

Chapter 9

LICENSES AND BUSINESS REGULATIONS¹

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ARTICLE I. IN GENERAL

Sec. 9-1. Penalty for violation of chapter.

Violation of any provision of this chapter shall void any and all licenses issued under the provisions of this chapter to the person in violation of said provisions and shall subject the perpetrator thereof to a fine for each violation. Each day any violation occurs shall constitute a separate offense.

(Code 1977, § 5-18; Ord. No. 734, §§ 1, 2, 10-5-82)

Sec. 9-2. Obscene or immoral shows, exhibitions and entertainments.

It shall be unlawful to show vile, obscene or immoral moving pictures at any time, or to have or give any kind of a show, exhibition or entertainment which is vile, obscene or immoral, at any time.

(Code 1977, § 5-10)

Sec. 9-3. Shooting galleries.

Every shooting gallery shall be constructed, established, set up and operated in accordance with the requirements of 63 O.S. sections 701-708 and shall comply with all the requirements thereof. No shooting gallery shall be operated until a license has been secured therefor in accordance with this chapter.

(Code 1977, § 5-11)

Sec. 9-4. Fees, etc., for fortune-telling.

It is unlawful for any person pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyance or otherwise plying his or her trade, art or profession, to make any charge therefor, either directly or indirectly, or to receive any gift, donation or subscription, by any means whatsoever, for the same.

(Code 1977, § 5-12)

State law reference—Similar provisions, 21 O.S. § 931.

¹**Cross references**—Alcoholic beverages, Ch. 3; animals, Ch. 4; buildings and building regulations, Ch. 5; parks and recreation, Ch. 14; taxation, Ch. 17; utilities, Ch. 18; finance department, § 2-36; finance generally, §§ 2-76 *et seq.*; annual report of alcoholic beverage licenses and revenue, § 3-18; private clubs, §§ 3-36 *et seq.*; registration of plumbers, § 5-10; milk and milk products, §§ 8-4 *et seq.*; food service sanitation, § 8-21 *et seq.*; truck routes, § 10-17; trucks in city parking lot, § 10-68; dangerous occupations as nuisance, § 12-5; gambling, § 13-16; obscene materials, §§ 13-41 *et seq.*; sale of merchandise on sidewalk, § 16-28; sales tax, §§ 17-16 *et seq.*; gross receipts tax, §§ 17-46 *et seq.*

State law references—Municipal license tax on occupations, 11 O.S. § 22-106; licenses regulated by ordinance, 11 O.S. § 22-107; false increase of weight, 21 O.S. § 1505; false weights and measures, 21 O.S. §§ 1551 *et seq.*

Annotation—In a request for an injunction against enforcement of a pool hall ordinance, where judgment was for defendants, the appeal was without merit, based on the proceedings, the petition in error and the brief filed, *Whitson v. Bell*, 171 Okla. 389, 43 P.2d 73 (1935).

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Sec. 9-5. Certain amusement devices--Generally.

No person, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, any form of coin-operated machine or other device intended for use of, or used by, persons patronizing such business for such persons' amusement, entertainment or edification, including, but not limited to, the following: bowling machines, shuffleboards, pinball and associated similar machines, and music playing machines commonly called juke boxes, without first paying in advance to the city clerk the license fee or tax prescribed therefor in this article and procuring a license therefor.

(Code 1977, § 5-14)

State law reference--Coin-operated music and amusement devices, 68 O.S. §§ 1501 *et seq.*

Sec. 9-6. Same--Annual license; fee payment.

The license, fee or tax prescribed by section 9-5 shall be, unless otherwise specified on the face of the license, an annual fee, license or tax, and shall expire on the last day of June of the year for which it is issued; provided, that all licenses that are issued for a period shorter than one year shall expire on the day specified on the face of the license. No license shall be issued until the amount prescribed therefor has been paid in full to the city clerk. All licenses procured under the provisions of this chapter shall be prominently displayed on or in the immediate vicinity and in clear view of the machine for which it was purchased. Licenses shall be signed by the mayor and the city clerk, and countersigned by the treasurer. The clerk shall affix the corporate seal of the city to the license.

(Code 1977, § 5-15)

State law references--Taxable year, 68 O.S. § 1505; expiration of municipal licenses, signatures, 11 O.S. § 22-107.

Sec. 9-7. Same--Rate.

The license fee or tax imposed by sections 9-5 and 9-6 shall be five dollars (\$5.00) per year, per machine or shuffleboard.

(Code 1977, §§ 5-14--5-16)

State law references--Amount of state tax, 68 O.S. § 1503; amount of municipal tax, 68 O.S. § 1511.

Sec. 9-8. Pawnshops.

(a) Each pawnshop licensed to do business by the State of Oklahoma, and doing business within the city, shall mail (with sufficient postage thereon) to the police department, after the close of business on Friday of each week, a copy of each receipt, with the appropriate information thereon, of each item or items received in the course of business by such licensed pawnshop dealer during that week of business.

(b) The receipt mailed in paragraph (a) above shall contain at least the following information on each person or persons exchanging merchandise for money:

- (1) The name, age, weight, height, sex, race and driver's license or social security number of such person;
- (2) The complete mailing address of such person; and
- (3) The name brand and serial or identification number of each item of merchandise received, and the date received.

(c) The police department hereby officially requests copies of these records at the time and by the method herein stated, and a refusal by such licensed dealer to comply herewith, shall be a refusal to allow examination of records under the "Oklahoma Pawnshop Act," 59 O.S. §§ 1501-1513.

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(d) Any refusal of examination as herein provided shall be reported to the administrator of consumer affairs, as defined in the Uniform Consumer Credit Code, as provided in 59 O.S. § 1502, by the police department for appropriate license revocation action by such administrator.

(Code 1977, § 5-17)

Cross reference—Finance, §§ 2-76 *et seq.*

State law references—Consumer Credit Code, 14A O.S.; pawnbrokers, 59 O.S. §§ 1501 *et seq.*; municipal regulation, 59 O.S. § 1506.

Secs. 9-9-9-20. Reserved.

ARTICLE II. OCCUPATIONAL LICENSE TAXES²

Sec. 9-21. Definition.

As used in this article, "itinerant occupations, trades, businesses and solicitations" shall mean occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the city, at which a permanent business is carried on throughout the year of usual production season in good faith, and not for the purpose of evading the provisions of this article, and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters or in permanent quarters occupied pursuant to any temporary arrangement, or carried on by means of house to house solicitation or upon the streets and sidewalks of the city; provided, however, that no occupation, trade or business engaged in by an actual resident in good faith of the county, who has been such a resident for more than ten (10) days, or drives and solicitations for funds or donations carried on and sponsored by any permanent civic, charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and bylaws of said organization, association or club, and the majority of said members being residents of the city or of the county, shall be considered an itinerant occupation, trade, business or solicitation.

(Code 1977, § 5-2)

Sec. 9-22. Tax levied.

There is hereby levied an occupation tax in the amount per annum or per day, at the option of the taxpayer, against persons engaged in itinerant occupations, trades, businesses or solicitations within the city, in the amount hereinafter specified:

	<i>Per Annum</i>	<i>Per Day</i>
(1) Agents or solicitors selling or taking orders for sale of books, magazines, periodicals or publications of any description, each	\$100.00	\$ 50.00
(2) Carnivals, circuses or menageries		\$100.00
(3) Collection agents	\$100.00	\$ 40.00
(4) Fortune-tellers and palm readers, each	\$200.00	\$ 70.00
(5) Business or occupation of selling or undertaking to sell unsolicited service not specifically listed herein		\$ 40.00

²**Cross reference**—Taxation, Ch. 17.

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	<i>Per Annum</i>	<i>Per Day</i>
(6) Shows, including tent shows other than circuses and menageries	\$ 70.00	\$ 50.00
(7) Salesmen, solicitors, solicitors of donations to public or private charities, vendors and peddlers, either selling or taking orders for sale at retail, of goods and merchandise not heretofore listed, each	\$100.00	\$ 70.00

(Code 1977, § 5-1; Ord. No. 750, §§ 1, 2, 8-23-83; Ord. No. 785, § 1, 7-21-87)

Sec. 9-23. Unlawful to operate without paying tax.

It shall be unlawful for any person, for himself or as agent, employee or officer of another, to engage in any occupation, trade, business or solicitation herein specified without having first paid to the city, at the office of the city clerk, the fee or tax prescribed in section 9-22 and procuring from the city clerk a license and receipt in writing for such fee or tax.

(Code 1977, § 5-3)

Secs. 9-24–9-35. Reserved.

ARTICLE III. RESERVED³

Secs. 9.36–9-65. Reserved.

ARTICLE IV. OIL, GAS AND MINERAL PRODUCTION⁴

Sec. 9-66. Definitions.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Circulating mud pit. The working pit from which drilling muds are continuously recirculated during the drilling process into and from the drilling hole, for the purpose of flushing therefrom the drill bit cuttings and as a lubricant to reduce sticking during the drilling process.

Disposal well. Any well drilled or actually used for injection of salt water or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth.

Mud. The drilling fluid used and recirculated through the drilling hole as a lubricant to reduce torque, drag, heat, friction and differential sticking, and to flush drill bit cuttings from the hole during the drilling process.

Mud program. The planning usage of drilling fluid lubricants, specifying with particularity the type, name and physical and chemical composition and characteristics of all ingredients thereof, together with such laboratory and other technical analyses as may be required by the public works department to evaluate the same as pollutive, deleterious or otherwise.

³**Editor's note**—Ord. No. 797, § 1, adopted April 17, 1989, repealed former Art. III, §§ 9-36-9-54, relative to the licensing of private investigators, which derived from Ord. No. 746, §§ 2-20, adopted June 30, 1983 and Ord. No. 751, § 2, adopted Oct. 18, 1983.

Cross reference—Police department, § 2-38.

⁴**Cross reference**—Fire prevention and protection, Ch. 7.

State law reference—Oil and gas, 52 O.S.

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Oil and gas well Any well drilled, operated or maintained for the production of oil, gas, causing head gas, or any of them or their by-products or derivatives.

Reserve pit. Any excavation, pit or receptacle designed or actually used to receive, store or hold rocks, drill bit cuttings, shale, sand, fresh water or drilling mud that contains no salt water, oil, oil derivatives, caustics, acids or other deleterious substances harmful to soil or vegetation or injurious to animal or human life.

Slush pit. Any excavation, pit, or receptacle, designed, or actually used, to receive, store or hold waste oil, oil derivatives, sand, salt water or other waste products or deleterious substances produced or used in the drilling, swabbing, cleaning or reworking of any oil, gas or disposal well.

(Ord. No. 723, § 3, 11-5-81)

Sec. 9-67. Permits—Required; application information; fee.

(a) No person shall drill, maintain, or operate an oil, gas or disposal well, or otherwise mine or produce other minerals, without having previously obtained a permit from the city clerk, with a permit fee of one hundred dollars (\$100.00).

(b) In addition to the information required, all applicants desiring a permit to drill, maintain or operate an oil, gas or disposal well shall submit:

- (1) A description of the location of the well, specifying and identifying the well location within a particular ten-acre tract within a specific Quarter, Section, Township and Range;
- (2) A list of all equipment that will be in the drilling, operation or maintenance of the particular well;
- (3) The mud program to be utilized on that particular well.

(Ord. No. 723, § 1, 11-5-81)

Sec. 9-68. Same—Bond, security, insurance.

(a) Prior to the issuance of any permit, the applicant shall deposit with the city clerk a cash amount of two thousand dollars (\$2,000.00) as a security for the compliance with all requirements of this article by the owner, his driller, agents and employees during the drilling operation.

(b) When the drilling operation has been completed in compliance with all requirements of this article, said security shall be refunded upon the deposit with the city clerk of a surety bond in the amount of two thousand dollars (\$2,000.00), conditioned upon plugging of the well and of the restoration of the land's surface, such plugging and restoration to be performed within ninety (90) days of the abandonment, in accordance with the rules and regulations of the Oklahoma Corporation Commission and the Code of the city.

(c) Upon noncompliance of the above listed conditions, the cash amount or the surety bond shall be forfeited and shall provide reimbursement to the landowner for the plugging of the well and/or restoration of the land's surface.

(d) Prior to the issuance of any permit, the applicant shall also deposit a copy of an insurance policy, of a corporate insurer licensed to do business in the state, in an amount not less than two hundred and fifty thousand dollars (\$250,000.00); and such policy shall:

- (1) Contain no exclusion from coverage of contamination or pollution of surface or subterranean streams, watercourses, lakes, or public or private water supplies;
- (2) Be conditioned for payment of all damages due to injury to persons, or damage to property resulting from the drilling, operation or maintenance of the proposed well, or any structure, machinery, equipment, pipelines or appurtenances used in connection therewith.

(Ord. No. 723, § 2, 11-5-81)

State law reference—Plugging wells, 52 O.S. § 308.

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Sec. 9-69. Production prohibitions.

(a) No person shall drill, mine or produce, or cause to be drilled, mined or produced, any gas, oil or other minerals in areas other than those zoned appropriately by the Pauls Valley planning and zoning commission.

(b) No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated in conjunction with the drilling or operation of an oil or gas well within two hundred fifty (250) feet of any dwelling or business structure.

(c) No oil, gas or disposal well shall be drilled, operated or maintained, nor shall any operation in connection therewith be carried on or conducted, within two hundred fifty (250) feet of any church or school.

(Ord. No. 723, § 9, 11-5-81)

Sec. 9-70. Maintenance of premises.

The premises upon which any oil, gas or disposal well is drilled, operated or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment or materials, excess rotary mud, salt water, waste oil or oil by-products and other waste, insofar as the same may be reasonably done in the conduct of operations.

(Ord. No. 723, § 8, 11-5-81)

Sec. 9-71. Safety devices and practices.

(a) Approved equipment, standard devices and all ordinary methods commonly known and used in the oil and gas drilling and producing industry for the safety and protection of property from all locations shall be required. Failure on the part of any owner, driller or operator to utilize such equipment, devices, or any person, affected thereby, shall be an offense under this Code.

(b) All drilling wells shall be equipped with a master gate or its equivalent, adequate blow out preventers, flow lines and valves commensurate with the working pressures involved.

(Ord. No. 723, § 11, 11-5-81)

Sec. 9-72. Casing.

(a) At least seven hundred fifty (750) feet of surface casing shall be set in each well after notification of intention to do so has been given the Conservation Department of the Oklahoma Corporation Commission, whose representative shall be entitled to inspect the installation thereof and direct the type and amount of cement to be used in cementing the same in the hole.

(b) Production casing of a size not less than four and one-half (4½) inches outside diameter, in good condition, shall be set no higher than the top of the producing formation and cemented with a sufficient amount of cement to obtain a minimum of five hundred (500) feet of annular fillup above the casing. All of such production casing shall be tested by pressure methods for either drilling the cement plug or perforating, if the cement is not drilled.

(Ord. No. 723, § 4, 11-5-81)

Sec. 9-73. Earthen reserve pits.

(a) Except in those areas of the Pauls Valley Lake area, earthen reserve pits must be lined with a polyethylene liner, which shall be six (6) millimeters in thickness or better, and shall be constructed or used in connection with the drilling, swabbing, cleaning out or reworking of oil or gas wells and the contents thereof must be transported from the premises to a disposal facility.

(b) Such reserve pits shall be leveled and the surface of the ground restored as nearly as possible to its original condition within ninety (90) days after completion of said drilling, swabbing, cleaning out or reworking operations.

(Ord. No. 723, § 5, 11-5-81)

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Sec. 9-74. Retaining wall.

(a) An earthen retaining wall of adequate size for the terrain shall be constructed on the low side of all well sites on sloping or unlevel ground.

(b) The top of the retaining wall shall be at least as high as the top of the Christmas tree or other well head connections on any completed well or at least as high as the ground at the point where surface casing is set in the well when drilling.

(Ord. No. 723, § 6, 11-5-81)

Sec. 9-75. Earthen slush pits.

(a) No earthen slush pits shall be constructed, built, maintained or used by any person.

(b) All waste oil, salt water, liquid with oil content, gasoline or other oil derivatives or by-products, sand, sludge or other waste produced in connection with the drilling, testing, cleaning, swabbing, reworking or operating of any oil, gas or disposal well shall be captured and retained in steel tanks or vessels and transported from the premises to a disposal facility.

(c) No person shall permit such substances to escape from the premises owned, leased or controlled by the persons conducting such operations, by seepage, overflow or otherwise, nor flow across the surface of the ground or upon any public way, into any storm or sanitary sewer or drainage ditch, upon any gutter or paving, or into any gully, stream or tributary.

(Ord. No. 723, § 7, 11-5-81)

Sec. 9-76. Reserve pits and mud circulation pits in lake area and city area.

(a) Reserve pits located in the Pauls Valley Lake area and in the city, shall be exclusively lined with a polyethylene liner with a six (6) millimeter minimum thickness.

(b) All circulating mud pits utilized within such area shall be exclusively of metal construction.

(c) No chemicals or substances shall be placed in said reserve or circulating mud pits, except as indicated in the mud program approved by the public works department at the time of issuance of the drilling permit, and all contents of such reserve and circulating mud pits shall, during and upon completion of the drilling of said well, be transported from the premises to a disposal facility.

(Ord. No. 723, § 10, 11-5-81)

Sec. 9-77. Storage tanks.

(a) Storage tanks or other types of tanks containing flammable substances used in connection with all oil, gas or disposal wells shall have earthen embankments constructed around them, of sufficient size and height to be able to adequately contain one and one-half (½) times the volume of such a tank should a rupture occur at the floor of such tank.

(b) No drain plugs, openings or siphons shall be placed in the walls or dikes, which will permit the escape of any liquids through the same.

(c) No such tank shall be located closer than one hundred (100) feet to a dwelling or business structure, street or highway.

(Ord. No. 723, § 12, 11-5-81)

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Sec. 9-78. Tubing.

(a) Upon completion of any flowing well, the wellhead equipment shall have, on the tubing, at least one master valve plus a flow valve and a valve on the casing annulus.

(b) All wells shall be equipped with flow tubing of a size at least two (2) inches inside diameter extending from not less than fifty (50) feet from the top of the lowest producing formation.

(c) All disposal wells shall be equipped with at least two-inch inside diameter tubing set on a packer, and a pressure gauge shall be installed on the casing annulus at all times.

(Ord. No. 723, § 13, 11-5-81)

Secs. 9-79-9-90. Reserved.

ARTICLE V. LICENSE FOR VEHICLES FOR HIRE⁵

Sec. 9-91. Required.

No person shall engage in the business of operating a motorcar, automobile, bus or other vehicle for the purpose of transporting passengers for hire upon, over and through the streets, avenues, thoroughfares or other public places within the corporate limits of the city, without having first obtained a license to engage in such business from the city clerk.

(Code 1977, § 22-5)

Sec. 9-92. Standards.

(a) A license to operate a taxi, motorcar, automobile or bus business within the city or upon the streets and public ways, shall be issued by the city clerk, to any person of good moral character, who shall:

- (1) Tender a license fee of fifteen dollars (\$15.00) for the first vehicle and five dollars (\$5.00) for each additional vehicle, per year, said license to terminate on the thirtieth day of June, next, thereafter;
- (2) Post a certificate from an insurance company, licensed to do business within the state, not cancelable without ten (10) days notice to the city, indemnifying the city or any person to whom said applicant may become liable in amounts of:
 - a. Twenty thousand dollars (\$20,000.00) for property damage;
 - b. One hundred thousand dollars (\$100,000.00) for personal injuries arising from each accident; and
 - c. Twenty thousand dollars (\$20,000.00) for each person; and
- (3) Furnish to the city clerk a list of the motor vehicles to be used in said business, duly showing that they, and each of them, are covered by said insurance mentioned above in subsection (a)(2), and a list of operators of said vehicles. Said license shall be revoked immediately upon:
 - a. Termination of insurance;
 - b. Failure to keep the list of automotive equipment and drivers up-to-date in the office of the city clerk; or
 - c. For good cause shown.

⁵Cross reference—Motor vehicles and traffic, Ch. 10.

State law references—Municipal regulation of taxicabs, 11 O.S. §§ 22-106, 22-118; relocation, etc., of property of common carriers, 11 O.S. § 32-104.

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Said license shall be prominently displayed in the principal office of said business.

(b) Permits for the driving and operating of such motor vehicles for hire within the city shall be issued to any person of good moral character:

- (1) Who has not had his motor vehicle operator's license or commercial chauffeur's license revoked by the Oklahoma Department of Public Safety or its counterpart in any other state, within three (3) years immediately prior to the date of the application;
- (2) Who has not been convicted of a felony (which information shall be attested to by the chief of police according to his best knowledge);
- (3) Who shall exhibit to the city clerk a recent photograph, not less than one inch by one inch and not larger than two (2) inches by four (4) inches in size, for attachment to a permit for such driver.

Said permit shall be permanently and visibly displayed at all times in the taxi or motor vehicle operated by said driver for hire.

(Code 1977, § 22-6)

State law reference—Cancellation of operators' and chauffeurs' licenses, 47 O.S. §§ 6-201 *et seq.*; financial responsibility of taxicab operators, 47 O.S. § 8-104.

Sec. 9-93. Appeal from denial.

Issuance, revocation of, or refusal to issue the foregoing licenses or permits (and each of them) by the city clerk may be appealed to the city council by any citizen of the city or person aggrieved.

(Code 1977, § 22-7)

Sec. 9-94. Revocation.

The city council, after opportunity for a public hearing, may revoke any taxicab license whenever a violation of any provision of this article is shown.

(Code 1977, § 22-9)

Sec. 9-95. Regular place of business; telephone.

Any person obtaining a taxicab license, as herein provided for, and doing intra-city business within the city, shall be required to have a regular place of business and to maintain a telephone at said place of business.

(Code 1977, § 21-10)

Secs. 9-96–9-110. Reserved.

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ARTICLE VI. TELEPHONE EXCHANGE FEE⁶

Sec. 9-111. Inspection fee levied; amount; due date; disposition.

There is hereby levied an annual inspection fee and service charge upon every person operating a telephone exchange or rendering telephone service in the city, in an amount equal to two (2) percent of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the corporate limits of the city, to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and control during construction of lines and equipment of said telephone company in said city. Said fee shall be due and payable on or before the first day of May of each year and shall be paid into and expended from the general revenue fund of said city.

(Code 1977, § 1-146)

Sec. 9-112. Fee in lieu of taxes, charges, other fees.

During continued substantial compliance with the terms of this article by the owner of the telephone exchange (or company rendering telephone service within the limits of said city), the charge levied thereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments except ad valorem taxes; provided, however, that it is not intended hereby to extinguish or abrogate all existing arrangements whereby said city is permitted to use underground conduits, duct space or pole contracts of said company.

(Code 1977, § 1-147)

Sec. 9-113. Failure to pay inspection fee.

Should any person fail or refuse to pay such fee when levied, action may be taken against such person for the amount of the fees and all expenses of collecting same, including reasonable attorney fees.

(Code 1977, § 1-148)

Secs. 9-114-9-130. Reserved.

ARTICLE VII. TREE TRIMMERS AND TREE REMOVERS⁷

Sec. 9-131. Registration of tree trimming and tree removal enterprises; fees.

(a) No commercial enterprise shall engage in the business of tree trimming and/or tree removal unless such enterprise is registered and/or licensed as such with the code enforcement officer of the city.

(b) The registration and/or license fee to be paid to the city clerk shall be fifty dollars (\$50.00) the first year and thirty-five dollars (\$35.00) thereafter.

⁶Cross references—Electricity, §§ 5-3 et seq., 5-26 et seq.; utilities, Ch. 18.
State law reference—Municipal taxation, 68 O.S. § 2701 et seq.

⁷Editor's note—Ord. No. 799, §§ 1-3, adopted Oct. 3, 1989, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Art. VII, §§ 9-131–9-133.

Cross reference—Obstructions to sidewalks, streets or alleys, § 16-18.

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(c) All registration and/or license fees are payable in advance on a yearly basis and the license shall be issued for the fiscal year starting July first of each year.

(d) Any tree trimming or tree removal business which allows its license to lapse by failure to renew by July first of each year, will be subject to the first year license fee.

(e) The city will be fully indemnified and held harmless from any and all costs, expenses or damages resulting from the performance of any work of the tree trimmer and/or remover contractor.

(Ord. No. 799, § 1, 10-3-89)

Sec. 9-132. Bond.

(a) Every commercial enterprise receiving a license as a tree trimmer and/or remover shall file with the code enforcement official a bond in the sum of two thousand dollars (\$2,000.00), executed with a security company authorized to do business in the state, and conditioned that the principal will trim and/or remove all trees in accordance with the state law and the laws, ordinances and other regulations of the city relating to tree trimming and/or removal, in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship.

(b) The bond must be approved by the code enforcement official. No license shall be issued to any such person until the bond has been filed and approved, and any such license issued shall be valid only while the bond is in effect.

(Ord. No. 799, § 2, 10-3-89)

Sec. 9-133. Tree trimming and/or removal permits required; fees.

(a) No commercial enterprise shall undertake the removal and/or trimming of a tree within the city without a permit therefore being obtained from the code enforcement officer.

(b) The fees to be paid for the trimming or removal of trees shall be as follows:

(1) For issuing each permit \$3.00

(2) For each tree that is to be trimmed or removed 5.00

(c) Failure to obtain a permit for the removal and/or trimming of trees shall result in a claim being placed against the contractor's bond.

(d) Trees, limbs and waste from the removal and/or trimming of trees will not be disposed of by the city unless a tree trimming and/or removal permit has been obtained by the contractor.

(Ord. No. 799, § 3, 10-3-89)

Secs. 9-134–9-140. Reserved.

ARTICLE VIII. HOME-BASED OCCUPATIONS.

Sec. 9-141. Definitions.

Any occupation, profession, or trade carried on in a place of residence for compensation (income) solely by the inhabitants of the dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building, that are located in any residential district. Home-Occupations may also be referred to as:

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- A. A **Home-Based Business** is an enterprise producing goods or services that maybe operated in or from the home. It may be a fulltime or parttime enterprise. Thus, painters, plumbers, and electricians who work from their homes as well as graphic artists, consultants, and beauticians who work in their homes are included in this definition.
- B. **Home-Based Workers or Home Workers** are a broad group of people who simply work for income in their homes. This general label includes those who might own their own businesses or those who do job related activities as employees of a company or as independent contractors.
- C. **Home-Based Business Owners** are a subgroup of home-based workers that includes only those persons who actually own and operate business in their home.
- D. **Cottage Industry Workers** are synonymous with home-based workers. Historically, the label referred to industrial homeworkers, but it now generally refers to anyone who works at home.
- E. **Industrial Homeworkers** are a subgroup of home-based workers whose work is specialized in the garment/jewelry industry.
- F. **Telecommuters** are a subgroup of home-based workers whose work is specialized in industries in which work can be accomplished and/or information transmitted through a computer system.
- G. **Employees** are those persons who work for a business and are entitled to benefits, FICA, worker's compensation, unemployment insurance, income tax withholding, etc.
- H. **Independent Contractors** are those persons who independently negotiate an agreement with a company which specifies conditions and terms under which he/she will work. Independent contractors are distinguished from employees because the company for which the independent contractor works is not liable to pay the obligations listed for employees.
- I. The **Code Enforcement Officer** is the officer of the City of Pauls Valley appointed and acting pursuant to the Pauls Valley Zoning Ordinance (Chapter 19).

(Ord. 813, 5-5-92)

Sec. 9-142. Standards.

The standards for home occupation as permitted in Residential Districts as set forth herein are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building or an accessory building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(Ord. 813, 5-5-92)

Sec. 9-143. General Conditions.

A home occupation shall be permitted, subject to the following conditions:

- (1) OCCUPANT: It shall be the person who owns or rents and lives in the dwelling as his place of residence.
- (2) LOCATION: The occupation shall be conducted entirely within the dwelling and/or accessory structure on the premises, and shall not be altered to change their external residential appearance or character;
- (3) AREA: In a dwelling, the maximum floor area utilized for home occupation purposes shall not exceed one room or twenty-five percent (25%) of the total floor area of the dwelling's living space. In an accessory building, it shall be governed by the intensity of use provisions for the district in which they are located.

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- (4) **EMPLOYEES:** The home occupation shall be engaged in only by occupant and or their immediate family residing on the premises. No more than two persons shall be employed who is not a member of the immediate family living on the premises, with the following exception:

Contractors who perform off premise work such as electrical, mechanical, plumbing and painting who utilize an accessory structure s shop and storage may use an employee to assist in loading or unloading material provided no work shall be performed on said premises, and shall not be deemed a home occupation, but shall adhere to all conditions listed herein.

Sec. 9-144. **Limitation On Use.**

- (1) **Disturbances:** No mechanical or electrical equipment or other device or activities shall be allowed which create any noise, dust, odor, or electrical disturbance, beyond the confines of premises on which said occupation is conducted and creating a public nuisances;
- (2) **Merchandise:** The retail sale of merchandise manufactured off the premises such as Amway, Avon, Tupperware, etc., shall be structured as to not invite or cause abnormal walk in or drop by persons/vehicular traffic to view and/or purchase merchandise.
- (3) **Parking:** No additional curb cuts shall be permitted, and no front yard area other than the driveway providing access to the garage shall be paved or otherwise altered or used for parking of vehicles;
- (4) **Safety:** No home occupation shall involve the use of any chemical, combustible, explosive or poisonous substance in such quantity or method as to create a hazard to life and limb or property, as governed by other laws, regulations and codes;
- (5) **Signs:** No advertising sign shall be used other than one non-illuminated name plate not more than two (2) square feet in area, attached to the main or accessory building, and shall display only the name of the occupant and/or the name of the home occupation;
- (6) **Storage:** No product or merchandise of any home-based business nor any item being serviced, repaired or having other work performed thereon in connection with any home-based business shall be stored, left, worked upon, kept, located, displayed or otherwise exposed outdoors in connection with any home occupation.
- (7) **Traffic:** No home occupation shall generate more than 15 trips per day to and from the premises and/or increase vehicular traffic flow and parking by no more than one additional vehicle at a time;
- (8) **Visibility:** No merchandise shall be displayed in such a manner as to be visible from off the premises;

Sec. 9-145. **Registration.**

Every home occupation as defined by this ordinance shall obtain, as a condition of operating as a home occupation, a zoning clearance permit as provided in Section 19-132 of Article VIII of the Pauls Valley Zoning Ordinance. The name and mailing address of the owner or other party responsible for the home occupation shall be registered, at the time the permit is given, with the Code Enforcement Officer. The Owner or other party responsible for the home occupation shall, within 10 days of such change, notify the Code Enforcement Officer of any change of mailing address of such party.

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Sec. 9-146. Termination.

Those home occupations which, due to the nature of the investment or operation once started, rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially-zoned area for residential purposes, shall, at such time, relocate to a commercial district and cease to be a home occupation. In conjunction with this provision, the Code Enforcement Officer shall, from time to time, inspect all home occupations registered in compliance with this ordinance for the purpose of determining whether any home occupation has increased beyond the limits permitted by this ordinance. Upon such a determination by the Code Enforcement Officer, the Officer shall notify in writing the registered owner of the home occupation of such finding. The owner of the home occupation shall then have 120 days to relocate the business to a commercial district and/or otherwise cease to be a home occupation.

Sec. 9-146. Inspection.

All home occupations shall be subject to inspection of premises from time to time for code violations or if a complaint is brought by neighboring residents at all reasonable times by the Code Enforcement Officer or by other appropriate city, county or state officials. The Code Enforcement Officer shall have right of entry as allowed by law whenever necessary to make an inspection to enforce any of the provisions of this code; or whenever the Code Enforcement Officer has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Code Enforcement Officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Enforcement Officer by this Ordinance, provided that if such building or premises is occupied, the Code Enforcement Officer shall first present proper credentials and request entry. If such building or premises is unoccupied, the Code Enforcement Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Code Enforcement Officer shall have recourse to obtain a proper inspection warrant or any other remedy provided by law to secure entry. No owner or occupants or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Code Enforcement Officer or other officials for purpose of inspection and examination pursuant to this Ordinance.

Sec. 9-147. Violations.

If the owner of home occupation is found in violation of conditions listed herein or has created a reasonable hazard or disability to the quality of lifestyle in said neighborhood the violation must be abated within 30 days.

Sec. 9-148. Appeals.

Any person aggrieved by any findings by the Code Enforcement Officer and any administrative decision by appropriate officials, may file a appeal within 30 days of being given notice of the violation as outlined in the Pauls Valley Zoning Ordinance.

Sec. 9-149. Penalties.

If the owner of home occupation fails to abate any violation within the specified time, they shall be guilty of a misdemeanor as provided for in Sec. 19-135 of the Pauls Valley Zoning Ordinance.

(Ord. 813, 5-5-92)

ARTICLE IX. BODY PIERCING AND TATTOOING

Sec. 9-160 Compliance with State Law.

Persons performing or offering to perform body piercing or tattooing within the city limits of Pauls Valley shall comply with Oklahoma State Laws, being Tit. 21, Section 842, as now codified or as may be later amended or re-numbered.

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Sec. 9-161 **Permit Required.**

Persons desiring to conduct body piercing and tattooing services within the City of Pauls Valley shall make application with the City Clerk, providing such applicant's name, address, and age, and shall further be accompanied by a copy of such applicant's state license authorizing such services to be performed by such applicant. The City of Pauls Valley business license shall be \$100.00 for the original license; valid for one year or until the expiration date of the State License; and \$100.00 for the annual renewal. The City of Pauls Valley business license shall only be valid so long as the applicant's State License is valid and current. The clerk must maintain a current, valid license from the state on file.

Sec. 9-162 **Location of Business.**

All body piercing and tattooing shall only be performed at business locations in approved zoning districts specified in Title 19 of this Code.

(Ord. 920, § 1, 7-24-07)

