opportunities, contracts or distributorships.
 - (3) Engage in those activities set out in subsections (1) and (2) above, from a fixed or stationary location and upon private property zoned for said activity within the corporate city limits of the City of Chickasha, Oklahoma.
- (b) The foregoing subsection notwithstanding however, a transient merchant, for the purposes of this section, shall not include the following:
- (1) A person, firm or corporation who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein; provided, however, that no person, firm or corporation shall be relieved from the provisions of the ordinances of the City of Chickasha by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer;
 - (2) Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the city therefore regularly licensed and engaged in business; provided, however, no such stocks of merchandise shall be augmented by new goods;
 - (3) Person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held in a publicly owned building;
 - (4) Person who sells his own property which was not acquired for resale, barter or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than two (2) times during any calendar year.

(5) Art exhibits, where participating artists sell their original works and which do not contain any sales of art works purchased elsewhere and held for resale, providing said art exhibits are sponsored by a local, responsible organization; or

(6) Any Grady County resident selling agricultural products, which such person has grown in Grady County. *(Ord. 1603, 1.)*

(c) It shall be unlawful for any transient merchant to engage in those activities set forth in section (a), subsections (1) and (2) above upon any municipal easements or rights-of-way. All activities must be conducted only upon a portion of the properly zoned private property that is not encumbered by any municipal easement or right-of-way. *(Amended 03/06/2006, Ord. No. 2006-08.)*

Sec. 5-11-2. License required; application; investigation.

(a) It shall be unlawful for any person or for any agent, servant, or employee of any person to engage in, carry on, or conduct the business of a transient merchant without first obtaining a license so to do.

(b) Application for transient merchant license shall be made to the city clerk and shall state thereon the name of the applicant; the place of business; and the number of employees intended to be engaged.

(c) The chief of police or any other officer of the city designated by the city council shall investigate each application for such license and shall report back to the city clerk whether or not such applicant is a person of good character; and no license shall be issued to a person who has been convicted of the offense of receiving stolen goods, or of burglary or robbery. *(Ord. 16-3, § 2.)*

Sec. 5-11-3. License fee.

The license fee for engaging in, carrying on, or conducting business as a transient merchant on private property shall be the sum of \$200.00 per day, payment in advance for each day such business shall continue, or such other fee as shall be hereinafter be established by a resolution of the City Council. The license fee for engaging in, carrying on, or conducting business as a transient merchant on public property shall be the sum of \$50.00 per day, payment in advance for each day such business shall continue, or such other fee as shall be hereinafter be established by a resolution of the City Council. The applicant for a transient merchant license shall provide proof of an Oklahoma state sales tax permit and taxpayer identification number prior to the issuance of the license. *(Amended Ord. No. 2007-11, 09/04/2007.)*

Sec. 5-11-4. Inspections.

The chief of police shall make or cause to be made sufficient inspections to insure the compliance with the provisions of this article and other applicable provisions of the city ordinances by the personnel conducting such sales. *(Ord. 1603, § 4.)*

Sec. 5-11-5. Penalty: Transient merchants.

Any person, firm, or corporation violating any provision of this article shall be fined not more than the maximum amount allowed by law plus court costs and/or 30 days in jail and shall obtain said license. Each day of violation shall constitute a separate offense. *(Ord. 1661, 7/14/83.)*

Article 12. Mining.

Sec. 5-12-1. Mining within the city.

It shall be unlawful for any person, firm, or corporation to mine or cause to be mined any oil, gas, coal or other minerals within the corporate limits of the City of Chickasha. It shall be unlawful to establish any derrick, engine house, or machinery within the city for such purpose. *(Ord. 1972, Sec. 5-61.)*

Article 13. Wrecker and Towing Regulations.

Sec 5-13-1. Definitions.

- (a) "Wrecker and Towing Service" means any motor vehicle of three-fourths (3/4) ton or more, rated capacity capable of pulling or towing any wrecked damaged or disabled motor vehicle otherwise incapable of self-propulsion.
- (b) "City" means City of Chickasha.
- (c) "CPD" means the Chickasha Police Department.
- (d) "DPS" means the Department of Public Safety.
- (e) "Wrecker License" means the wrecker license as provided by this article.
- (f) "ACT" means the Senate Bill No. 214 of the 1970 Oklahoma Legislature.
- (g) "Class "A" Operator" means any operator meeting the requirements of the regulations as established by the State of Oklahoma and the City of Chickasha, according to the State of Oklahoma regulations for Oklahoma wrecker and towing services.
- (h) "Operator" means any person owning or operating a wrecker or towing service, including any employee of any person owning or operating a wrecker or towing service.
- (i) "Chief" means the chief of police.
- (j) "Commission" means the corporation commission of the State of Oklahoma.
- (k) "Governing Board" means the board comprised of three (3) persons; i.e. the city manager, the chief of police and the mayor or his appointee.
- (l) "Rotation Log" means the list of wreckers or towing services to be used by the police department and city if and when personal requests for wrecker and/or towing services are not and cannot be secured.
- (m) "Clerk" means the city clerk.
- (n) "City Manager" means the city manager of Chickasha.
- (o) "Mayor" means the mayor of the City of Chickasha.
- (p) An "Owner's Request" is only when the owner of the vehicle specifically requests a particular wrecker service by name only. (*Ord. 1534, § 1.*)

Sec. 5-13-2. License permit required; exception.

- (a) All persons engaged in the Class "A" wrecker or towing service within the city must be licensed in accordance with the Oklahoma Department of Public Safety regulations.
- (b) All persons engaged in the wrecker or towing service within the city must be licensed in accordance with the regulations of this article.
- (c) Exception: A permit for operations is not required if a wrecker or towing service is called at the specific request of the owner or operator of the vehicle involved in the accident. (*Ord. 1539, § 2.*)

Sec. 5-13-3. License application.

- (a) Applications for license for wrecker or towing service permits may be secured from the city clerk. This application shall contain such information as deemed pertinent by the city clerk and the chief of police.
- (b) Each operator shall file with the city clerk the form certifying that he has met the insurance provisions as required by the State of Oklahoma Law (See State Regulations Handbook.)
- (c) Within thirty (30) days after filing for the license application with the clerk, the board shall set a time and place for hearing of applicant. The applicant must show good and just cause why he should be placed on the "Rotation Log" of wreckers and towing services used by the police department.
- (d) Within sixty (60) days after the filing of the license application, a ruling will be forth coming by the board either accepting or rejecting the application. A city permit or license shall be issued to the holder thereof and shall be issued only to

a person or a corporation. The permit is non-transferable and any change in ownership shall cancel the license.

- (e) The "Rotation Log" is to be limited to a sufficient number of wreckers and towing services to adequately serve the police department and the city at all times as deemed necessary by the board.
- (f) Any application having been rejected by the board can and will be brought before the city council, providing that such action is requested by the applicant. *(Ord. 1539, § 3.)*

Sec. 5-13-4. Permit revocation.

- (a) Any permit can and will be revoked if and when a wrecker or towing service firm should violate any provisions of this article. Revocations can be initiated by the city manager, chief of police and/or by board vote.
- (b) Permits can and will be revoked if and when a wrecker or towing service should be in violation of the State regulations as set forth by the DPS.
- (c) Revoked permits can be reissued upon said violation(s) having been corrected as approved by board vote. *(Ord. 1539, § 4.)*

Sec. 5-13-5. Permit fee(s): Class "A" operator.

- (a) The fee for any application pursuant to this article shall be a sum of ten dollars (\$10.00) per annum and a five dollar (\$5.00) per unit fee for each wrecker placed in service (over the road use only.)
- (b) Permits are to run from October 1st through September 30th of each calendar year. *(Ord. 1539, § 5.)*

Sec. 5-13-6. Storage of vehicles.

- (a) Each operator shall have adequate enclosed storage area within the city limits of Chickasha where towed vehicles are to be in confinement unless arranged otherwise by owner and wrecker/towing service driver.
- (b) The enclosed storage area must be adequately secured for the protection of each stored vehicle. *(Ord. 1539, § 6.)*

Sec. 5-13-7. State inspection sticker required: Equipment.

- (a) Each vehicle, which is used by the wrecker/towing service in pulling or towing a vehicle, must display a valid vehicle inspection sticker as is required for all vehicles in the State of Oklahoma.
- (b) Each vehicle of a wrecker/towing service which is used in pulling or towing a vehicle must be equipped to comply to state regulations as required by Rule 17 of the Motor Carriers Operational Rules of the Commission and as required by Oklahoma State Law (see regulations for Class "A" operators, Rev. (2), March 21, 1977.) *(Ord. 1539, § 7.)*

Sec. 5-13-8. Records required.

- (a) Each operator shall maintain a record system covering all vehicles used in pulling or towing any vehicle. Such records shall include the following:
 - (1) The date and time the operator was contacted and requested to perform his service;
 - (2) The name of the person requesting the service;
 - (3) The date, time, and place of each call;
 - (4) A description of the towed vehicle, including license tag and identification number;
 - (5) The owner or driver of the vehicle, if known; and
 - (6) The service charge and fees.
- (b) Each operator shall comply with the provisions of Title 47, Oklahoma Statutes 1971, Section 4-105. After receipt of the report form required by the state

statute, the police department will provide assistance in attempting to locate the last registered owner of the vehicle.

- (c) The operator shall maintain the required records for the current calendar year and the calendar year immediately preceding and/or as required by state law.
- (d) All records required herein must be available for inspection by the police department. *(Ord. 1539, § 8.)*

Sec. 5-13-9. Soliciting business.

- (a) No operator shall proceed to the scene of an accident or traffic tie-up without being requested to do so by the police department or the owner or driver of a vehicle involved.
- (b) Any operator traveling on the streets and highways of the city during the normal course of his business day, upon arriving at the scene of an accident or traffic tie-up, may stop if he feels he can be of assistance in rendering emergency aid to injured persons or clearing the scene. The operator must assist in aiding injured persons or clearing the streets if so requested by a police officer. However, in either instance, the assistance does not entitle the operator to solicit business from the owner or drivers of the vehicles at the scene. The next operator on the rotation list shall be called. *(Ord. 1539, § 9.)*

Sec. 5-13-10. Class "A" operator; telephone number required.

- (a) In order to remain a Class "A" operator, each operator must comply with the following:
 - (1) Furnish the police department with one (1) telephone number to be used for request for services during the day and one (1) telephone number to be used for requests for service after hours and on holidays. Any change in the telephone number shall be immediately transmitted to the police department.
 - (2) Maintain twenty-four (24) hour service.
 - (3) Accept no request for service unless the operator has a vehicle at his disposal immediately available for performance as needed. *(Ord. 1593, § 10.)*

Sec. 5-13-11. Rotation log; exception.

- (a) In order to better serve the inhabitants of the city the police department shall maintain a rotation log for wrecker/towing service.
- (b) In order to have his name placed on the rotation log of the department, the operator must comply with the following:
 - (1) Obtain a wrecker license from the commission and the city for the operation of a wrecker or towing services.
 - (2) File a written request with the police department, such request asking that the operator's name be placed on the rotation log.
 - (3) Comply with all requirements of a Class "A" operator.
- (c) Personal Request excepted: A personal request is when the owner specifically requests an operator by name. Unless the owner or operator of the vehicle needing assistance specifically names a wrecker/towing service by name, the rotation log will be used. *(Ord. 1539, § 11.)*

Sec. 5-13-12. Use of rotation log.

The following items shall govern the use of the rotation log used by the police department:

- (1) When more than one (1) vehicle is towed on one (1) call, such tow shall be counted as another call to that operator.
- (2) When an operator receives a request for services from the police department and no services are rendered for which the operator is able to receive compensation, the operator will not lose his position on the rotation log.

(3) If an operator has received a request for services and he has not arrived within a reasonable length of time, including, but not limited to, such factors as distance from the scene, weather, and nature of the accident or traffic tie-up, the police department reserves the right to request the services of the next operator on the rotation log. Under these circumstances, the operator who receives the first request for services will lose his position on the rotation log. Excessive refusal of calls by the wrecker/towing service will be grounds to be removed from the rotation log.

(4) No employee of the City of Chickasha shall recommend to any person directly or indirectly, either by word, gesture, sign or otherwise, the name of any particular wrecker service. Proper utilization of the rotation log will render fair and equal justice for all involved.

(5) The number of wrecker/towing services on the "Rotation Log" is to be determined by the board. Anyone wishing to be added to the rotation log will await a vacancy of current services being used, providing vacancy occurred warrants being filled because of over-utilization of the other remaining firms on the rotation log, or whenever extra services are so deemed required by the board because of increased traffic necessitating additional wrecker/towing services by additional wrecker/towing firms.

(6) Applicants requesting to be placed on the rotation log must show just cause for being placed on the rotation log because of insufficiencies of present utilized wrecker/towing service firms. (Ord. 1539, 12.)

Sec. 5-13-13. Penalties.

- (a) Any violation of this article may result in the suspension or revocation of the operator license.
- (b) Any violation of this article may result in the operator's name being stricken from the "Rotation Log" by the chief of police.
- (c) Any violation through misuse of the log rotation usage by an officer can and will be grounds for reprimand and could lead to eventual termination. (Ord. 1539, § 13.)

Sec. 5-13-14. Gifts prohibited: Financial interest of officers.

- (a) No operator or employee of a wrecker/towing service shall offer any compensation, gift, loan, favor or service to any officer or employee of the commission or to any officer of the department for the purpose of influencing such officer in the discharge of his official duties; nor shall any officer or employee of the commission or any officer of the department accept directly or indirectly any compensation, gift, loan, favor or service given for the purpose of influencing his activities or decisions while in the performance of his duties.
- (b) No officer of the corporation commission, police department, or the department of public safety shall have any interest, financial or otherwise in a wrecker or towing business operation.
- (c) No employee or councilman of the city shall have interest, financial or otherwise, in a wrecker or towing service operation.
- (d) No city employee or officer while on duty shall request or receive "free" wrecker or towing service, but will complete proper "forms" allowing monies to be paid for services so rendered by the wrecker or towing service rotation log. (Ord. 1539, § 14.)

Sec. 5-13-15. Personal request log.

A separate personal request log will be maintained by the police department dispatcher listing any wrecker towing service requested by any Chickasha police department officer. (Ord. 1539, § 15.)

Sec. 5-13-16. Wrecker/towing service rates.

All rates for wrecker and towing service within the corporate limits of the city shall be those rates now adopted by the Corporation Commission of the State of Oklahoma and as may be hereafter amended. (Ord. 1691, 7/26/84.)

Article 14. Private Security Companies.

Sec. 5-14-1. Definitions.

Words and terms as used in this article shall have the following prescribed meanings:

- (1) "Business Day" Monday through Friday, inclusive, but not excluding holidays.
- (2) "Guard Service" Stationary guards serving private citizens at a particular and specified place or location;
- (3) "Patrol Service" A motorized patrol serving private citizens or companies;
- (4) "Permanent Security Service" Regularly scheduled service furnished hourly, daily, weekly, monthly, or for any other period at a specified area, place or location;
- (5) "Private Security Company" Any organization or person offering guard and/or patrol service and employing private security officers who are licensed under the provisions of this article. An operation engaging the financial or direct participation of three (3) or more persons shall be considered a private security company; and
- (6) "Private Security Officer" Any officer providing patrol or guard service as an independent contractor. (Ord. 1600, § 1.)

Sec. 5-14-2. Commission and license required.

- (a) No person shall operate as a private security officer or engage in business as a private security company without having first obtained a license or commission issued pursuant to the provisions of this article.
- (b) The chief of police, subject to the provisions of this article, is hereby authorized to grant commissions to private security officers and licenses to private security companies who comply with the provisions of this article. (Ord. 1600, § 2.)

Sec. 5-14-3. Application for commission.

Each application for commission shall be in writing on forms provided by the Bureau of Records of the police department, accompanied by a processing fee of ten dollars (\$10.00) and shall contain the following information:

- (1) The company, if any, employing the applicant;
- (2) A standard personal history statement; and
- (3) Such other and additional information deemed necessary by the city. (Ord. 1600, § 3.)

Sec. 5-14-4. Application for license.

Each application for a private security company license shall be in writing on forms provided by the Bureau of Records of the police department and accompanied by a processing fee of fifty dollars (\$50.00) and shall contain the following information:

- (1) Names of the officers, principals and resident managers of the company;
- (2) A standard personal history statement of the officers or principals and resident managers;
- (3) Such other and additional information deemed necessary by the city. (Ord. 1600, § 4.)

Sec. 5-14-5. Eligibility for commissions or licenses: Investigation; interview, etc.

- (a) Prior to the issuance of a commission or license the police department shall conduct a complete background inquiry of the applicant, and the applicant shall be personally interviewed by the chief of police or his representative and the applicant's photograph and fingerprints shall be obtained.

- (b) Prior to the issuance of a commission each applicant intending to carry firearms shall be subject to testing, including actual firing administered by the police department.
- (c) The city shall refuse commissions and licenses to all persons who have been convicted of a felony under the laws of the State of Oklahoma or of any other state, or of the United States, or any offense involving moral turpitude, and to all minors, drug addicts, unnaturalized foreign-born persons, and such persons as the city has reasonable cause to believe are not of sound mind. *(Ord. 1600, § 5.)*

Sec. 5-14-6. Insurance requirements.

- (a) Prior to the issuance of a commission, each private security officer shall file with the city clerk a certificate of insurance of general liability, in the amount of ten thousand dollars (\$10,000.00) written by a duly qualified bonding insurance company licensed to do business in the State of Oklahoma. This requirement shall be satisfied if the officer is employed by a private security company and the company has on file a certificate of insurance of general liability in the amount of one hundred thousand dollars (\$100,000.00) or more.
- (b) The certificate of insurance shall be renewed and filed annually with the application for renewal of the commission.
- (c) A certificate of insurance on file with the State of Oklahoma will satisfy this requirement. *(Ord. 1600, § 6.)*

Sec. 5-14-7. Action on application; temporary commission.

- (a) The chief of police shall act on all applications within fifteen (15) business days from the time of the filing of the application.
- (b) Pending action by the chief of police on applications, a temporary permit may be issued in a case where the delay in granting it would cause undue hardship on the applicant. *(Ord. 1600, § 7.)*

Sec. 5-14-8. Appointment; restrictions; license.

- (a) If the city finds the applicant eligible for a commission, he shall be appointed as a private security officer.
- (b) If the officer has not satisfied the firearm requirements of the city he shall not be permitted to carry a firearm and the commission shall state whether the officer is permitted to carry firearms or not.
- (c) If the city finds the applicant eligible for a license, one shall be issued to the private security company. *(Ord. 1600, § 8.)*

Sec. 5-14-9. License or commission: Expiration; renewal; fee, etc.

- (a) Each commission or license issued shall expire one (1) year from the date of issue.
- (b) The application for renewal of license or commission not authorizing the carrying of firearms need not be reprocessed if filed with the city fifteen (15) days prior to the expiration of the current license, but other applications shall be reprocessed.
- (c) Annual renewal fees shall be twenty dollars (\$20.00) for licenses and fifteen dollars (\$15.00) for commissions authorizing the carrying of firearms, and ten dollars (\$10.00) for commissions not authorizing the carrying of firearms. *(Ord. 1600, § 9.)*

Sec. 5-14-10. Private security officer: Badge; uniform; vehicles.

- (a) A private security officer, when on duty, shall have on his person his commission and shall wear a uniform, badge or other emblem of authority as approved by the chief of police, which shall in any event be clearly distinctive

and different from that of a regular city police officer and shall designate the officer as a "private officer", "security officer" or "security service".

- (b) Any vehicle used to provide patrol service shall be clearly marked with the name of the private security officer or private security company. No patrol service vehicles shall use the word "police" in its markings.
- (c) Uniform and/or marked patrol units are required when on duty unless written authorization of the chief of police is obtained for special investigation or circumstances. *(Ord. 1600, § 10.)*

Sec. 5-14-11. Firearm regulations.

- (a) The commission card must state if the security officer may carry a firearm.
- (b) A firearm may not be concealed unless the security officer is authorized by another commission issued by the city of Chickasha or the State of Oklahoma.
- (c) Authorized firearms shall be as follows:
 - (1) Cylinder Type: 38 Cal or 357 MAG. Cal.
 - (2) Automatic: 7 MM. Cal or 9 MM. Cal.
- (d) Firearms shall not be carried, when off duty, by a security officer.
- (e) All firearms shall be subject to C.C.I.C. check at any time by the chief of police. *(Ord. 1600, § 11.)*

Sec. 5-14-12. Authority to arrest.

A commissioned private security officer is not a member of the police department and does not have the authority of a police officer, but shall, while on duty at his assigned place, make arrests only as a private citizen is granted authority by the Oklahoma State Statutes. *(Ord. 1600, § 12.)*

Sec. 5-14-13. Additional rules and regulations.

The chief of police shall promulgate and publish, with the approval of the city manager and city council, those additional rules and regulations consistent with this article, as they may be necessary to its implementation. Copies shall be furnished to applicants upon request. *(Ord. 1600, § 13.)*

Sec. 5-14-14. Suspension or revocation of commission or license: public hearing.

- (a) The commission of any private security officer or license of any private security company may be revoked at any time by the city for violation of any of the requirements for a commission or license.
- (b) The notice of revocation shall be served personally upon the holder of a license or commission, or by certified mail at the address stated in the application.
- (c) The license or commission holder shall have ten (10) days from the receipt of such notice of revocation to file with the city a notice of appeal.
- (d) The appeal shall be heard at the next regularly scheduled meeting of the city council.
- (e) The chief of police, or his representative, shall give the private security officer or private security company notice of a suspension or revocation hearing at least five (5) days prior to the public hearing.
- (f) The suspension or revocation hearing will be conducted by a three (3) member board, consisting of:
 - (1) The chief of police or his representative;
 - (2) The city manager or his representative; and
 - (3) A police board member. *(Ord. 1600, § 14.)*

Sec. 5-14-15. Nonliability of the city.

Any private officer, while in the performance of his duties as a private officer, shall not be or deemed to be an agent, servant, or employee of the city and the city shall not be liable for his actions to third parties or for any injury or damage he might suffer. (Ord. 1600, § 15.)

Article 15. Childcare Establishments.

Sec. 5-15-1. Definitions.

As used in Sections 5-16-1 through 5-16-13, the following terms shall be defined as provided in this section.

- (a) "Day Care Center" Except as hereinafter provided, a "Day care center" is any place, home or institution which receives six (6) or more children under the age of sixteen (16) years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time.
- (b) "Family Day Care Home" Except as hereinafter provided, a "family day care home" is any place, home or institution which receives five (5) or less children under the age of sixteen (16) years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time.
- (c) Places, homes or institutions excepted from the above definitions are:
 - (1) Those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education;
 - (2) Those where custody of the children has been fixed by a court of competent jurisdiction;
 - (3) Those where children are related by blood or marriage within the third degree of the custodial person;
 - (4) Those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, and classes or otherwise engaging in that institution's activities to the extent such care and custody does not exceed four hours at any one time. (Ord. 1701, 12/20/84.)

Sec. 5-15-2. Licenses.

- (a) No childcare establishment may be operated in the city without having first obtained a license to operate the childcare establishment from the city. Before the license shall be issued by the city, the applicant shall provide the following information:
 - (1) That the property upon which the childcare establishment is to be conducted is properly zoned for the childcare establishment or that a use on review has been issued by the city.
 - (2) That a license has been issued by the State Department of Institutions, Department of Human Services for the operation of the childcare establishment.
- (b) Upon the city receiving the information designated in paragraph (a) above, the city clerk shall issue the license contemplated herein. The license shall expire one year from the date of its issuance.
- (c) Approval by fire marshal for adequate inspection.
- (d) The license fee shall be twenty-five dollars (\$25.00) per year and will expire on the 31st day of December of each year.

Sec. 5-15-3. Zoning Ordinances.

Any child care establishment operated within the city limits of the city shall meet all the zoning requirements of the city code pertaining to child care establishments or child care centers. (Ord. 1701, 12/20/84.)

Sec. 5-15-4. Inspections.

Any child care establishment or child care center shall be open to the inspection of any director of the Health Department, Fire Marshal or Fire Chief, and officials of the Department of Human Services, or their designated representatives, so long as inspections are made during reasonable hours of the establishment's operations. (Ord. 1701, 12/20/84.)

Sec. 5-15-5. Enforcement.

Enforcement of this Ordinance shall be the responsibility of the fire marshal for the city. (Ord. 1701, 12/20/84.)

Sec. 5-15-6. Penalty.

Any person, firm, or corporation violating any of the foregoing provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed the maximum amount allowed by law plus court costs for such offense and each day's violation thereof shall be deemed a separate offense. (Ord. 1701, 12/20/84.)

Article 16. Oil and Gas Regulations.

Sec. 5-16-1. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- (a) "City" shall mean the City of Chickasha, Oklahoma;
- (b) "State" shall mean the State of Oklahoma, its branches, departments, agencies, boards or the officers thereof;
- (c) "Person" shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization;
- (d) "Permittee" shall mean the person to whom is issued a permit or permits under the terms of this Chapter;
- (e) "Well" shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied matter, or for the injection or disposal of any of the foregoing;
- (f) "Natural production" shall mean the raising to the surface of the earth, by natural flow, petroleum, or natural gas;
- (g) "Artificial production" shall mean the raising to the surface of the earth, by means other than natural flow, petroleum, or natural gas;
- (h) "Deleterious substance" shall mean any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate;
- (i) "Pollution" shall mean the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the City, or such discharge of any liquid, gaseous or solid substance into any water of the City as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or to livestock, animals or aquatic life;
- (j) "Water" or "waters of the City" shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the City of any portion thereof;
- (k) "Pressure maintenance" shall mean an operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery there from, and which has been approved by the Corporation Commission after notice and hearing;

- (l) "Enhanced Recovery" shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery there from;
- (m) "Corporation Commission" shall mean the Oklahoma Corporation Commission;
- (n) All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry;
- (o) "Oil and gas inspector" shall mean that person employed by the City of Chickasha to enforce the provisions of this ordinance, or by his authorized representatives;
- (p) "Abandoned well" shall mean any natural production well in which production casing has been run but which has not been operated for six (6) months; and each well in which no production casing has been run, and for which drilling operations have ceased for thirty (30) consecutive days. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-2. Permits.

It shall be unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to commence to drill an original well or re-enter any abandoned well within this city, or to work upon or assist in any way in the production or operation of any such well, without a permit having first been issued by the authority of the oil and gas inspector in accordance with this chapter. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-3. Application and Filing Fee.

- (A) Every application for a permit to drill an original well or to re-enter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a filing fee of Five Thousand Dollars (\$5,000.00.) No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:
 - (1) Name and address of applicant and date of application;
 - (2) Where applying for a proposed original well:
 - (a) A block map of the forty (40) acres surrounding the drill site, including thereon the location of the proposed well, and distances there from to all existing dwelling-houses, buildings, or other structures, designed for the occupancy of human beings or animals, within three hundred (300) feet of any such well, and the location of all existing oil, gas or fresh water wells within said forty (40) acre tract.
 - (b) The names of the mineral, surface and lease owners.
 - (c) The payment of the above referred permit fee shall be required for issuance of a permit for any drilling activities within the actual corporate city limits; however, the city council, in its discretion, may waive any or all of the licensing fee for drilling activities on property owned by the City of Chickasha outside the corporate city limits when the council feels the public health and safety will not be adversely affected and that the waiver is equitable to all interested parties. The procedure for obtaining a waiver shall be by a written application to the city and approval or denial by the city council. *(Ord. 91-20, 09/26/1991.)*
 - (3) A copy of the approved Drilling Permit from the Corporation Commission and a copy of the staking plat;
 - (4) A drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe and the procedures to be used for cementing such. Plugging procedures to be used in the event production is not established shall also be specified.
 - (5) A statement of the provisions for water for the drilling rig.

(6) The name and address of the person within the State of Oklahoma upon whom service of process upon applicant may be made within this State; and in the case of any non-resident person who has no such service agent within this State, there shall be attached to the application the designation of such a service agent resident in Grady County, Oklahoma, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant here under.

(7) A verification of the applicant hereunder.

(8) Written approval of the landowners.

(B) Where the application is one for the re-entry of an abandoned well, the application shall contain all the information required by Section 5-17-3 above, with the exception that the oil and gas inspector may vary the requirements thereof to suit the application before him. Provided, that such application for a permit to re-enter an abandoned well shall provide the following information in every case:

(1) A statement of:

(a) The then condition of the well;

(b) The depth to which it is proposed such well shall be deepened.

(c) The proposed casing program to be used in connection with the proposed deepening; and

(2) Evidence of adequate current test showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well.

(3) No drilling shall be allowed in R-1 platted areas.

(C) No original well or re-entry drilling shall be allowed within the City Limits of the City of Chickasha except in unplatted areas which are zoned either "A" (Agricultural) "I-1" (Light Industrial District) or "I-2" (Heavy Industrial) zoning districts within the City. (*Ord. 1694, 10/25/84; Ord. No. 90-2, 1/11/90*) (*Ord. No. 2006-11, 05/01/2006.*)

Sec. 5-16-4. Issuance or Refusal of Permit.

(a) The oil and gas inspector's office within thirty (30) business days after the filing of an application for a permit under this ordinance shall determine whether or not the application complies in all respects with the provisions of this ordinance and applicable federal and state law, and, if it does, shall recommend to the mayor and city council that the permit be issued. Each permit issued under the term of this ordinance shall:

(1) By reference have incorporated therein all the provisions of this ordinance with the same force and effect as if this ordinance were copied verbatim therein;

(2) By reference have incorporated therein all the provisions of applicable State Law and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals and natural resources;

(3) Specify that the term of the permit shall be for a period of one (1) year from the date of issuance thereof, and for like period thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;

(4) Specify that such conditions imposed by the oil and gas inspector as are by this ordinance authorized;

(5) Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein.

(b) If the permit be issued, it shall, in two (2) originals, be signed by the oil and gas inspector and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the city and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required,

and applicable State Law, rules, regulations, standards and directives. One executed original copy of the permit shall be retained by the oil and gas inspector; the other shall be retained by the permittee and shall be kept available for inspection by any city or state law enforcement official who shall demand to see same.

- (c) If the permit be refused, or if the applicant notifies the oil and gas inspector in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant be not approved, then upon the happening of any of the events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained there from by the city the sum of Two Hundred Dollars (\$200.00) as a processing fee.
- (d) A copy of the permit issued pursuant to this ordinance shall be posted on or near the well location.
- (e) In order to avoid unnecessary noise and nuisance, mufflers on engines used in drilling operations shall be used as required by the oil and gas inspector. No fracing, flaring of gas, or tripping operations shall be conducted at night. (*Ord 1694, 10/24/84; Ord. No. 1859, 6/11/87.*)

Sec. 5-16-5. Permittee's Insurance and Bond.

In the event a permit shall be issued by the oil and gas inspector, no actual operations shall be commenced until the permittee shall file with the city bonds and a certificate of insurance as follows:

- (a) A bond in the principal sum of at least twenty-five thousand dollars (\$25,000.00.) The bond to be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection or disposal. The bond shall become effective on or before the date the same is filed with the city and remain in force and effect for at least twelve (12) months subsequent to the expiration of the permit term, and in addition the bond will be conditioned that the permittee will promptly pay fines, penalties and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this chapter, and that the permittee will promptly restore all public streets, sidewalks, and other public property of the city which may be disturbed or damaged in permittee operations, to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste, and other substances, and will, after abandonment, grade, level and restore the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and further that the permittee shall indemnify and hold harmless the city from any and all liability attributable to granting the permit. If, after the completion of a producing well, permittee has complied with all of the provisions of this chapter, such as removing derrick and clearing the premises, he may apply to the oil and gas inspector to have the bond reduced to a sum of not less than Ten Thousand Dollars (\$10,000.00) for the remainder of the time the well produces without reworking. During reworking operations the amount of the bond shall be increased to the original amount.
- (b) In addition to the bond required in sub-paragraph (a) of this section, the permittee shall also obtain a bond or insurance policy in the sum of at least Two Hundred Thousand Dollars (\$200,000.00.) The bond or insurance policy shall cover the first twenty (20) wells drilled by any permittee within the city limits of the city. Permittee shall be required to place in effect with the city an additional Two Hundred Thousand Dollars (\$200,000.00) bond or insurance policy for each

twenty (20) wells thereafter in multiples of twenty (20) wells in order to satisfy the requirements of this section. The bond or insurance policy shall be executed by a reliable insurer licensed to do business in the state, as surety or insurance company, respectively, and with applicant as principal or insured respectively with the bond running to the city for the benefit of the city and all persons concerned in the case of a bond, and the bond or insurance policy shall be conditioned upon, or shall cover, all damages which result through the failure of the permittee to comply with applicable federal and state laws, rules, regulations, standards or directives relating to the maintenance of the safe and beneficial physical, chemical, and biological properties of the natural waters of the city; that the permittee shall obtain the necessary permits from the city and state with regard to any operations which have the potential of rendering such water as harmful or detrimental or injurious to the public health, safety and welfare; that the permittee shall bear all costs necessary and incidental to the correction of any pollution of the waters caused by the permittee or the permittee's agents, servants, employees, subcontractors, or independent contractors; that the bond or policy of insurance shall further cover any loss resulting from fines, penalties, assessments or judgments resulting directly, or indirectly, from the permittee's activities and which result in pollution of city waters; further that the permittee shall indemnify and hold harmless the city from any and all liability attributable to the granting of the permit where such liability results from the pollution of city waters. The bond or insurance policy set forth within this paragraph shall not be cancelled without written notice to the oil and gas inspector at least ten (10) days prior to the effective date of such cancellation. In the event the bond or policy of insurance is cancelled, the permit granted shall be immediately thereupon terminated without any action on the part of the oil and gas inspector, and the permittee's rights to operation under the permit shall cease until the permittee files an additional bond or insurance policy as provided herein.

- (c) In addition to the bonds required in paragraphs (a) and (b) of this section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, issued by an insurer authorized to do business within the state, the policy or policies in the aggregate shall provide for the following minimum coverage:

(1) Bodily injuries, One Hundred Twenty-Five Thousand Dollars (\$125,000.00) per person; Three Hundred Thousand Dollars (\$300,000.00) per accident *(12/01/2003, Ord. No. 2003-13.)*

(2) Property damage, Two Hundred Thousand Dollars (\$200,000.00.) Permittee shall file with the city certificates of the insurance as above stated, and shall obtain the written approval thereof of the oil and gas inspector who shall act thereon promptly after the date of such filing. The insurance policy or policies shall not be cancelled without written notice to the oil and gas inspector at least ten (10) days prior to the effective date of such cancellation. In the event the policy or policies are cancelled, the permit granted shall immediately thereupon terminate without any action on the part of the oil and gas inspector, and permittee's rights to operation under the permit shall cease until permittee files additional insurance as provided therein. If, after completion of a producing well, the permittee has complied with all of the provisions of this chapter, such as removing derricks, clearing premises, and the like, he may apply to the oil and gas inspector to have the insurance policy or policies reduced as follows: Bodily injuries, Fifty Thousand Dollars (\$50,000.00) per person, One Hundred Thousand Dollars (\$100,000.00) per accident; and property damage, Fifty Thousand Dollars (\$50,000.00.) *(Ord. 1712, 4/11/85; Ord. No. 1823, 1/14/87.)*

Sec. 5-16-6. Conversion from Natural or Primary to Enhanced Recovery.

- (a) No person shall convert any well from natural or primary production to a use for enhanced recovery or disposal without first obtaining the necessary permit therefore.
- (b) No person shall re-enter any abandoned well or drill an original well to be used for enhanced recovery without first obtaining the necessary permit therefore.
(Ord 1694, 10/25/84.)

Sec. 5-16-7. Enhanced Recovery and Disposal Wells.

- (a) An application for such permit as is required by the preceding section shall be in the same form as that required for a permit to drill an original well, and shall contain complete information required by the oil and gas inspector, including the following.
 - (1) A block map of the well site, showing all equipment to be used thereat; location of pipelines, access road, and distances from the well to any and all fences, roadways, and buildings within a radius of three hundred thirty (330) feet;
 - (2) A block map of the project, showing the location of all supply, disposal, injection, and producing wells; all conduits; tank battery, pumping station, and appurtenant equipment; all wells in the project area and those located in the section immediately adjacent, to include producing, abandoned, disposal, and public or private fresh water supply wells;
 - (3) Evidence that all wells in the area of the project and adjacent sections are adequately plugged;
 - (4) All wells associated with the project shall be indicated by status (e.g., P and A, injection, SW, oil, etc), and show the following additional information:
 - (a) Footage location (surface);
 - (b) DF or KB elevation;
 - (c) Drilled total depth;
 - (d) PBTD
 - (e) Size, depth and quality of surface and production casing;
 - (f) Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;
 - (g) Depth and nature of all cement squeeze jobs;
 - (h) Formation name and depth of all open perforations producing open hole;
 - (i) Volume and type of cement used on surface and production strings;
 - (j) Top of cement
 - (5) One copy of all electric, mechanical, sample, and driller's log, if available;
 - (6) Fee and operation name for each well;
 - (7) One copy of all cement bond logs and production logs;
 - (8) One copy of all work performed on the well
 - (9) Copies of all information supplied to the Corporation Commission, and the Commission's approval of the project;
 - (10) Copies of Corporation Commission Form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such Form No. 1015 has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well;
 - (b) Upon the completion of the application required hereunder, the oil and gas inspector shall have thirty (30) business days to review same and make a recommendation of approval or disapproval to the mayor and city council.
 - (c) A fee in the sum of Five Thousand Dollars (\$5,000.00) shall be submitted along with every application required hereunder.
 - (d) Injection lines shall be buried in a trench of a depth no less than four (4) feet, and shall be pressure tested (static) annually at a minimum of 150% of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the oil and gas inspector. The oil and gas inspector shall be

notified five (5) days in advance of such test and may supervise same. Test results shall be filed with the city upon completion.

- (e) Fresh water wells located within a radius of one-quarter (1/4) mile of any enhanced recovery or disposal well shall be tested as chlorides, sulfates and dissolved solids. Such testing is the responsibility of the permittee and at permittee's expense, to be conducted by a person approved by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such testing and may be present therefore. Test results shall be filed with the city upon completion. *(Ord 1694, 10/28/84.)*

Sec 5-16-8. Annual Fee to Operate.

An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the city. Such fee shall be in the amount of Three Hundred Dollars (\$300.00), payable to the city on or before the annual anniversary date of the issuance of any permit under this ordinance. No permit for any well shall be considered valid for any year for which the annual fee has not been paid. *(Ord. 1694, 10/25/84.)*

Sec 5-16-9. Disposal of Salt Water.

- (a) Every permittee under this chapter shall make sufficient provisions for the safe disposal of salt water or other deleterious substances, which he may bring to the surface of the earth. Such disposal shall not result in pollution of the waters of the city and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.

Sec. 5-16-10. Movement of Heavy Equipment.

No person shall move or cause to be moved over, upon or across any paving or paved street or alley within this city, any piece of machinery of extreme weight which may crack or injure such pavement, except as herein provided: Prior to the moving of any such machinery over, across or upon any paved street or alley within this city, application shall be made to the oil and gas inspector and the route shall be designated by the Inspector. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-11. Well location.

No permit shall be issued for the drilling of an original well or for the re-entry of an abandoned well at any location which is nearer than three hundred (300) feet from the well bore to any residence, residential or commercial platted lot, commercial or office building, producing fresh water well, or any building used as a place of public assembly, institution, church or school. After the well has been completed and established as a producing well, any person owning property adjoining the well site shall be allowed to obtain a building permit for the establishment of a structure so long as the structure is no closer than one hundred (100) feet from the well bore. Further, on any re-entry of an abandoned well, or re-drilling of an existing well on the same permitted location, the operator of said drilling site shall not be required to meet the three hundred (300) foot distance requirement set forth above. *(Ord. 1694, 10/25/85; Ord. 1712, 4/11/85; Ord. No. 1944, 6/23/88; Ord. No. 90-2, 1/11/90; Ord. No. 2003-13, 12/05/2003.)*

A permit shall be issued for the drilling of an original well or for the re-entry of an abandoned well for each one-quarter (1/4) section of land covering one hundred sixty (160) acres. Additional wells may be permitted provided the state corporation commission approves such well location and city staff and mayor and council are satisfied the public interest is preserved. *(Ord. 95-09, 05/01/95; Ord. No. 2003-13, 12/01/2003.)*

Sec. 5-16-12. Fencing, Landscaping, etc.

- (a) Any person who completes any well for production shall enclose the well, together with all surface facilities and storage tanks and any other facilities and appurtenances thereto, by a substantial fence properly built so as to ordinarily

keep persons and animals out of the enclosure. All gates thereto shall be kept locked when the permittee or his employees are not within the enclosure. Nothing herein mandates all such facilities be within the same fenced area and the city manager or his designate shall be authorized to approve any plan, which he believes ordinarily, protects persons and animals from danger.

- (b) Screening shall be required in the areas of operation, which are in any developed area or within One Thousand (1,000) feet of any developed area, park, school, church, public building, or place of public assembly. Landscaping shall include screening by a fenced enclosure of at least eight (8) feet in height and constructed of one of the following materials:

- (1) A solid masonry wall;
- (2) A chain link fabric with 3 1/2 inch mesh interwoven with redwood slats or other opaque materials for use with chain link fabric when such materials are compatible with surrounding uses and effectively screen the oil operation.
- (3) Any other material, including trees and shrubs, compatible with surrounding uses, which effectively screen the oil operation site.
- (4) All fencing, masonry walls, redwood slatting, or other comparable material for use with chain link fabric, shall be of a solid neutral color, compatible with surrounding uses, and maintained in a near orderly, secure condition. Neutral colors shall include sand, gray and unobtrusive shades of green, blue and brown.

- (c) Screening Setbacks. Minimum setbacks for all screening shall in no case be less than twenty-five (25) feet from the ultimate right-of-way of any public street as defined in the Transportation Plan of the City.

- (d) Screening Plan. Prior to the issuance of any permit, a screening plan which meets the requirements of this chapter, shall be submitted for review and approval by the city manager or his designate within sixty (60) days after conversion of an abandoned well, any oil operation site in an area as described in (a) above, shall be landscaped in conformance with the plan as approved, and the specification contained in this chapter. *(Ord 1694, 10/25/84.)*

Sec 5-16-13. Noise and Other Nuisances.

All oil operations, drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to exploration for, drilling for and production of oil, gas and other hydrocarbon substances. Proven technological improvement in exploration, drilling and production methods shall be adopted as they become, from time to time, available, if capable of reducing factors of nuisance and annoyance. The motive power for all operations after completion of drilling operations shall be electricity produced off-site. *(Ord 1694, 10/25/84; Ord No 90-2, 1/11/90.)*

Sec 5-16-14. Facilities.

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted in a prominent place a metal sign no less than two (2) feet square in area upon which the following information shall be conspicuous: permittee's name; lease name; location of the drill site by reference to the United States survey; identifying number of the permit issued by the city. *(Ord 1694, 10/25/84.)*

Sec 5-16-15. Storage Tanks and Separators.

- (a) Crude oil storage tank shall not be constructed, operated or used except to the extent of one (1) three hundred (300) barrel steel tank for oil storage per well. Should the production of the well so require, the oil and gas inspector may approve different size tankage or additional tankage. The tank is to be located no closer than one hundred (100) feet from any occupied structure or platted lot *(Ord. No. 2003-13, 12/01/2003.)*

- (b) A permittee may use, construct, and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to be vapor tight. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head. (Ord. 1694, 10/25/84; Ord. 1712, 4/11/85.)

Sec. 5-16-16. Fire Prevention.

Adequate fire fighting apparatus and supplies approved by the City Fire Department shall be maintained on the drilling site at all times during drilling and production operation. All machinery, equipment, and installations on all drilling sites within the city limits shall conform with such requirements as may from time to time be issued by the Fire Department. (Ord. 1694, 10/25/84.)

Sec. 5-16-17. Pits.

Steel mud or circulating pits shall be used. Such pits and contents shall be removed from the premises and the drilling site within sixty (60) days after completion of the well. No earthen pits shall be allowed, unless small and temporary and approved in writing by the oil and gas inspector. (Ord. 1694, 10/25/84.)

Sec. 5-16-18. Motive Power.

Motive power for all well pumping equipment shall be electricity. (Ord. 1694, 10/25/84.)

Sec. 5-16-19. Derrick and Rig.

It shall be unlawful and an offense for any person to use or operate in connection with the drilling, re-entry or re-working of any well within city, any wooden derrick or any steam-powered rig, and all engines shall be equipped with adequate mufflers approved by the oil and gas inspector. Permitting any drilling rig or derrick to remain on the premises or drilling site for a period of longer than sixty (60) days after completion or abandonment of a well is hereby prohibited. (Ord. 1694, 10/25/84.)

Sec. 5-16-20. Open Hole Formation Testing.

- (a) All open hole formation testing shall be done during daylight hours, with advance notification thereof made to the oil and gas inspector adequate to enable him to be present if he so chooses.
- (b) All open hole formation testing shall be done into steel tanks, or flared properly in the case of gas.

Sec. 5-16-21. Drilling Operations - Equipment.

All drilling, re-entry and operations at any well performed under this ordinance shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valves, and blowout preventers, drilling fluid, tubing, bradenhead, Christmas tree, and wellhead connections shall be of a type and quality consistent with the best practices of such reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of such reasonably prudent operator. Any permittee under this ordinance shall observe and follow the recommendations or regulations of the American Petroleum Institute and the Corporation Commission. A copy of all electric, production, cased hole, and cement bond logs shall be filed with the oil and gas inspector. (Ord 1694, 10/25/84.)

Sec 5-16-22. Streets and Alleys.

No well shall be drilled, and no permit shall be issued for any well to be drilled at any location which is within any of the streets or alleys of the city; and no street or alley shall be blocked or

encumbered or closed in any drilling or production operation except with the written approval of the oil and gas inspector, and then only temporarily. *(Ord 1694, 10/25/84.)*

Sec 5-16-23. Flaring of Gas.

All produced gas shall either be sold or flared with the flaring procedures being approved by the oil and gas inspector and the fire marshal. *(Ord 1694, 10/25/84.)*

Sec 5-16-24. Fracture and Acidizing.

In the completion of an oil and gas, injection, disposal or service well, where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface of subsurface fresh waters. *(Ord 1694, 10/25/84.)*

Sec 5-16-25. Swabbing and Bailing.

In swabbing, bailing, or purging a well, all deleterious substances removed from the borehole shall be placed in appropriate tanks or pits, and no substances shall be permitted to pollute any surface or subsurface fresh waters. *(Ord 1694, 10/25/84.)*

Sec 5-16-26. Rupture in Surface Casing.

In the event a rupture, break, or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it, and shall report the incident to the oil and gas inspector promptly. *(Ord. 1694, 10/25/84.)*

Sec 5-16-27. Depositing Oil Products.

No person shall deposit, drain or divert into or upon any public highway street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water or salt water, or in any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person, and flow or be carried into or upon any public highway, street or alley, drainage ditch, storm drain, sewer gutter, paving, creek, river, lake or lagoon, within the city. *(Ord 1694, 10/25/84.)*

Sec. 5-16-28. Safety Precautions.

Persons drilling, operating, or maintaining any well shall use all necessary care and take all precautions, which shall be reasonably necessary under the circumstances to protect the public. The provisions of this Chapter shall be deemed to be the minimum requirements for the preservation of the public health, safety, and welfare, and compliance with the terms hereof shall not be deemed to relieve any person of any additional duty imposed by law. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-29. Forms Filed with the Corporation Commission.

Copies of all applications, notices, forms, records, logs and the like filed by permittee with the Corporation Commission shall be filed with the city within one week of such filing with said Corporation Commission. The oil and gas inspector shall keep confidential all submitted material, which the state requires to be kept confidential. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-30. Water for Muds.

In the event a fresh water supply well is drilled to provide water for drilling muds, the depth of such well shall not be greater than two hundred (200) feet below surface. Upon the completion of operations for which such well is required, the city shall have the right to purchase the well at a price determinable by the cost of completion. If the city, in a proper case, does not make such purchase, any such well shall be properly plugged after notice of intention to so plug is provided the oil and gas inspector, who may supervise the operation. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-31. Oil and Gas Inspector.

- (a) The city manager shall employ an oil and gas inspector, whose duty it shall be to enforce the provisions of this chapter.
- (b) The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this chapter and its particular provisions. Failure to abide by any such order or directive shall be a violation of this chapter.
- (c) The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this chapter to ascertain whether this chapter and the applicable laws, rules, regulations, standards or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be deemed a violation of this chapter.
- (d) The oil and gas inspector shall have the authority to request and receive any records, logs, reports and the like relating to the status or condition of any well or project or the appurtenances thereof within the city. Such material shall remain confidential where such confidentiality is usually granted by the state. Failure to provide any such requested material shall be deemed a violation of this chapter. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-32. Service Companies.

Upon request of the oil and gas inspector, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment and all other service operations on any site covered by this chapter. Such furnished material shall remain confidential where such confidentiality is usually granted by the state. Failure to provide any such requested material shall be deemed a violation of this chapter. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-33. Accumulation of Vapor.

The oil and gas inspector shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred (100) foot radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the city fire marshal, a fire hazard. The well shall remain shut or closed in until the hazard and its cause is removed. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-34. Inspection of Pressure Lines.

The oil and gas inspector shall inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment, or connections are reasonably tight, safe, and free from leaks. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-35. Ingress and Egress.

Lease roads shall be maintained in such manner as to safely and comfortably allow for ingress and egress of city or state personnel traveling in a common passenger motor vehicle. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-36. Order to Cease Operations.

- (a) If the oil and gas inspector finds that, in his judgment, a hazard to life or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then in either of these events he may order the prompt cessation of activity, and if necessary, the clearance of the premises.
- (b) The oil and gas inspector shall apply to the city manager for a hearing upon such order, which hearing shall be held not longer than twenty-four (24) hours after the issuance of said order by the oil and gas inspector. The city manager

shall determine if proper cause existed, and, if not, shall order the permittee's activity to resume without delay. If the city manager determines that proper cause did exist for the order to cease activity to issue, then he shall make whatever ruling is proper to assure rectification of the cause of the peril. Such ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this chapter or for any damage or injury caused thereby. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-37. Appeals.

Any permittee aggrieved by any order, directive or ruling issued by the oil and gas inspector, or by any ruling by the city manager may appeal the same to the city council which shall hear the matter at the next scheduled meeting. The lodging of such appeal shall not stay the enforcement of any of the provisions of this chapter. The council, upon hearing the matter, may issue whatever ruling or order is appropriate, provided that such ruling or order be in keeping with the spirit and purpose of this chapter. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-38. City Council Review of Permit Recommendations.

Upon the consideration of any application for a permit required by the terms of this ordinance, the oil and gas inspector shall recommend approval or disapproval thereof to the mayor and city council, who shall review the matter at a regularly-scheduled meeting, and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-39. Conduit on Streets and Alleys.

- (a) No permittee shall make any excavations or construct any lines for the conveyance of fuel, water, or minerals, on, under, or through the streets and alleys of the city without first having obtained a permit therefore upon application to the department of public works.
- (b) The oil and gas inspector shall prescribe the forms to be used for such application and the information to accompany it. *(Ord. No. 2002-11, 03/04/2002.)*
- (c) Each application for a permit under this section shall be accompanied by a non-refundable filing fee in the amount of Two Hundred Fifty Dollars (\$250.00.)
- (d) The director of public works shall, within twenty (20) days of receipt of the properly executed application, either grant or deny the request.
- (e) The granting of any such permit shall not be construed to be the granting of a franchise. *(Ord. 1694, 10/25/84.)*

Sec. 5-16-40. Annual Fee for Conduits.

- (a) The permittee under Sec. 5-16-2 of this chapter shall pay to the city an annual renewal and inspection fee being the total of five dollars (\$5.00) per rod of conduit multiplied by the number of rods in the conduit for which the permit was issued. *(Ord. No. 2002-11, 03/04/2002.)*
- (b) The oil and gas inspector shall inspect such conduits to assure the public safety. No permit shall be continued if the conduit or any part thereof covered by such permit is in an unsafe condition. *(Ord. 1694, 10/25/84; Ord. No. 2002-11, 03/04/2002.)*

Sec. 5-16-41. Pipelines and Appurtenances within the city limits.

- (a) An annual inspection fee is hereby levied upon any person, company or business entity, who operates an underground pipeline within the corporate limits of the City of Chickasha and who has not secured a franchise with the City of Chickasha, to pay an annual fee for the inspection of all pipeline meters, valves, gauges, pumps, appliances and appurtenances under its operation: such fee shall be in the amount of three hundred dollars (\$300.00) for each

- location where such meters, valves, gauges, pumps, appliances and appurtenances are located above ground. Said fee shall be payable to the city within thirty (30) days of receipt of invoice. *(Ord. No. 2002-11, 03/04/2002.)*
- (b) The oil and gas inspector shall inspect each location on an annual basis to assure the public safety. *(Ord. No. 2002-11, 03/04/2002.)*
 - (c) All pipeline appurtenances shall be painted and maintained in good condition. All valves shall be secured with locks to prevent malicious intent. Weeds, trash, and other fire hazards shall be removed from the area. Fencing and landscaping shall comply with Section 5-16-12. *(Ord. No. 2002-11, 03/04/2002.)*
 - (d) A metal sign, not less than two (2) feet square shall be posted and arranged in a design to clearly identify the buried pipeline and provide emergency phone numbers. *(Ord. No. 2002-11, 03/04/2002.)*
 - (e) All buried pipelines shall have approved warning signed posted and arranged in a design to clearly identify the buried pipeline and provide emergency phone numbers. *(Ord. No. 2002-11, 03/04/2002.)*
 - (f) All pipelines shall be tested by the operator ever three years for the purpose of determining whether it is in a safe condition and free from leaks. A report of the test supported by an affidavit by the person conducting the test shall be supplied to the city. *(Ord. No. 2002-11, 03/04/2002.)*
 - (g) Pipeline operators shall notify the oil and gas inspector prior to any pipeline repair or integrity testing. The oil and gas inspector must approve all integrity testing and repairs before work begins. *(Ord. No. 2002-11, 03/04/2002.)*

Sec 5-16-42. Applicability to Existing Conditions.

- (a) This chapter shall apply to any person drilling an original well, re-entering an abandoned well, conducting natural or artificial production projects or operations, or maintaining a disposal well within the city on the 25th day of October, 1984, and every such person shall have no longer than ninety (90) days to come into compliance with this chapter. Provided, that:
 - (1) No initial permit fees shall be charged such person as would otherwise apply;
 - (2) No penalties shall be sought against any activity violative of this chapter where such activity pre-existed the adoption of this chapter and was otherwise in compliance with the applicable state law, rules, regulations, standards, or directives
 - (3) The city manager may allow for reasonable extensions or variations for compliance with this chapter where to do so would be in the interests of fairness. *(Ord 1694, 10/25/84.)*

Sec 5-16-43. Penalties.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violations or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this chapter, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms hereof, shall be fined in a sum not more than the maximum amount allowed by law plus court costs, and the violation of each separate provision of this chapter, and of the permit and of the bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. In addition to the foregoing penalties, it is further provided that the city council at any regular or special sessions or meeting thereof, may, provided ten (10) days notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this chapter and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of the permit, the bond, of this chapter. In the event the permit be revoked, the permittee may make application to the oil and gas inspector for re-issuance of such permit, and the action of the city thereon shall be final. Any continuing offense shall be considered a

public nuisance, the remedies for which under law shall be in addition to those herein before enumerated. (Ord 1694, 10/25/84.)

Article 17. Hypodermic Syringe Regulations.

Sec. 5-17-1. Hypodermic syringe sales prohibited except to licensed persons, restrictions.

No person may sell a hypodermic syringe of any type to any person, company, hospital, medical facility or other organization or pharmacist not licensed for the medical treatment of people, animals or fowl or licensed to sell drugs or medical supplies at retail without first requiring identification of the purchaser and production by the purchaser of certificate of need or prescription for the purchase of the hypodermic syringe from a licensed physician, surgeon, or official of a state, county, or city-county health department and if the need is for the use of the hypodermic syringe with animals or fowl the certificate of prescription may be from a doctor of veterinary medicine. (Ord. 1708, 2/28/85.)

Sec. 5-17-2. Destruction of disposable syringes after use.

Any person that uses a disposable syringe shall, immediately after use of the syringe, destroy it or render it inoperable so that the used syringe cannot be used again by any other person. (Ord. 1708, 2/28/85.)

Sec. 5-17-3. Destruction of needle on permanent syringe after use.

Any person that uses a permanent type needle or syringe shall, immediately after final use of the needle or syringe, destroy the needle or syringe rendering it inoperable so that the needle or syringe cannot be used again by any other person. (Ord. 1708, 2/28/85.)

Sec. 5-17-4. Separate violations.

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense. (Ord. 1708, 2/28/85.)

Sec. 5-17-5. Penalty.

Any person violating any provision of this article shall be guilty of an offense against the City of Chickasha and shall be punishable by a fine not to exceed the maximum fine allowed by law for non-jury trials plus court costs. (Ord. No. 2003-05, 05/19/2003.)

Article 18. Outdoor Amusement Events License.

Sec. 5-18-1. Definition.

For the purpose of this Article, the term "amusement events" shall include:

- (a) Concerts
- (b) Swap Meets
- (c) Fairs
- (d) Festivals
- (e) Carnivals
- (f) Motor vehicle events
- (g) Other similar outdoor events or enterprises that are anticipated to draw 100 or more participants and spectators combined

An enterprise or event shall be deemed to be an "outdoor" enterprise or event if all or a majority of the event or enterprise will be held outdoors. (Ord. No. 2005-15, 08/01/2005.)

Sec. 5-18-2. License Required.

No person shall conduct or hold an outdoor amusement event within the corporate limits of the City without first obtaining a license from the City. The license shall expire at the conclusion of the event. A condition of the license shall be that the licensee shall conduct the outdoor

amusement event in strict compliance with all of ordinances and regulations of the City. In determining whether a license should be granted, the City will consider traffic congestion, parking, environmental concerns, impact of the event upon the neighboring area, and the health, safety and welfare of the residents of the City. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-3. Exceptions.

The following activities and events shall be exempt from the permit requirements:

- (a) Events that have been approved by the City to be held on property owned by the City; or by any municipal public trust authority;
- (b) Events to be held on the Grady County Fairgrounds property;
- (c) Events to be held on public school property for the benefit of the public schools;
- (d) Events held by employers for employees and their families only to be held on the employer's property;
- (e) Golf tournaments held at a public or private golf course; and
- (f) Events to be held on property owned by religious organizations for the benefit of the religious organization and its congregation. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-4. Special Waiver of License Requirements.

An individual or organization that is not exempt from the license requirements may apply for a special waiver through the Community Development Office. The City Manager or his designee shall have the authority to waive the license requirements for athletic sporting events and for other special events. In determining whether a special waiver should be granted, the City Manager or his designee, may consider traffic congestion, parking, environmental concerns, and impact of the event upon the neighboring area, and the health, safety and welfare of the residents of the City. If the special waiver is granted the waiver shall designate the date, time and duration of the event. The fact that a special waiver was previously granted for a similar event shall not be a factor to be considered in determining whether a special waiver should be granted on a subsequent occasion to the same or a different applicant. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-5. Limitation on Number and Duration of Events

The City shall have the right to restrict the number of outdoor amusement events that may be held on any property to two (2) events per year with each event having a maximum duration of three (3) days. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-6. License Fee.

The license fee for outdoor amusement events shall be set by a resolution of the City Council. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-7. Enforcement of Ordinances, Rules and Regulations.

The issuance of a license for an outdoor amusement event shall not constitute a waiver of the enforcement of any ordinances, rules, and regulations of the City. Every event must be conducted in compliance with all municipal ordinances and regulations including but not limited to the zoning, advertising, noise, nuisance, health, and safety laws of the City. *(Ord. No. 2005-15, 08/01/2005.)*

Sec. 5-18-8. Appeal.

The license applicant shall have the right to appeal a denial of a license by the City Manager to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days of the denial of the license application. *(Ord. No. 2005-15, 08/01/2005.)*

Article 19. Tattoo and/or Body Piercing Operation

Section 5-19-1 Definition. For the purpose of this Article, term “Tattoo and/or Body Piercing” shall be as established in the current rules and regulations adopted by the Oklahoma Department of Health and codified at OAC 310:233. *(Ord. No. 2006-26, 10/16/2006.)*

Section 5-19-2 Licenses.

- (a) No tattoo and/or body piercing operation may perform work in the city without first having obtained a license to operate the tattoo and/or body piercing operation from the city. Before the license shall be issued or renewed by the city, the applicant shall provide the following:
- (1) Proof that the property upon which the tattoo and/or body piercing operation is to be conducted is properly zoned for the operation and that a use on review permit has been issued by the city. *(Ord. No. 2006-26, 10/16/2006.)*
 - (2) A copy of the license issued by the State Department of Health for the operation of the tattoo and/or body piercing operation. *(Ord. No. 2006-26, 10/16/2006)*
 - (3) A copy of the individual artist’s license issued by the State Department of Health for everyone that will be performing tattooing and/or body piercing. *(Ord. No. 2006-26, 10/16/2006)*
 - (4) Proof of a current occupancy permit issued by the Office of Community Development. *(Ord. No. 2006-26, 10/16/2006)*
- (b) Upon the city receiving the information designated in paragraph (a) above, the city clerk shall issue the license contemplated herein. The license shall expire concurrently with the date established by the license/permit issued by the Oklahoma Department of Health. The license fee shall not be prorated or transferable. *(Ord. No. 2006-26, 10/16/2006)*
- (c) The license fee shall be levied on the operation, in an amount established by resolution by the Chickasha City Council and shall be equal to the fee established for the same operation by the Oklahoma Department of Health. *(Ord. No. 2006-26, 10/16/2006)*
- (d) If for any reason the State suspends or revokes the State license, the city’s license shall also be considered suspended or revoked. Upon reinstatement, a fee shall be levied in the amount equal to the annual renewal fee. *(Ord. No. 2006-26, 10/16/2006)*
- (e) Prior to the City issuing a renewal license the business must provide a current copy of the renewal license issued by the state. *(Ord. No. 2006-26, 10/16/2006)*

Section 5-19-3 Zoning.

Any tattoo and/or body piercing operation operated within the city limits of the city shall meet all the zoning requirements of the city pertaining to tattoo and/or body piercing operations. *(Ord. No. 2006-26, 10/16/2006)*

Section 5-19-4 Inspections.

Any tattoo and/or body piercing operation shall be open to the inspection of any director of the Health Department, Fire Marshal or Building Official, or their designated representatives, so long as inspections are made during reasonable hours of the establishments operation. *(Ord. No. 2006-26, 10/16/2006)*

Section 5-19-5 Enforcement.

Enforcement of this Ordinance shall be the responsibility of the Office of Community Development, the Police Department or their designated representatives. *(Ord. No. 2006-26, 10/16/2006)*

Section 5-19-6 Penalty.

Any person firm or corporation violating any of the foregoing provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to

exceed the maximum amount allowed by law plus court costs for each such offense and each day's violation thereof shall be deemed a separate offence. (Ord. No. 2006-26, 10/16/2006)

Article 22. Tree Trimmers.

Section 5-20-1 Definition. For the purpose of this Article, the term "Tree Trimmer" shall include all persons who engage in the trimming and/or removal of tree and/or large shrubs. Amended 01/18/2011, Ord. No. 2011-02.)

Section 5-20-2 Licenses.

(a) No person shall solicit or engage in the business of trimming or removing trees within the City without first having obtained a license to trim or remove trees from the city. Only the foreman of a crew needs to have a license, not all crew members. Before the license shall be issued by the city, the applicant shall provide the following:

(1) A written application stating the applicant's name, present address, and prior experience in the trimming or removal of trees. The application should also provide the name and physical location of the business (not a box number) of the business.

(2) A license fee of \$50.00.

(3) Post bond in the amount of \$500.00.

(b) Unless the license is denied pursuant to Section 5-1-6, the city shall issue a license which is good until December 31 of that calendar year. If the license is denied, the City Clerk shall retain up to ten percent (10%) of the license fee, provided the applicant is not otherwise indebted to the City, in which case those fees may be used to offset that indebtedness. Amended 01/18/2011, Ord. No. 2011-02.)

Section 5-20-3. Use of Public Areas. A tree trimmer may, with permission of the City, use public alleyways and/or up to one third of a public street while occupied in trimming trees. Amended 01/18/2011, Ord. No. 2011-02.)

Section 5-20-4 Enforcement.

Enforcement of this Ordinance shall be the responsibility of the Office of Community Development. The Office of Community Development may, subject to Council review, promulgate additional rules and regulations for the business of tree trimming. Amended 01/18/2011, Ord. No. 2011-02.)

Sec. 5-20-5. Offense.

Any person who shall violate any provision of this article by failing or refusing to do that which is commanded or by doing anything which is prohibited shall be guilty of an offense, and upon conviction shall be punished by fine as provided in this chapter. The payment of such fine shall not constitute a defense against the revocation or suspension of the license. Amended 01/18/2011, Ord. No. 2011-02.)

Article 21. Penalty.

Sec. 5-20-1. Penalty.

Any person, firm or corporation who shall violate any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not exceeding the maximum fine allowable by law for non-jury trials. Each day upon which any such violation continues shall constitute a separate offense. (Ord. No. 2003-05, 05/19/2003), (Ord. No. 2005-15, 08/01/2005) and (Ord. No. 2006-26, 10/16/2006.) (Amended 01/18/2011, Ord. No. 2011-02.)

