



**THE CITY MAY REQUIRE UP TO 48 HOURS FOR APPROVAL OR DENIAL OF THIS APPLICATION.**

**ALL REQUIRED DOCUMENTATION MUST BE PROVIDED WITH THIS APPLICATION BEFORE IT WILL BE CONSIDERED FOR APPROVAL.**

**APPLICATION FOR  
ITINERANT VENDOR'S LICENSE**

**P.O. Box 250  
111 E. 4<sup>th</sup> Street  
Okmulgee, OK**

**Phone:918-758-1105  
Fax:918-758-1176**

**ITINERANT FEES: \$50/DAY \$100/WEEK \$200/MONTH \$500/YEAR**

**ALL VENDORS NEED TO PROVIDE THE FOLLOWING INFORMATION:**

**NAME OF APPLICANT:**

**NAME OF BUSINESS:**

**LOCATION OF PRINCIPAL BUSINESS:**

**BUSINESS PHONE NUMBER:**

**APPLICANT PHONE NUMBER:**

**BRIEF DESCRIPTION OF BUSINESS TO BE CONDUCTED AND ITEMS TO BE SOLD:**

**ADDRESS OF PROPERTY (LOCATION) DESIRED FOR BUSINESS:**

**DATE(S) OR DAYS OF WEEK BUSINESS WILL BE CONDUCTED:**

**HOURS:**

**PLEASE ATTACH THE FOLLOWING DOCUMENTS:**

- \_\_\_\_\_ CERTIFIED COPY OF AUTHORITY TO DO BUSINESS IN OKLAHOMA
- \_\_\_\_\_ DRIVER'S LICENSE OR STATE ISSUED PHOTO IDENTIFICATION CARD
- \_\_\_\_\_ COPY OF OKLAHOMA SALES TAX PERMIT OR PROOF OF EXEMPTION
- \_\_\_\_\_ WRITTEN, NOTARIZED STATEMENT OF PROPERTY OWNER AUTHORIZING USE OF PROPERTY - CITY FORM
- \_\_\_\_\_ TRAFFIC HAZARD CLEARANCE FROM COMMUNITY DEVELOPMENT DEPARTMENT - CITY FORM
- \_\_\_\_\_ LETTER OF SPONSORSHIP FROM LOCAL NON-PROFIT ENTITY (IF REQUIRED)

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPROVAL

\_\_\_\_\_  
DATE



**PERMISSION STATEMENTS EXPIRATIONS CAN NOT BE  
FURTHER OUT THAN 1 YEAR FROM DATE PERMISSION GRANTED.**

**ALL PERMISSION STATEMENTS MUST BE  
NOTARIZED FOR CONSIDERATION**

**PRIVATE PROPERTY  
PERMISSION STATEMENT**

P.O. Box 250  
111 E. 4<sup>th</sup> Street  
Okmulgee, OK

Phone:918-758-1105  
Fax:918-758-1176

**THIS FORM MUST BE NOTARIZED TO BE CONSIDERED.**

I, \_\_\_\_\_, GIVE PERMISSION TO \_\_\_\_\_, TO SETUP THEIR MOBILE  
(Business Owner) (Vendor)

FOOD VEHICLE AT MY BUSINESS LOCATED AT \_\_\_\_\_  
(Business & Address)

DURING THESE DAYS \_\_\_\_\_ THIS AGREEMENT EXPIRES \_\_\_\_\_  
(Days of Week) (Date of Expiration)

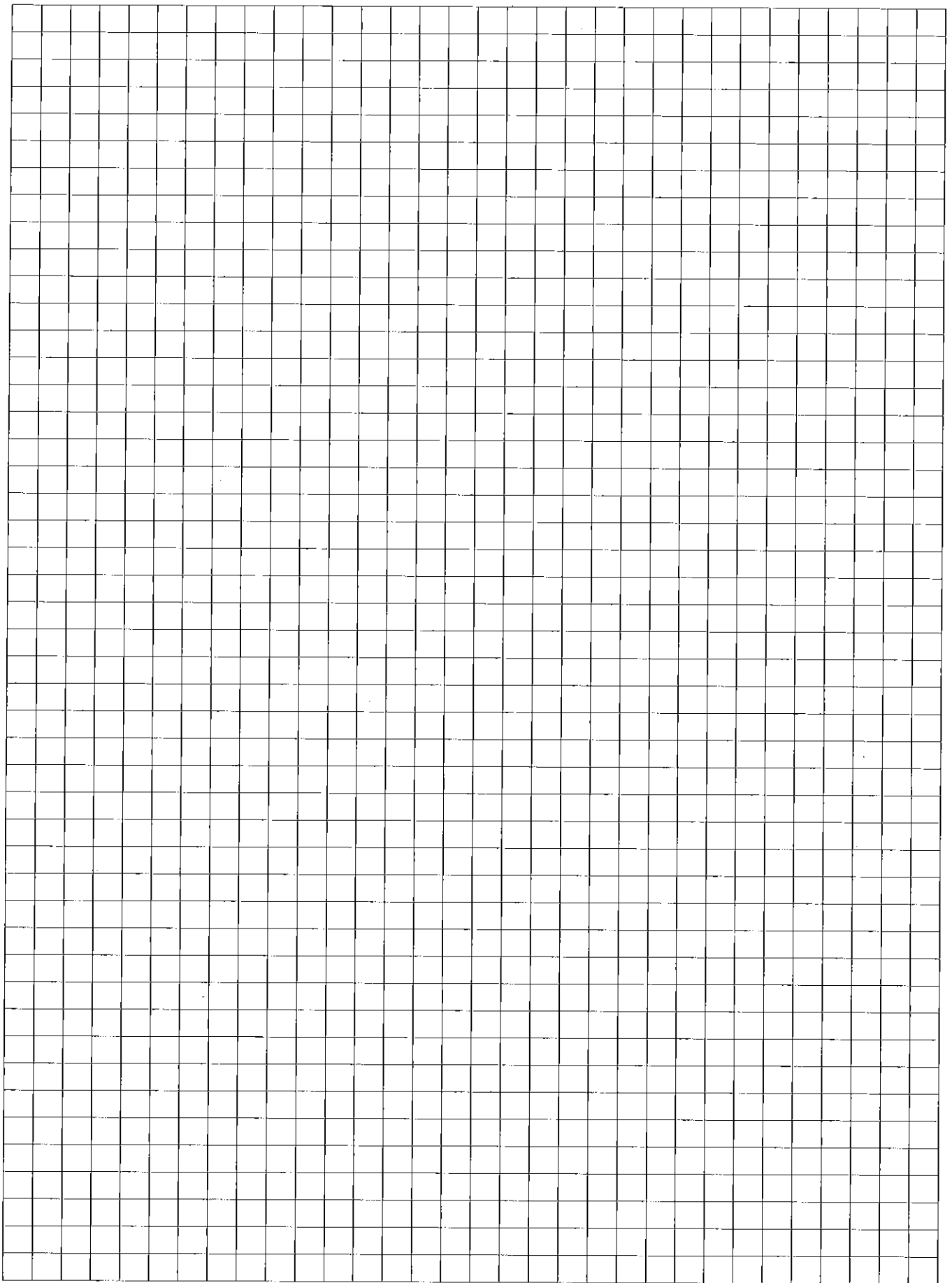
(SEAL)

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

MY COMMISSION # \_\_\_\_\_

)



## Section 5.36

### ITINERANT VENDORS

#### Sections:

- 5.36.010 Definitions.
- 5.36.020 License Required.
- 5.36.030 Application.
- 5.36.040 Exemption.
- 5.36.050 License Fee.
- 5.36.060 Transfer.
- 5.36.070 Going Upon Private Residences.
- 5.36.080 Penalty.

#### 5.36.010 Definitions.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

A. *"Interstate Commerce"* as used in this chapter means items or property from another state which are consigned to any other state and eligible under the tariffs, rules and regulations approved by the Interstate Commerce Commission as not subject to taxation due to their temporary presence in this state.

B. *"Itinerant vendor"* means and includes all persons, firms or corporation, as well as their agents and employees who engage in the temporary or transient business in the city of selling or offering for sale any goods or merchandise, amusement or services, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conduction of such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the city in, through, or from which any goods or merchandise may be sold, offered for sale or exhibited for the purpose of taking orders for the sale thereof;

C. *"Temporary"* as used in Paragraph (A) hereof means any such business transacted or conducted in the city for which definite arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted; and

D. *"Transient"* as used in Paragraph (A) hereof means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the city or who have fixed places of business in places other than the city or who move stocks of goods or merchandise or samples thereof into the city with the purpose or intention of removing them, or the unsold portion thereof, away from the city before the expiration of one hundred (100) days.

An *"itinerant vendor"* which considers itself exempt from this chapter by reason of being engaged in interstate commerce shall have the right to request a hearing before the Community Development Department to determine the burden, if any, imposed on the vendor by this chapter.

#### 5.36.020 License Required.

It is unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the city without first obtaining a license as herein provided for. The city clerk shall issue to each itinerant vendor a license authorizing such individual itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the city his goods or merchandise only after such individual itinerant vendor shall have fully complied with all provisions of this chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the city for the services herein

required of it and to enable the city to partially defray the expenses of enforcing the provisions of this chapter. A separate license is required for each individual itinerant vendor.

**5.36.030 Application.**

Each individual itinerant vendor shall make application to the city clerk of the city prior to his contemplated sale or exhibit to be held in the city. The application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation; or the partnership name and the names and addresses of all partners if such itinerant vendor be a firm. The application thereof must be accompanied by:

- A. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited;
- B. A certified copy of the charter if the itinerant vendor be a corporation, incorporated under the laws of this state. If the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma, a certified copy of authority to do business in this state;
- C. A certified copy of its permit or authority to do business in the state;
- D. Driver's License or State Issued Photo Identification Card.
- E. A copy of the business's state sales tax permit or proof that the business is exempt from the payment of sales tax.
- F. A written, notarized statement by the legal owner of the land upon which any fixed outdoor business location shall be located authorizing the use of the land for the purposes desired by the applicant.
- G. A statement from the Okmulgee Community Development Department that the location described in (F) above will not create a traffic hazard and provides adequate off street parking.
- H. A Restaurant License from the City of Okmulgee if the Vendor is serving food as part of an organized Festival or City Event.

**5.36.040 Exemption:**

A license is not required of:

- A. Ordinary commercial travelers who sell or exhibit for sale goods or merchandise to parties engaged in the business of buying and selling and dealing in goods or merchandise or service, or to sales at wholesale and not retail, or to sales of advertising in any phone book or other professional directories;
- B. Vendors of farm produce or agricultural products in their natural state; and
- C. Sales of goods or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable purpose.
- D. Agents of Okmulgee Schools, Churches or other Non-Profit organizations.

**5.36.050 License Fee:**

The license fee for each individual itinerant vendor(s) shall be as follows:

- |              |          |
|--------------|----------|
| A. One Day   | \$50.00  |
| B. One Week  | \$100.00 |
| C. One Month | \$200.00 |
| D. One Year  | \$500.00 |

**5.36.060 Transfer.**

The license permit provided for herein shall not be transferable and does not give authority to more than one person to conduct a business as an itinerant vendor.

**5.36.070 Going Upon Private Residences.**

A. In the exercise of the authority conferred upon the city by state law, the practice of going to, in or upon the premises of any private residence in the city by any itinerant vendor without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sales of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.

B. This section shall not apply to sale persons, solicitors, peddlers or order takers representing sales for recognized local nonprofit or charitable organizations.

**5.36.080 Penalty.**

Any person, firm or corporation who engages in business without a license as required by this chapter or violates any of the provisions of this chapter shall be guilty of an offense and upon conviction, shall be fined as provided in Section 1.12.010 of this code. Violation of this chapter shall also be grounds for revocation or suspension of any license granted.

