

ORDINANCE NO. 3529

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 32 PEDDLERS AND SOLICITORS: ARTICLE I, IN GENERAL, SECTIONS 32-3, EXCEPTIONS FOR VETERANS AND NONPROFIT ORGANIZATIONS, 32-4, DUTY OF POLICE TO ENFORCE, 32-5 LOUD NOISES AND SPEAKING DEVICES; ARTICLE II, PERMIT, SECTION 32-21, REQUIRED; SECTION 32-25 FEES; HEALTH CERTIFICATES; ARTICLE III, FOODSTUFFS, SECTIONS 32-51 INSPECTIONS BY HEALTH DEPARTMENT, 32-52, CONDEMNING UNWHOLESOME FOOD, SECTION 32-54, PHYSICAL EXAMINATIONS, HEALTH CERTIFICATES, 32-55 SANITATION REQUIREMENTS FOR VEHICLES, 32-58, HEALTH CERTIFICATE FOR FRESH GARDEN PRODUCTS; ARTICLE V, SPECIAL EVENTS, SECTION 32-83, SPECIAL EVENTS DEFINED, SECTION 32-88, EXEMPTIONS, SECTION 32-95, HEALTH REGULATIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-3, Exceptions for veterans and nonprofit organizations; is hereby amended to read as follows:

Section 32-3, Exceptions for veterans and nonprofit organizations.

(a) The provisions of this chapter shall not be held to include, and shall not apply to any ex-service person as provided in 72 O.S. §§ 1—6, inclusive. However, each person who engages in the handling and selling of any product which is intended for human consumption and is not covered under the Homemade Food Freedom Act at Title 2 of the Oklahoma Statutes, Section 5-4.1 *et seq.*, and claims exemption under this City Ordinance, shall be required to present all necessary and proper permits or licenses from the Oklahoma City-County Health Department and documentary proof of past government service to the city clerk. Thereupon, the city clerk shall issue a license to such person. Such ex-service permit shall be issued only for a period of time as allowed in sections 32-25 and 32-28 for such business.

(b) Nonprofit organizations which have been incorporated for one (1) year will be permitted to locate within any zoning district for special sales or activities for a period not to exceed fifteen (15) days out of the calendar year, and nonprofit organizations will be permitted to locate within any zoning district for the sale of Christmas trees, for a period not to exceed sixty (60) days out of the calendar year. However, said nonprofit organizations shall be required to obtain property owners written permission if on lands other than owned by the nonprofit organizations, obtain all permits and meet all safety code inspections, under applicable local and state laws.

1 (c) Organization or vendors participating in a city-sponsored special event will be exempt from
2 the permit or license fee required for the event; provided that the organization or vendor obtains
3 all permits and meets any applicable local, state or federal laws.
4

5 **Section 2.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I,
6 In General, Section 32-4, Duty of police to enforce; is hereby amended to read as follows:
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8 **Section 32-4, Duty of police to enforce; authority for resident to file complaint.**
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10 A. It is the duty of any police officer of the city to require any person seen peddling,
11 soliciting or canvassing and who is not known by such officer to be duly licensed, to produce
12 his peddler's permit or license and to enforce the provisions of this chapter against any person
13 found to be violating the same.
14

15 B. Any resident of the City of Midwest City may sign a complaint if said resident finds any
16 person peddling, soliciting or canvassing without a permit or license. It is the duty of any police
17 officer of the City to investigate said complaint and to enforce the provisions of this chapter
18 against any person found violating the same.
19

20 **Section 3.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I,
21 In General, Section 32-5, Loud noises and speaking devices; is hereby amended to read as follows:
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23 **Section 32-5, Loud noises and speaking devices.**
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25 No peddler, solicitor or canvasser, or any person in his behalf, shall shout, cry out, blow a horn,
26 ring a bell or use any sound device, including any loud-speaking, radio or sound-amplifying
27 system, upon any of the streets, alleys, parks or other public places of the city, or upon any
28 private premises in the city where sound of sufficient volume emitted or produced can be heard
29 from a distance of fifty (50) feet or more inside a building with all of its doors and windows
30 closed or a motor vehicle with all of its doors and windows closed if the source of such sound is
31 located upon any public right-of-way, for the purpose of attracting attention to any goods, wares
32 or merchandise which the peddler proposes to sell, or solicitor or canvasser intends to promote.
33

34 **Section 4.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article II,
35 Permit, Section 32-21, Required; is hereby amended to read as follows:
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37 No person or any agency or employee thereof shall engage in the business of peddler, solicitor,
38 canvasser, hawker or huckster as defined herein without first obtaining a permit therefor as herein
39 provided, and paying the prescribed fees for same. An individual permit shall be required for any
40 and all persons engaged in peddling, soliciting, canvassing, hawking or huckstering. Any permit
41 issued shall only allow peddling, soliciting, canvassing, hawking or huckstering between the hours
42 of 9:00 am – 7:00 pm.
43

1 **Section 5.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article II,
2 Permit, Section 32-25, Fees; health certificates; is hereby amended to read as follows:

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4 **Section 32-25, Fees; health certificates.**
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6 (a) For the purposes of conducting the investigations, making the inspections, performing the
7 services and enforcing the regulations herein commanded, there is hereby levied a schedule of
8 fees and charges for the permits herein required for peddlers, hucksters, hawkers, solicitors,
9 canvassers and nonprofit organizations. The fees shall be as follows:

10
11 (1) *Hucksters, hawkers and peddlers generally:* There is hereby levied upon all
12 hucksters, hawkers and peddlers, and all persons engaged in buying and selling as
13 herein defined, except for hand pushcarts, ice cream wagons and solicitors, and
14 canvassers, a fee of five hundred and ninety dollars (\$590.00) for ninety (90) days,
15 or two hundred ninety-five dollars (\$295.00) for forty-five (45) days or less period of
16 time, for each vehicle, trailer, building or other devices used by such person in such
17 business; provided that each permittee shall be entitled to two (2) helpers, but that
18 each additional helper other than the two (2) allowed shall pay a fee of one-hundred
19 and twenty dollars (\$120.00) for ninety (90) days, or sixty dollars (\$60.00) for forty-
20 five (45) days or less period of time. There is hereby levied upon all hucksters,
21 hawkers and peddlers buying and selling as herein defined from pushcarts propelled
22 by human power, a fee of two-hundred thirty-five dollars (\$235.00) for ninety (90)
23 days, or one-hundred and twenty dollars (\$120.00) for forty-five (45) days or less
24 period of time; provided that each such huckster, hawker or peddler shall be entitled
25 to one (1) helper, but each additional helper other than the one (1) allowed shall pay
26 a fee of one-hundred and twenty dollars (\$120.00) for ninety (90) days, or dollars
27 (\$60.00) for forty-five (45) days or less period of time. No permit shall be issued
28 hereunder until the applicant has paid the required fees as specified. All hucksters,
29 hawkers, peddlers and helpers are hereby required to obtain all necessary permits or
30 licenses from the Oklahoma City-County Health Department as required by either
31 state law or state regulation and present to the City Clerk said permit or license from
32 the Oklahoma City-County Health Department at the time of application.
33

34 (2) *Ice cream wagons:* Ice cream wagons selling ices or other ice cream products from
35 vehicles other than pushcarts shall pay a fee of two-hundred thirty-five dollars
36 (\$235.00) per year, payable annually. Pushcarts selling ices or other ice cream
37 products shall pay a fee of twenty-five dollars (\$25.00) per year, payable annually.
38 All persons operating ice cream wagons shall obtain all necessary permits or licenses
39 from the Oklahoma City-County Health Department as required by either state law
40 or state regulation and present to the City Clerk said permit or license from the
41 Oklahoma City-County Health Department at the time of application.
42

43 (3) *Solicitors and canvassers:* All persons who go from house to house or place to place
44 in the city and solicit or canvass for orders for goods, wares, merchandise or
45 subscriptions for publications to be delivered in the future shall pay a fee of ten dollars
46 (\$10.00) per week, thirty-five dollars (\$35.00) per month or one-hundred and twenty

1 dollars (\$120.00) per year. All solicitors and canvassers shall obtain all necessary
2 permits or licenses from the Oklahoma City-County Health Department as required
3 by either state law or state regulation and present to the City Clerk said permit or
4 license from the Oklahoma City-County Health Department at the time of application.
5

6 (4) *Nonprofit organizations*: No permit fee shall be charged. All nonprofit organizations
7 shall obtain all necessary permits or licenses from the Oklahoma City-County Health
8 Department as required by either state law or state regulation and present to the City
9 Clerk said permit or license from the Oklahoma City-County Health Department at
10 the time of application.
11

12 (b) No free permits shall be granted, nor rebates allowed for any cause, nor any sum accepted
13 less than the amount herein specified, except as prescribed in section 32-3, for a shorter period
14 than therein required.
15

16 (c) No permit shall be issued until the amount prescribed therefore, shall have been paid to the
17 city clerk.
18

19 **Section 6.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article III,
20 Foodstuffs, Section 32-51, Inspections by health department; is hereby amended to read as follows:
21

22 **Section 32-51, Health Department licenses.**
23

24 Any hucksters, hawkers, solicitors, canvassers and or peddlers; and the wagons, carts or other
25 receptacles so used for the transportation shall obtain all necessary and required permits or
26 licenses from the Oklahoma City-County Health Department before selling or offering to sell
27 foodstuffs and prior to obtaining a permit or license from the City of Midwest City.
28

29 **Section 7.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article III,
30 Foodstuffs, Section 32-52, Condemning unwholesome food; is hereby amended to read as follows:
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32 **Section 32-52, Condemning unwholesome food.**
33

34 The Oklahoma City-County Health Department shall have the right to condemn any such
35 foodstuffs which are unwholesome, injurious to health or unfit for human consumption.
36

37 **Section 8.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article V,
38 Special Events, Section 32-83, Special events defined; is hereby amended to read as follows:
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40 **Section 32-83, Special events defined.**
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42 Special events are a temporary assembly of individuals, that are open to the public, are being held
43 outdoors, are operating with property owner permissions on either public or private property, and
44 include activities and related accessory uses thereto, i.e., parking facilities. Flea markets, events

1 held in sport stadiums, and activities that are required to obtain a permit under a different chapter
2 of these City Ordinances are not considered special events.

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4 **Section 9.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article V,
5 Special Events, Section 32-88, Exemptions; is hereby amended to read as follows:

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7 **Section 32-88, Exemptions.**

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9 The provisions of this article shall not apply to an organization that has received designation as
10 a charitable organization pursuant to Section 501(c)(3) of the United States Internal Revenue
11 Service regulations and are also co-sponsored by the City of Midwest City.

12
13 **Section 10.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article
14 V, Special Events, Section 32-95, Health regulations; is hereby amended to read as follows:

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16 **Section 32-95, Health regulations.**

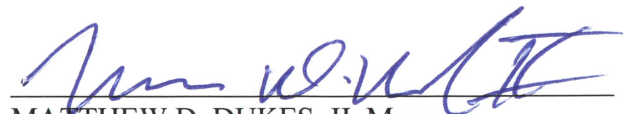
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18 When applicable, all special events shall comply with all city-county health regulations and other
19 recognized health practices. Mobile food trucks shall be licensed by the Oklahoma City-County
20 Health Department and the City of Midwest City before commencing any hook ups or operations
21 at a special event. Food handlers shall have a health card showing them to be free from
22 communicable diseases, which card shall not be more than six (6) months old, issued by a
23 recognized official of the city, state or county agency. The city reserves the right to revoke the
24 City permit for noncompliance with such health regulations immediately and without notice.

25
26 **Section 11.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
27 repealed.

28
29 **Section 12.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
30 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
31 of the ordinance.

32
33 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
34 Oklahoma, this 25 day of July, 2023.

35
36 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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40 MATTHEW D. DUKES, II, Mayor

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42 ATTEST:



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Sara Hancock
SARA HANCOCK, City Clerk

Approved as to form and legality this 26th day of July, 2023.

Donald D. Maisch
DONALD D. MAISCH, City Attorney