

THE VILLAGE CITY CODE

CHAPTER 11

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

- Art. I. In General, §§ 11-1--11-15
- Art. II. Amusements Generally, §§ 11-16--11-30
- Art. III. Concrete Contractors, §§ 11-31--11-50
- Art. IV. Circuses, §§ 11-51--1-75
- Art. V. Food & Beverages, §§ 11-76--11-90
- Art. VI. Reserved.
- Art. VII. Handbill Distributors, §§ 11-121--11-135
- Art. VIII. Reserved, §§ 11-136--11-150
- Art. IX. Peddlers and Solicitors, §§ 11-151--11-185
  - Div. 1. Generally, §§ 11-151--11-165
  - Div. 2. License, §§ 11-166--11-185
- Art. X. Pool and Billiard Halls, §§ 11-186--11-200
- Art. XI. Reserved. §§ 11-201--11-240
- Art. XII. Residential and Estate Sales, §§ 11-241--11-280
  - Div. 1. Generally, §§ 11-241--11-260
  - Div. 2. License, §§ 11-261--11-265
  - Div. 3. Estate Sales, §§ 11-266--11-280
- Art. XIII. Sewer or Water Main Contractors, §§ 11-281--11-295
- Art. XIV. Sexually-oriented Businesses, §§ 11-296--11-310
- Art. XV. Water Wells, §§ 11-311--11-329
- Art. XVI. Miscellaneous Business Regulations, §§ 11-330--11-359
  - Div. 1. Christmas Tree Sales, §§ 11-330--11-350
  - Div. 2. Display of Merchandise, §§ 11-351--11-359
- Art. XVII. Telephonic Alarm System Permits, §§ 11-360--11-363
- Art. XVIII. Reserved, §§ 11-400--11-416
- Art. XIX. Sign Contractors, §§ 11-500--11-501
- Art. XX. Pawnbrokers, §§ 11-600--11-607
- Art. XXI. Child and Day Care Centers, §§ 11-700--11-799
- Art. XXII. Coin-operated Devices, §§ 11-800--11-899.

ARTICLE I. IN GENERAL

**Sec. 11-1. Posting of licenses, permits, etc.; unoccupied building notices.**

- (a) It shall be unlawful for any person conducting a business in the city to fail to keep all licenses required by the city including but not limited to the sales tax permit issued by the Oklahoma Tax Commission, and occupancy permit, posted in a prominent place on the premises used for such business at all times.

## THE VILLAGE CITY CODE

**Cross references**--Occupation tax on alcoholic beverages, § 4-2; § 5-21; regulation of electricians, § 6-51 et seq.; Licensing of mechanical contractors, § 6-116 et seq.; Regulation of plumbers, § 6-146 et seq.; Cable TV Ch. 7; Oil & gas wells, Ch. 16; Sign permits, § 20-4; Taxation, Ch. 22.

State law reference--General authority to license, 11 O.S. §§ 22-106, 22-107.

(b) The Fire Marshal and Building Inspector are hereby authorized to place, as deemed necessary, unoccupied building notices on unoccupied buildings, offices or retail spaces in the city. The unoccupied building notice shall give notification that an occupancy permit must be obtained from the city prior to occupancy of the vacant building, office or retail space. It shall be unlawful for any person to remove from any premise or premises situated in said city any unoccupied building notice without the permission of the Fire Marshal or Building Inspector.

(Ord. No. 350, § 1(8a-9-3), 8-7-84; Ord. No. 241, § 1, 5-2-89)

### **Sec. 11-2. Transfer of licenses or permits;**

(a) No license or permit fee shall be returned or transferred unless specific authorization for transfer or refund is given in the provision requiring the license or permit.

(Code 1976, 3-9-2; Ord. No. 517, §4, 6-20-95; 2004 City Code)

### **Sec. 11-3. License for bail bondsmen.**

No person shall act in the capacity of a bail bondsman or perform any of the functions, duties, or powers prescribed for bail bondsmen under the provisions of 59 O.S. section 1301 et seq., unless that person shall pay the city clerk a licensing fee of fifty dollars (\$50.00) and an activity fee upon the initial filing of a bond which shall not exceed five dollars (\$5.00) on any bond which exceeds fifty dollars (\$50.00).

(Ord. No. 417, § 1, 2-21-89)

### **Secs. 11-4--11-15. Reserved.**

## **ARTICLE II. AMUSEMENTS GENERALLY**

### **Sec. 11-16. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

## THE VILLAGE CITY CODE

*Amusement* means any:

- (1) Amusement rides, devices and structures;
- (2) Amusement concessions;
- (3) Roller skating rink; or
- (4) Transient show.

*Amusement concessions* means an entertainment or concession such as a telescope, electrical machine, lung tester, shooting gallery, penny arcade, automatic phonograph, knife rack, baby rack, duck pond, and any other amusements of like character by whatever name; swinging device displayed, exhibited, or operated for use and patronage by the public in connection with a carnival or street show.

*Amusement rides, devices and structures* means any merry-go-round, Ferris wheel, roller-coaster, whip, moon walk, or any other devices or structures designed and used for the carrying of passengers for amusement or otherwise.

*Location* means the lot or tract where one (1) or more amusement rides may be operated together under one (1) management.

(Code 1976, §§ 8a-1-1, 8a-1-5, 8a-1-6; Ord. No. 229, § 2, 3-1-77)

### **Sec. 11-17. License.**

No person shall operate within the city any amusement without first having obtained a license so to do and having paid the license fee established by resolution. Licenses issued under this section may be daily, weekly or annual. Annual licenses shall expire on June 30 of each year or when the required insurance policy expires whichever comes first. No license fee shall be refunded. No license shall be required for amusement concessions, amusement rides, devices and structures that are provided in conjunction with an organized event sponsored by the City, Metropolitan Library System, Civic Club or other similar non-profit organization.

(Code 1976, §§ 8a-1-2--8a-1-6; Ord. No. 222, § 3, 3-1-77; Ord. No. 330, § 1, 10-4-83)

### **Sec. 11-18. Insurance.**

- (a) Prior to the issuance of a license for an amusement ride, device or structure, the applicant shall file with the city clerk a public liability insurance policy providing coverage in an amount not less than one hundred thousand dollars (\$100,000.00)

## THE VILLAGE CITY CODE

for the injury or death of one (1) person and three hundred thousand dollars (\$300,000.00) for the injury or death of more than one (1) person, for damages which may occur to each passenger of such amusement rides and caused by the negligent operation thereof. (Ord. No. 434, 1, 11-21-89)

(b) Subsection (a) does not apply to roller-skating rink licenses.

(Code 1976, § 8a-1-3; Ord. No. 229, § 4, 3-1-77; Ord. No. 434 § 1, 11-21-89)

**Secs. 11-19--1-30. Reserved.**

### **ARTICLE III. CONCRETE, CURBING OR PIERING, ETC., CONTRACTORS**

#### **Sec. 11-31. Definition.**

In this article "*concrete contractor*" means a person who engages in the business of installing or repairing concrete slabs, driveways, approaches or "flat work."

(Ord. No. 324, § 1, 10-4-83; Ord. No. 514, § 1, 11-15-94)

#### **Sec. 11-32. Permit.**

No person, either as principal or agent, shall contract for or perform any paving or repair to any streets in the city, or contract for the installation or repair of concrete slabs, driveways or approaches without first securing a permit issued by the city clerk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 30701; Ord. No. 324, § 1, 10-4-83; Ord. No. 514, § 1, 11-15-94)

#### **Sec. 11-33. Bond.**

No concrete contractor shall be issued a permit to install or repair concrete slabs, driveways or approaches, or to perform any paving repair to any streets in the city until he files with the city clerk a bond issued by a surety company authorized to do business in this state. The amount of the bond shall be established by resolution of the city council.

Ord. No. 514, § 1, 11-15-94)

**Secs. 11-34--11-50. Reserved.**

THE VILLAGE CITY CODE

**ARTICLE IV. CIRCUSES**

**Sec. 11-51. Definition.**

In this article "*circus*" means any circus operated or exhibited in any structure composed wholly or partly of canvas or similar material.

(Code 1976, § 8a-2-1)

**Sec. 11-52. Scope.**

This article applies to circuses.

(Code 1976, § 8a-2-1)

**Sec. 11-53. License.**

- (a) No person shall operate or exhibit a circus without a license issued by the city.
- (b) An application for a circus license shall be filed with the city clerk. Such application shall show the following information:
  - (1) The name of the owner of such circus;
  - (2) The number trucks used in transporting such circus;
  - (3) The dates and time it is proposed to exhibit such circus;
  - (4) The proposed location of such circus;
  - (5) Proposed location of auxiliary tents with reference to main tent;
  - (6) Seating capacity, including both reserved seats and general admission;
  - (7) A diagram or blueprint made to scale showing the seating arrangement, aisles, entrances, and exits.
- (c) A fee in the amount established by resolution shall be paid to the city prior to the issuance of such license.
- (d) All licenses shall expire on June 30 of each year.

(Code 1976, §§ 8a-2-1--8a-2-3)

**Sec. 11-54. Liability insurance.**

The owner or agent of a circus shall, before the approval of the application by the City Council, file with the city clerk a copy of public liability insurance policy to which is attached a certificate from the company issuing such policy showing that such policy shall be in force and effect during such time as such circus may be within the city. Such policy shall be in the amount of not less than five hundred thousand dollars (\$500,000.00) liability for the injury or death of one (1) person, and one million dollars (\$1,000,000.00) for the injury or death of more than one (1) person.

(Code 1976, § 8a-2-4; Ord. No. 229, § 5, 3-1-77)

**Sec. 11-55. Attendance of city officials.**

The fire chief is hereby authorized and directed to place at each circus such fire fighting apparatus and personnel, as he may deem advisable for the public safety.

(Code 1976, § 8a-2-12)

**Sec. 11-56. Power lines.**

All power lines or wires used to deliver electricity to a circus shall be installed in accordance with applicable building codes.

**Sec. 11-57. Seating.**

All seats and the supports thereof shall be so constructed and assembled as to support the load intended to be carried. The building inspector shall have the authority to require additional supports, bracing, or foundations for such seats if he finds any such seats and the foundations or supports thereof to be not sufficiently strong to carry the load intended.

(Code 1976, § 8a-2-7)

**Sec. 11-58. Smoking prohibited.**

Smoking shall be prohibited within a circus structure at all times. There shall be displayed in such structure sufficient signs, visible to all persons therein, giving warning that smoking is prohibited.

(Code 1977, § 8a-2-8)

**Sec. 11-59. Sale of tickets limited.**

## THE VILLAGE CITY CODE

The sale of tickets of admission in excess of the seating capacity, or the admission of patrons in excess of such seating capacity, as shown in the application, is prohibited.

(Code 1976, § 8a-2-10)

### **Sec. 11-60. Health requirements.**

- (a) All food prepared and served, either to the public or circus personnel shall be in compliance with applicable state, county, and city regulations.
- ~~(b)~~ Adequate self-contained portable toilets shall be provided for employees and patrons. Such toilets shall be not less than one hundred (100) feet from the place where food is prepared or offered for sale.

(Code 1976, § 8a-2-11; 2012 Code)

### **Sec. 11-61. Fireproofing of canvas.**

All canvas or similar material used in circus tents and all combustible, decorative material used inside such tent shall be chemically treated so as to render the same flameproof.

(Code 1976, § 8a-2-13)

### **Secs. 11-62--11-75. Reserved.**

## **ARTICLE V. FOOD AND BEVERAGES**

### **Sec. 11-76. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Director* shall mean the Director of the City County Health Department or his designated representative.
- (2) *Food or food products* shall mean any raw, cooked or processed edible substance, ice, beverage, or ingredient intended for use or for sale in whole or in part for human consumption whether the same be simple, mixed or compound. Prescription drugs, pharmaceuticals and over the counter medications shall not be considered as food or food products.

## THE VILLAGE CITY CODE

- (3) *Human consumption* shall mean the consumption or use by human beings of articles or products created artificially or by nature, which are or can be taken internally, orally or otherwise.
- (4) *Remodel* shall mean the reconstruction, reshaping or reformation of a building used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food necessitating the expenditures of a sum in excess of fifty (50%) percent of the value of such building exclusive of the land.
- (5) *Vehicle* shall mean any wagon, cart, automobile, truck, pushcart or any other mobile equipment.

**State law references**-General health power of city, 11 O.S. § 22-120; food generally, 63 O.S. § 1-1101.

### **Sec. 11-77. State food service establishment standards adopted.**

- (a) The standards and regulations prescribed by the Oklahoma State Board of Health for Food Service Establishments the Oklahoma State Board of Agriculture for all foods and food products are hereby adopted by reference as if set out at length herein as the standards for all food and food products. Copies of said standards and regulations shall be kept on file in the office of the City Clerk.
- (b) No person shall violate the standards adopted by reference in Subsection (a) above.

**State law reference**-Adoption by reference, 11 O.S. § 14-107.

### **Sec. 11-78. Enforcement and inspections.**

The Director shall perform all acts and duties necessary to secure strict enforcement of this article, and for such purpose the Director shall provide for reasonable inspections. In addition, the Director shall have the power to enter every building, room basement or cellar occupied or used, or suspected of being occupied or used, for the production for sale, manufacture for sale, storage, sale, distribution, or transportation of food, if such entry is necessary to effect the immediate seizure of unwholesome food unfit for human consumption.

### **Sec. 11-79. Order to improve upon failure to comply with article.**

If, upon inspection, any food producing or distributing establishment, conveyance, employer, operator, employee, clerk, driver or other person, is found to be violating any of the provisions of this article, or if the production, manufacture, packing,



## THE VILLAGE CITY CODE

storing, sale, distribution, or transportation of food is being conducted in a manner detrimental to the health of the employees and operator, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the Director shall:

- (1) Issue an order to the responsible person to abate the condition or violation, or make such improvements as may be necessary, within five (5) days or within such other reasonable time as he may designate;
- (2) Take such steps as are necessary for the protection of the public health and the enforcement of the provisions of this article.

### **Sec. 11-80. Reporting food unfit for human consumption.**

Every person knowing of any food product, which is purchased, sold or offered for sale for human consumption, and which is not fit for human consumption, shall forthwith report such facts to the City-County Health Department.

### **Sec. 11-81. Loitering.**

It shall be unlawful for any person, to loiter, stand, sit or lie in or upon any private property where a "no loitering" sign or signs have been posted.

(Ord. 655, § 1, 10-19-2010)  
Code Cross Reference, Chapter 21, Section 21-29.

### **Secs. 11-82—11-120 Reserved.**

## **ARTICLE VI. RESERVED**

## **ARTICLE VII. HANDBILL DISTRIBUTORS**

### **Sec. 11-121. License.**

Each person engaged in the business of advertising by distributing handbills or circulars, or other advertising matter shall obtain a license from the city clerk. Prior to the issuance of the license, a fee in the amount established by resolution of the city council shall be paid to the city clerk. All licenses shall expire on June 30 of each year.

(Code 1976, 8a-4-4); Ord. No. 517, §6, 6-20-95)

### **Secs. 11-122--11-135. Reserved.**

## **ARTICLE VIII. RESERVED**

**Secs. 11-136--11-150. Reserved.**

**ARTICLE IX. PEDDLERS AND SOLICITORS  
DIVISION 1. GENERALLY**

**Sec. 11-151. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler* includes the words "hawker" and "huckster" and means any person, whether a resident of this city or not, who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street carrying, conveying, or transporting good, wares, or merchandise of whatsoever nature, offering and exposing the same for sale, or who, without traveling from place to place, sells or offers the same for sale from any vehicle or conveyance, or on any public street or thoroughfare.

*Solicitor* includes the word canvasser and means any person, whether a resident of this city or not, who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future.

(Code 1976, § 8a-4-2)

**Sec. 11-152. Exemptions.**

This article does not apply to:

- (1) Persons engaged in selling personal property at wholesale to dealers in such property;
- (2) Merchants having regular places of business in this city, and their employees, in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered;
- (3) Newsboys selling or delivering newspapers;
- (4) Any delivery man delivering foodstuffs on a regular daily route, from house to house, operating in compliance with the state health regulations;

THE VILLAGE CITY CODE

- (5) Any person engaged in sales activity or solicitation on behalf of any charitable, benevolent, religious, nonprofit or eleemosynary organization. Persons engaged in sales activity or solicitation on behalf of any such organization shall not be exempt from the operating hours provided for in section 11-153 of this article;
- (6) Any ex-service person as defined in 72 O.S., § 67.13a. However, each person who engages in the handling and selling of any product which is intended for human consumption, and claims exemption under the aforementioned law, shall be required to present a health certificate, and documentary proof of past government service to the city clerk. Thereupon, the city clerk shall issue a license to such person which will be limited to a period of one (1) year expiring on December 31 of each year;
- (7) Farmers and truck gardeners who offer for sale or sell, or who peddle and sell from house to house vegetables, butter, eggs, and farm products, produced and raised by said farmers and truck gardeners from lands owned, cultivated or controlled by them.

(Code 1976, § 8a-4-3; Ord. No. 416, § 1, 2-21-89)

**Sec. 11-153. Operating hours; Invitation required to enter posted premises.**

- (a) No peddler or solicitor shall call on any person at their home:
  - (1) From April 1 through August 31, after 6:00 p.m.;
  - (2) From September 1 through March 31, after 5:00 p.m.;
  - (3) Earlier than 9:00 a.m.; unless such peddler or solicitor had made prior arrangements with such person to call at their home after such times.

(Code 1976, § 8a-4-9; Ord. No. 290, § 1, 5-5-81)

- (b) No solicitor or peddler shall enter any premises or attempt to sell, peddle or solicit where the owner or occupant of such premises has indicated his desire not to be contacted for sales or solicitation by the placing of a "No Solicitors," "No Trespassers," or "No Trespassing" sign on those premises, and any such entrance or attempt to sell, peddle or solicit shall constitute a trespass upon private property.

(Ord. No. 486, § 1, 6-15-93)

**Sec. 11-154. Noise, etc.**

## THE VILLAGE CITY CODE

No peddler or solicitor shall call attention to his business, or to the wares, which he may have for sale by crying them out, by blowing a horn, by ringing a bell, or by any other noisemaking device. No such person shall, by means of dancing, singing, or other exhibitions or in any way interfere with the free passage of pedestrians and vehicles, along the streets.

(Code 1976, § 8a-4-6)

**Secs. 1-155--11-165. Reserved.**

### DIVISION 2. LICENSE

**Sec. 11-166. Required.**

No person shall engage in the business of peddling or soliciting without first obtaining a license. A separate license must be obtained for each branch established or separate place of business in which the trade, calling or occupation, or profession, is carried on, and each license shall authorize the person obtaining it to carry on, pursue, or conduct only that trade, calling or profession or occupation, described in that license and only at the location or place of business which is indicated thereby, and in conformity with all ordinances and laws.

(Code 1976, §§ 8a-4-1, 8a-4-5)

**Sec. 11-167. Application.**

Applicants for a license under this division shall file with the city clerk in duplicate a sworn application in writing on a form to be furnished by the clerk, which shall give the following information:

- (1) Name and brief description of applicant;
- (2) Address of applicant;
- (3) Nature of business and kinds of goods to be sold or services to be rendered and if applicant is a farmer or truck gardener, whether the good are produced by him on lands he owns, cultivates, and controls;
- (4) If employed by or an agent of another, the name and address of the applicant's employer or principal together with a brief description of credentials showing the exact relationship;

## THE VILLAGE CITY CODE

- (5) Length of time for which the right to do business is desired and if the activity involves the calling on people in their homes the hours of the day in which the applicant contemplates the doing of the activity;
- (6) Description and license number or other identification of any vehicle to be used.

### **Sec. 11-168. Investigation and issuance.**

- (a) The city clerk shall cause such other investigation or inquiry to be made concerning the applicant as he may deem necessary to determine the character and business responsibility of the applicant, and whether his application is in compliance with the terms and conditions of this article. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this article, the city clerk, upon payment of the prescribed fees, shall issue said license with any badge, tag, or license plates properly as an accompaniment thereto.
- (b) No peddler or any peddler's helper engaged in the business or occupation of buying or selling fruits, produce, or other foodstuffs of any kind intended for human consumption shall receive a license unless the applicant submits a health certificate for the individuals involved in such peddling.

(Code 1976, § 8a-4-8)

### **Sec. 11-169. Fee.**

No license shall be issued under this division until the applicant pays to the city clerk a fee in the amount established by resolution of the city council. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten (\$10.00) dollars.

(Code 1976, 8a-4-1, 8a-4-11; Ord. No. 517, §7, 6-20-95)

### **Sec. 11-170. Term.**

Licenses issued under this division shall expire weekly; monthly or annual licenses may be issued. Annual licenses expire on June 30 of each year.

(Code 1976, § 8a-4-11)

### **Sec. 11-171. Form.**

## THE VILLAGE CITY CODE

Licenses issued under this division shall be signed by the city clerk and the clerk shall affix the corporate seal of the city thereto.

(Code 1976, § 8a-4-11)

### **Sec. 11-172. Transfer.**

No license shall be transferred from one person to any other person, provided that in the event any person, during the calendar year for which such license was issued, change the location of the business or occupation described in such license, such person shall file with the city clerk a statement, in writing, describing such change and giving the new address and location, and thereupon the city clerk shall at no cost endorse the new location on the license.

(Code 1976, §§ 8a-4-1, 8a-4-5)

### **Sec. 11-173. Display.**

Peddlers or solicitors shall exhibit their licenses at the request of any resident of the city.

(Code 1976, § 8a-4-10)

### **Sec. 11-174. Revocation.**

In the event of any complaint filed by a citizen or officer alleging the violation of this article the city manager and the chief of police will immediately review the facts and allegations and if they ascertain such complaints or allegations are true they shall immediately revoke the license for a period of not less than six (6) months beginning as of the day of the offense. A person whose license has been revoked may appeal the decision to the municipal judge, by posting a cash bond in the amount of one hundred dollars (\$100.00) and the municipal judge may assess a fine and court costs and may eliminate the revocation in toto or any part thereof.

(Ord. No. 290, § 2(8a-4-12), 5-5-81)

### **Secs. 11-175--11-185. Reserved.**

## **ARTICLE X. POOL AND BILLIARD HALLS**

### **Sec. 11-186. License.**

It shall be unlawful for any person to maintain any pool or billiard table in any place where such games are publicly played without first obtaining a license for each

THE VILLAGE CITY CODE

table so kept. A fee in the amount established by resolution shall be paid to the city for such license. Licenses shall expire on June 30 of each year.

(Code 1976, § 8a-5-1)

**Secs. 11-187--11-200. Reserved.**

**ARTICLE XI. Reserved**

**Secs. 11-201--11-240. Reserved.**

**ARTICLE XII. RESIDENTIAL SALES  
DIVISION 1. GENERALLY**

**Sec. 11-241. Definition.**

In this article, "residential sale" shall mean any sale of what is held out to be or is commonly known as a garage, porch, room, backyard or patio sale or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. "Residential sale" shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold or an estate sale in which all items for sale are displayed indoors and out of public view.

(Code 1976, § 8a-7-1)

**Sec. 11-242. Violations.**

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

(Code 1976, § 8a-7-10)

**Sec. 11-243. Exemptions.**

The provisions of this article shall not apply to:

- (1) Persons acting pursuant to an order of a court of competent jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officials;
- (3) Duly licensed auctioneers selling at auctions;

## THE VILLAGE CITY CODE

- (4) Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

(Code 1976, § 8a-7-11)

### **Sec. 11-244. Signs.**

- (a) One sign, to be purchased by the applicant from the City at cost, may be placed on the right-of-way of a major thoroughfare and may be used by the purchaser for any residential sale for which the purchaser is properly licensed by the City. Any residential sale sign placed on the right-of-way without a valid license shall be subject to impoundment by the City and shall be returned to the rightful owner upon the payment to the City Clerk a fee of twenty-five (\$25.00) dollars.
- (b) One (1) sign may be placed by the licensee at the location of the sale and may be purchased from the City at cost.

(Code 1976, § 8a-7-7; Ord. No. 358, § 1, 9-3-85; Ord. No. 518 §1, 7-18-95; Ord. No. 583, §1, 5-20-03; Ord. No. 627, §1, 8-7-2007; 2008 Code)

### **Sec. 11-245. Display of goods.**

The sale area of any residential sale shall be confined to the premises for which the license has been issued.

(Code 1976, § 8a-7-8)

### **Sec. 11-246. Non-Consecutive Day Sales.**

- a) Residents that are sixty-five (65) years of age or older and who purchase a regular residential sale permit at the regular fee established by Resolution of the Council, shall be allowed to hold, three single-day residential sales over a period of thirty (30) days.
- b) Licenses issued pursuant to this Section shall be subject to all other regulations and limitations established by Chapter 11, Article XII.

(Ord. No. 669, §1, 02-07-2012)

### **Sec. 11-247. City-Wide Garage Sales.**



## THE VILLAGE CITY CODE

A Residential Sale license shall not be required for residential sales on the 1st full weekend of May and October. Residential sales held pursuant to this Section shall be subject to all other regulations and limitations established by Chapter 11, Article XII.

(Ord. No. 712, § 1, 10-06-2015)

**Secs. 11-248--11-260. Reserved.**

### DIVISION 2. LICENSE

**Sec. 11-261. Required.**

No person shall hold, conduct, engage in, or participate in any manner, in a residential sale without a license issued by the city. A separate license shall be required for each location at which a residential sale is to be held.

(Code 1976, § 8a-7-2(a), (c); Ord. No. 341, § 1, 4-3-84)

**Sec. 11-262. Application.**

An applicant for a license under this division shall furnish the city clerk with the following information:

- (1) Full name and address;
- (2) The location at which the proposed residential sale is to be held;
- (3) The date, or dates upon which the sale shall be held;
- (4) An affidavit from the applicant to the effect that all goods to be sold at the residential sale are owned by the applicant and have not been obtained for the purpose of reselling them at the sale. The filing of a false affidavit is unlawful.

(Code 1976, § 8a-7-3)

**Sec. 11-263. Issuance; term.**

- (a) The city clerk is hereby authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying who otherwise complies with the requirements of the Code. A license may be denied by the city clerk if the application submitted by the applicant or contains any false, fraudulent or misleading statement.

## THE VILLAGE CITY CODE

- (b) No household shall be eligible for more than two (2) licenses issued under this division in any calendar year, provided that no residential sale shall be held within three months of the previous residential sale. If a residential sale is not held on the dates for which the license is issued or is terminated during the first day of the sale because of inclement weather conditions or other mitigating circumstances, and an affidavit by the license holder to this effect is submitted, the city clerk may issue another license to the applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.
- (c) Before issuing a residential sale license, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.
- (d) The issuance of a license shall not exempt a person from the terms and provisions of other ordinances.

(Code 1976, §§ 8a-7-2(b), (c), 8a-7-4, 8a-7-9; Ord. No. 341, § 1, 4-3-84 (Ord. No. 527, 1, 6-25-96; Ord. No.657, § 1, 12-07-2010))

### **Sec. 11-264. Fee.**

A fee in the amount established by resolution shall be paid to the city prior to the issuance of a residential sale license.

(Code 1976, § 8a-7-5)

### **Sec. 11-265. Revocation.**

Any license issued under this article may be revoked by the city clerk if the application submitted by the license holder contains any false, fraudulent or misleading statement. If any person is convicted of an offense under this article, the city clerk shall cancel any existing residential sale license held by the person convicted and shall not issue such person another residential sale license for a period of two (2) years from the date of conviction.

(Code 1976, § 8a-7-9)

## **DIV 3. AUCTIONS/ESTATE SALES**

### **Sec. 11-266. Auctions/estate sales defined.**

As used in this article, the term auction/estate sale shall mean an event involving the sale of personal property through the process of bidding.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-267. Interval between auctions/estate sales.**

No person, firm or organization shall hold, conduct, engage in or participate in any manner or allow an auction/estate sale to be held or conducted on-premises under his control or ownership more than one (1) time in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-268. Signs.**

Signs advertising the auction/estate sale are permitted. Signs may be no larger than two (2) square feet in area and shall be limited in number to two (2) signs on the property involved and two (2) signs off the premises. Off-premises signs shall be allowed on the City right-of-way. All signs must be at least twelve feet from the curb and be removed within twenty-four (24) hours of the completion of the auction/estate sale. (Ord. No 707, § 1, 07-21-2015)

**Sec. 11-269. Locations.**

The provisions of this article shall apply only to those events being conducted in residentially zoned areas. In residentially zoned areas, the auction/estate sale shall be confined to the premises for which the permit has been issued.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-270. Violations.**

Every date an auction/estate sale is conducted in violation of this article shall constitute a separate offense.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-271. Accessory activities prohibited.**

No sale of food or beverages shall be permitted in conjunction with an auction or estate sale.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-272. Exemptions.**

The provisions of the article shall not apply to or affect the following:

THE VILLAGE CITY CODE

- (1) Nonprofit organizations; and
- (2) Charitable organizations or persons when all gross sales from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-273. Permit required.**

No person shall hold, conduct, engage in or participate in any manner in an auction/estate sale without a permit for same. A separate permit shall be required for each location at which an auction/estate sale is to be held and no location shall be eligible for more than one (1) permit in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-274. Permit fee.**

The fee for an auction/estate sale permit shall be fifteen dollars (\$15.00).

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-275. Application for permit.**

An applicant for a permit required by this article shall furnish the city clerk with the following information:

- (1) Full name and address of applicant;
- (2) The location at which the proposed auction/estate sale is to be held;
- (3) The date or dates upon which the sale shall be held; and

(Ord. No 707, § 1, 07-21-2015)

**Sec. 11-276. Issuance of permit.**

- (a) The city clerk is hereby authorized to grant a permit for an auction/estate sale for a period from 8:00 a.m. to 5:00 p.m. on three (3) consecutive days to any person applying who otherwise complies with the requirements of this Code.
- (b) If an auction/estate sale is not held on the date for which the permit is issued or is terminated because of inclement weather conditions and an affidavit by the permittee to this effect is submitted, the city clerk may issue another permit to the applicant for an auction/estate sale to be conducted at the same location within

## THE VILLAGE CITY CODE

thirty (30) days from the date when the first auction/estate sale was to be held. The permittee shall advise the city clerk of the new date.

- (c) Before issuing a permit, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

(Ord. No 707, § 1, 07-21-2015)

### **Sec. 11-277. Refusal to issue permit; revocation.**

- (a) Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the city clerk if the application submitted by the applicant contains any false, fraudulent or misleading statement.
- (b) If any person is convicted of an offense under this article, the person may have their existing auction/estate sale permit cancelled and not be issued another auction/estate sale permit for a period of two (2) years from the date of conviction.

(Ord. No 707, § 1, 07-21-2015)

### **Sec. 11-278. Compliance with other ordinances.**

The issuance of a permit under the provisions of this article shall not exempt such persons from the terms and provisions of other ordinances.

(Ord. No 707, § 1, 07-21-2015)

### **Secs. 11-279 – 11-280 Reserved.**

## **ARTICLE XIII. SEWER OR WATER MAIN CONTRACTORS**

### **Sec. 11-281. Permit.**

No person shall perform any sewer main or water main construction in the city without first securing a permit issued by the city clerk. No such permit shall be issued until the applicant pays to the city a fee in the amount established by resolution.

(Code 1976, § 3-7-2; Ord. No. 514, § 2, 11-15-94)

### **Sec. 11-282. Bond.**

No permit shall be issued under this article until the applicant files with the city clerk a bond in the sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to do business in the state. The bond shall be conditioned to indemnify the

THE VILLAGE CITY CODE

city against any damage to streets, sewers or other public property done by the permittee.

**Secs. 11-283--11-295. Reserved.**

**ARTICLE XIV. SEXUALLY ORIENTED BUSINESSES**

**Sec. 11-296. Definitions.**

As used in this article, the terms "*sexual conduct*" and "*specified anatomical areas*" shall mean as follows:

(1) "*Sexual conduct*" includes the following:

- a. The fondling or other touching of human genitals, pubic region, buttocks, or developed female breasts;
- b. Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;

Cross-references--Obscene materials and conduct, § 12-48; material harmful to minors, § 12-49.

- c. Masturbation; and
- d. Excretory functions as part of or in connection with any of the activities set forth in a. through c., above.

(2) "*Specified anatomical areas*" includes the following:

- a. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(b) For purposes of this article, sexually-oriented businesses are defined as follows:

- (1) *Adult amusement or entertainment*: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or

## THE VILLAGE CITY CODE

female impersonators or similar entertainment.

- (2) *Adult bookstore*: An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals, which are distinguished or characterized by an emphasis on depicting or describing sexual, conduct or specified anatomical areas.
- (3) *Adult mini-motion pictures theater*: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting sexual conduct or specified anatomical areas.
- (4) *Adult motion picture arcade*: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (5) *Adult motion picture theater*: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (6) *Massage parlor*: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas. Massage parlors do not include massage therapists, as described in Chapter 24, Section 24-188(A)(45) of this Code. (Ord. No. 734, §1, 01-15-2018)
- (7) *Model studio*: Any place other than university or college art classes where, for any form of consideration or gratuity, figure models who display specific anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.
- (8) *Sexual encounter center*: Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or allow

## THE VILLAGE CITY CODE

personal contact by employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include but not to be limited to bath houses, massage parlors, and related or similar activities.

(Ord. No. 377, § 1, 1-20-87)

### **Sec. 11-297. Prohibition.**

No person shall cause or permit the establishment of any of the sexually-oriented businesses as defined in section 11-296, in an area zoned other than "C-2" Commercial. In addition, no person shall cause or permit the establishment of any of the sexually-oriented businesses, as defined in section 11-296 within one thousand (1,000) feet of any other sexually-oriented business, or within one thousand (1,000) feet of a church, school (type which offers a compulsory education curriculum), public or private park, or within one thousand (1,000) feet of a residential lot.

The establishment of a sexually oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in section 11-296.

(Ord. No. 377, § 2, 1-20-87)

### **Sec. 11-298. Penalty for violations.**

Any person, firm, or corporation who violates any provision of this article shall be guilty of a Class A Offense punishable by a fine of up to seven-hundred and fifty dollars (\$750.00) plus costs, or by sixty (60) days imprisonment, or by both such fine and imprisonment.

(Ord. No. 377, § 5, 1-20-87)

### **Sec. 11-299. Adult Novelty Shops.**

(a) Definitions: As used in this section:

- (1) "*Adult novelty shop*" means a commercial establishment that displays, sells or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices; and



## THE VILLAGE CITY CODE

- (2) "*Sadomasochistic practices*" means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
- (b) The location of an adult novelty shop shall be in compliance with applicable C-2 Commercial Zoning regulations of the city and may not be located within one thousand (1,000) feet of:
- (1) Any building primarily and regularly used for worship services and religious activities;
  - (2) Any public or private school;
  - (3) Any public park or playground;
  - (4) Any public library; or
  - (5) Any land zoned or used for residential purposes.

If any such building used for worship and religious activity, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty shop along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

(Ord. No. 539, §1, 2-3-98) State Law Reference: Title 11, §22-109.1.

**Secs. 11-300--11-310. Reserved.**

### ARTICLE XV. WATER WELLS

**Sec. 11-311. Drilling permit required.**

- (a) No person shall drill, dig, or put down any water well or wells upon any premises within the city without first securing a permit and paying the fee prescribed herein.

(Ord. No. 291, § 1, 6-2-81; Ord. No. 514, § 3, 11-15-94)

**Sec. 11-312. Permit for each well.**

- (a) Application for drilling permit. Any person desiring to drill a water well shall, before commencing actual drilling, make written application to the city clerk for a permit and shall give the location of the proposed well by street number, lot, block, and addition and also the name of the owner of the premises.
- (b) Applicant must describe any off-premises use of water. Any person desiring to use the water derived from any well for any use other than to benefit the property upon which the well is located or for domestic, commercial or industrial purposes thereon shall, before commencing to make any other use of the water, apply in writing to the city council for a permit and set forth the use intended to be made of the water and also the date required hereinabove for a drilling permit.

(Ord. No. 291, § 2, 6-2-81)

**Sec. 11-313. Bond required.**

- (a) Any person having obtained a permit to drill a water well shall, before commencing actual drilling, file with the city clerk a good and sufficient bond or certificate of liability covering each water well for which a permit is applied; executed by some bonding or indemnity company or insurance company authorized to do business in the state, running to the City of The Village and conditioned that the applicant shall pay and discharge any liability imposed by law for damages on account of injury to property, either private or public, or bodily injury, including death, received or suffered by any person and resulting from the drilling, operation, or maintenance of any such water well or structure, equipment, machinery, tanks, pipes, and appurtenances thereto, and will abide by and comply with all of the provisions of this article or other requirements of law.
- (b) The minimum total liability under the bond or certificate of liability insurance for loss or damage, either to person or property, shall be one hundred thousand dollars (\$100,000.00). The bond or certificate of insurance shall be made for a period of not less than one year.

(Ord. No. 291, § 3, 6-2-81; Ord. No. 514, § 3, 11-15-94)

**Sec. 11-314. Fees for permit.**

- (a) The fee for a permit for drilling, digging or putting down any water well shall be established by resolution of the city council.

THE VILLAGE CITY CODE

(Ord. No. 291, § 4, 6-2-81; Ord. No. 514, § 3, 11-15-94)

**Sec. 11-315. Regulations for drilling, casing, logging.**

- (a) Drilling of well. In the drilling of a water well, the driller shall fix, install, or set a minimum of ten (10) feet of surface pipe or casing and shall use throughout, standard acceptable pipe. In all other respects, the water well driller shall meet the minimum requirements established and published by the state department of health and state water resources board. No mud shall be permitted to escape on the street, either directly or indirectly, but shall be hauled away and disposed of so as not to injure the streets and private or public property.
- (b) Abandonment of well. If a well is nonproductive of water, the driller shall satisfactorily cap and plug the well so that it will not be dangerous to persons or animals. If a well is productive of water but is later abandoned, the owner shall plug and cap the well.

(Ord. No. 291, § 5, 6-2-81)

**Sec. 11-316. Connection of well to public water supply.**

- (a) Connection prohibited. No person shall connect any private water well to the public water system.
- (b) Use of well water in a structure. Where water from a private well is piped into any structure, all plumbing provisions of the Village City Code and regulations shall be complied with.

(Ord. No. 291, § 6, 6-2-81) Cross-reference--Plumbing, § 6-131 et seq.

**Sec. 11-317. Inspection of water wells.**

All existing water wells, which are or are not in use, or any well or wells hereafter drilled shall be open and accessible at all times to the inspection of the state health department and city officials.

(Ord. No. 291, § 7, 6-2-81)

**Secs. 11-318--11-329. Reserved.**

**ARTICLE XVI. MISCELLANEOUS BUSINESS REGULATIONS  
DIVISION 1. CHRISTMAS TREE SALES**

**Sec. 11-330. Definition.**

In this division "*Christmas tree sale*" shall mean any sale held by a charitable or nonprofit organization on property where such sales are permitted and in which Christmas trees of any type are placed outdoors and held out for sale to the public.

(Ord. No. 400, § 1, 12-1-87)

**Sec. 11-331. Violations.**

Every day a sale is conducted in violation of this division shall constitute a separate offense.

**Sec. 11-332. Signs.**

- (a) Not more than two (2) signs or other devices used for the purpose of advertising or otherwise calling attention to the Christmas tree sale shall be allowed for each license issued under this article.
- (b) The display surface of a sign or device shall not exceed nine (9) square feet on each side.
- (c) It shall be unlawful to attach or place said sign on any utility pole or on any city right-of-way or utility easement.
- (d) It shall be unlawful to place any said sign or device until after Thanksgiving.
- (e) It shall be unlawful to leave any sign or device on display after December twenty-fifth.

(Ord. No. 400, § 1, 12-1-87)

Cross reference--Signs generally, Chapter 20.

**Sec. 11-333. Display of goods.**

- (a) The sale area of any Christmas tree sale shall be confined to the premises for which the license has been issued.
- (b) It shall be unlawful to place goods for sale on any city right-of-way or utility easement.
- (c) It shall be unlawful to display any trees for sale except for the period between the day after Thanksgiving and December twenty-fifth.

(Ord. No. 400, § 1, 12-1-87)

**Sec. 11-334. Hours of sale.**

No person shall conduct Christmas tree sales between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. No. 400, § 1, 12-1-87)

**Sec. 11-335. License--Required.**

No person shall hold, conduct, engage in, or participate in any manner in a Christmas tree sale without a license issued by the city. A separate license shall be required for each location at which a Christmas tree sale is to be held.

(Ord. No. 400, § 1, 12-1-87)

**Sec. 11-336. Same--Application.**

An application for a license under this article shall furnish the city clerk with the following information:

- (1) Full name and address.
- (2) The location at which the proposed Christmas tree sale shall be held.
- (3) An affidavit from the applicant to the effect that the proceeds from the sale are used directly for charitable or nonprofit purposes and the trees are not sold on a consignment basis unless such consignment is from another charitable or nonprofit organization. The filing of a false affidavit is unlawful.

(Ord. No. 400, § 1, 12-1-87)

**Sec. 11-337. Same--Issuance time.**

- (a) All licenses for Christmas tree sales shall be for a period beginning the day after Thanksgiving and through December twenty-fifth.
- (b) A license may be denied by the city clerk if the application submitted by the applicant contains any false, fraudulent or misleading statement.
- (c) Before issuing a Christmas tree sale license, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

## THE VILLAGE CITY CODE

- (d) The issuance of a license shall not exempt a person from the terms and provisions of other ordinances.

(Ord. No. 400, § 1, 12-1-87)

### **Sec. 11-338. Same--Fees.**

A fee in the amount established by resolution shall be paid to the city prior to the issuance of a Christmas tree sale license.

(Ord. No. 400, § 1, 12-1-87)

### **Sec. 11-339. Same--Revocation.**

Any license issued under this article may be revoked by the city clerk if the application submitted by the license holder contains any false, fraudulent or misleading statement. If any person is convicted of an offense under this article, the city clerk shall cancel any existing Christmas tree sale license held by the person convicted and shall not issue such person another Christmas tree sale license for a period of two (2) years from the date of conviction.

(Ord. No. 400, § 1, 12-1-87)

### **Sec. 11-340. Location.**

Sales authorized under this article shall be conducted only on property owned by a charitable or nonprofit organization and in accordance with applicable zoning district regulations.

### **Secs. 11-341--11-350 Reserved.**

## **DIVISION 2. OUTSIDE DISPLAY OF MERCHANDISE**

### **Sec. 11-351. Outside display of merchandise, etc.**

- (a) In this division *sidewalk sale* means an outdoor sale conducted on private property for a period of not exceeding three (3) consecutive days and which is held on property where retail sales are a permitted use.
- (b) Articles or material stored or offered for sale in connection with the permitted use of the property shall not be stored or displayed outside the confines of the building except for seasonal or holiday merchandise which may include such items as yard and garden supplies, trees, flowers, shrubs, lawn equipment, landscape materials,

## THE VILLAGE CITY CODE

lawn furniture, and other similar items located on the sidewalk or other open areas in front of or adjacent to the building or place of business.

- (c) No merchandise in connection with paragraph (a) above shall be stacked any higher than five (5) feet above the surface on which it is placed.
- (d) The provisions under paragraph (a) above shall not apply to automobile service stations engaged in the sale of gasoline and oil, where open display is permitted of merchandise commonly sold by said stations, i.e. oil, batteries, tires, wiper blades, and other similar automotive products.
- (e) The regulations in this section shall not apply when the occupants are conducting sidewalk sales or similar events; provided, however, that the display of articles, material or merchandise for sale shall not displace the minimum number of parking spaces required under this chapter for the operation of uses permitted.

### **Sec. 11-352. Violations.**

It shall be unlawful and an offense for any person to violate or neglect to comply with any provision of this division. Any person who shall violate any of the provisions of this division shall be guilty of an offense. Every day a violation of this division exists shall be considered a separate offense.

(Code 1976, § 12-4-3(A), § 12-6-14; Ord. No. 252, § 2, 1-16-79; Ord. No. 299, § 2, 8-3-82; Ord. No. 344, §1, 5-1-84; Ord. No. 422, § 1, 5-2-89; Ord. No. 439, § 2, 4-3-90; Ord. No. 507, § 1, 9-20-94)

## **ARTICLE XVII. TELEPHONIC ALARM SYSTEM PERMITS**

### **Sec. 11-360. Definition.**

*"Telephonic alarm system"* shall mean any mechanism, equipment or device, which is designed to operate automatically through the use of public telephone facilities to transmit a signal, message or warning to the police department or designated nine-one-one (9-1-1) emergency system number as defined by 63 O.S. Section 2813 et seq.

(Ord. No. 415, § 1, 1-17-89)

### **Sec. 11-316. Permit required.**

No person shall operate or maintain a telephonic alarm system, which automatically dials or transmits a signal message or warning to either:

THE VILLAGE CITY CODE

- (a) Any city police department telephone line, without first obtaining a permit as required by this article; or
- (b) The designated nine-one-one (9-1-1) emergency telephone service as defined by 63 O.S. Section 2813 et seq.

(Ord. No. 415, § 1, 1-17-89)

**Sec. 11-362. Application for permit; revocation.**

- (a) Applications for a permit to install, reconnect, maintain or operate a telephonic alarm system, which automatically dials the city police department telephone number(s) shall be filed with the chief of police on forms supplied by the city, together with a reasonable permit fee in an amount established by resolution of the city council.
- (b) The chief of police is authorized to establish reasonable requirements for the issuance of permits for the installation of telephonic alarm systems so long as such installations do not interfere with the orderly conduct of the activity of the police department.
- (c) Section 11-362, subsection (b) shall apply to alarm equipment installed after January 17, 1989.
- (d) The chief of police may revoke any permit issued pursuant to the provisions of this article, after giving written notice to the permit holder and a reasonable opportunity for the permit holder to be heard, if he determines that the telephonic alarm system installed pursuant to said permit operates in violation of the provisions of this article, or any terms and conditions of said permit to include, but not limited to, the occurrence of excessive false alarms or the failure to pay any annual service fee as may be specified by the city council.
- (e) In the event a permit is revoked for any of the reasons provided for in this article, the chief of police may cause the disconnection of the telephonic alarm system device so installed in the police department.

(Ord. No. 415, § 1, 1-17-89)

**Sec. 11-363. Operation and maintenance of equipment.**

It shall be the sole responsibility of the permittee to ensure that all telephonic alarm system equipment installed in the police department by permit is properly



THE VILLAGE CITY CODE

installed and maintained by the permit holder who shall be responsible for all expenses incurred in the operation and maintenance of all such equipment.

(Ord. No. 415, § 1, 1-17-89)

**ARTICLE XVIII Reserved.**

**ARTICLE XIX. SIGN CONTRACTORS**

**Secs. 11-417--11-499. Reserved.**

**Sec. 11-500. Permit.**

No person, either as principal or agent, shall install, modify or structurally repair any pole sign, monument sign or commercial building sign in the city without first securing a permit issued by the city clerk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Ord. No. 514, § 4, 11-15-94)

**Sec. 11-501. Bond required.**

- (a) No permit shall be issued to any person to install, modify or structurally repair any pole sign, monument sign or commercial building sign until the applicant therefore shall have deposited with the city clerk a surety bond in the sum of five thousand dollars (\$5,000.00) to be known as "sign contractor's bond." The bond shall be executed by the sign contractor and the surety thereon shall be a corporate surety authorized to do business in the State.
- (b) The bond shall be in the favor of the city and conditioned that the permittee shall faithfully and properly conduct his business in compliance with the laws and ordinances of the city relating to signs and sign contractors and for the payment of all fines and penalties imposed by the violation of such laws.

The bond shall be conditioned further that the principal shall do all sign work in a good and workmanlike manner.

- (c) The bond shall be renewed annually and no person shall engage in the business of a sign contractor unless the bond as provided in this section is on file with the city clerk. No permit shall be issued to any sign contractor until the bond has been filed and approved. (Ord. No. 455, § 1, 4-16-91; Ord. No. 514, § 4, 11-15-94)

**ARTICLE XX. PAWNBROKERS**

**Secs. 11-502--11-599 Reserved.**

**State law reference -- 59 O.S. § 1514.**

**Sec. 11-600. Definitions.**

As used in this Article:

1. "*Pawnbroker*" means a person engaged in the business of making pawn transactions.
2. "*Pawnshop*" means the location at which or premises in which a pawnbroker regularly conducts business.
3. "*Pawn transaction*" means the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
4. "*Person*" means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.
5. "*Pledged goods,*" means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

(Ord. No. 488, 8-3-93, § 1)

**Sec. 11-601. License required.**

No person shall operate as a pawnbroker without having first secured a valid state license as required by 59 O.S. § 1501 et. seq., and an annual license from the City Clerk as a regulatory fee and license.

(Ord. No. 488, 8-3-93, § 1)

**Sec. 11-602. Effect of license--Annual fee.**

- A. Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable.

THE VILLAGE CITY CODE

- B. A separate license shall be required for each pawnshop operated under this Article.
- C. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each June 30, shall pay to the city clerk an annual license fee for the succeeding fiscal year in an amount established by resolution of the city council. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the city clerk, the license shall thereupon expire, but expiration shall not occur before July 30 of any year for which an annual fee has been paid. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten (\$10.00) dollars.

(Ord. No. 488, 1, 8-3-93; Ord. No. 517, §9, 6-20-95)

**Sec. 11-603. Revocation, suspension, reinstatement of license.**

- A. The City Clerk may, after notice and hearing, suspend or revoke any license if he finds that:
  - 1. The licensee has failed to pay any fee or charge properly imposed by the City Clerk under the authority of this Article.
  - 2. The Licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of state law or this Article or any regulation or order lawfully made pursuant to and within the authority of this Article; or
  - 3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for license, clearly would have justified the City Clerk in refusing the license.
- B. The hearing shall be held upon twenty (20) days' notice in writing, setting forth the time and place thereof and a concise statement of the facts alleged to warrant suspension or revocation. At the conclusion of the hearing, the City Clerk shall prepare a written order setting forth the effective date of any suspension or revocation accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee.
- C. Any licensee may surrender any license by delivering it to the City Clerk with written notice of its surrender, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

## THE VILLAGE CITY CODE

- D. No revocation, suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any customer.
- E. The City Clerk may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists, which clearly would have justified the City Clerk in refusing originally to issue such license under this Article.
- F. On application of any person and payment of the cost thereof, the City Clerk shall furnish under his seal and signature a certificate of good standing or a certified copy of any license.

(Ord. No. 488, 8-3-93, § 1)

### **Sec. 11-604. Applications; Contents; Bonds; Statutory agent.**

- A. Applications for a pawnshop license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant is a partnership, the full name and place of residence of each member thereof shall be stated. If the applicant is a corporation, the full name and place of residence of each officer or major stockholder thereof shall be stated. The application shall give the approximate location from which the business is to be conducted, and shall contain such relevant information as the City Clerk may require.
- B. Each applicant for a pawnshop license at the time of filing application shall file with the City Clerk a bond satisfactory to him and in the amount of Five Thousand (\$5,000.00) Dollars for each license with a surety company qualified to do business in this state. The said bond shall run to the City for the use of the City and any person or persons who may have cause of action against the obligor of said bond under the provisions of this Article. Such bond shall be conditioned that the obligor will comply with the provisions of this Article and all rules and regulations made by the City Clerk hereunder, and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or person from said obligor under and by virtue of the provisions of this Article during the time such bond is in effect.
- C. Each licensee shall maintain on file with the City Clerk written appointment of a resident of this state as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state.

(Ord. No. 488, 8-3-93, § 1)

**Sec. 11-605. Examination, investigation and access to records.**

- A. No pawnbroker shall deny access by any peace officer of this City to records or books relating to its pawn transactions, or examination or investigation of any pledged goods, or fail to cooperate with any peace officer under lawful order as set forth in 59 O.S. § 1508, as amended.
  
- B. Any pawnbroker shall prepare and make available a report in a manner prescribed by the Chief of Police within three (3) days of any buy transaction to the police department of the City; provided, merchandise bought on invoice from a manufacturer or wholesaler with an established place of business is exempt from this reporting requirement. However, such invoice shall be shown upon request of any authorized peace officer. The report shall include:
  - 1. The name and address of the pawnshop;
  - 2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller as verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;
  - 3. The buy transaction number;
  - 4. The date and time of the transaction;
  - 5. The manufacturer of the item;
  - 6. A description of the item; and
  - 7. The serial number and model number where available and any other identifying markings; and
  - 8. Any other pertinent information prescribed by the Chief of Police from time to time, which is deemed necessary to fulfill reasonable and legitimate law enforcement purposes related to any buy transaction by a licensed pawnbroker.
  
- (Ord. 654, § 1, 10-05-2010)
  
- C. Items bought, except on invoice from a manufacturer or wholesaler with an established place of business, shall be held for ten (10) days before being disposed of or sold.

## THE VILLAGE CITY CODE

- D. Any pawnbroker shall prepare and make available a copy or report, in a manner prescribed by the Chief of Police, within three (3) days of any pawn transaction to the police department of the City. The copy or report shall include:
1. The name and address of the pawnshop;
  2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller or pledgor as verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;
  3. The pawn transaction number;
  4. The date and time of the transaction;
  5. The manufacturer of the item;
  6. A description of the item; and
  7. The serial number and model number where available and any other identifying markings.

(Ord. No. 488, 8-3-93, § 1; Ord. 658, § 1, 04-19-2011)

### **Sec. 11-606. Prohibited practices; Presumptions; Lost or destroyed transaction agreements.**

- A. A pawnbroker shall not:
1. Accept a pledge or purchase property from a person, male or female, under the age of eighteen (18) years;
  2. Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this Article;
  3. Fail to exercise reasonable care to protect pledged goods from loss or damage;
  4. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction, unless a hold order has been placed on the pledged goods by an authorized peace officer or the pledged goods are in the custody of law enforcement;

THE VILLAGE CITY CODE

5. Make any charge for insurance in connection with a pawn transaction;
  6. Enter any pawn transaction which has a maturity date more than one (1) month after the date of the transaction; or
  7. Accept collateral or buy merchandise from a person unable to supply certification of identity by photo I.D. by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record.
- B. **Presumption.** Except as otherwise provided by this Article, any person properly identifying himself as the original customer in the pawn transaction or as the assignee thereof and presenting a pawn transaction agreement to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.
- C. **Lost or Destroyed Transaction Agreement.** If the pawn transaction agreement is lost, destroyed or stolen, the customer may so notify the pawnbroker in writing and receipt of such notice shall invalidate such pawn transaction agreement, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn transaction agreement, the pawnbroker may require the customer to make affidavit of the loss, destruction or theft of the agreement.

(Ord. No. 488, 8-3-93, § 1)

**Sec. 11-607. Penalty.**

Any person who violates any section of this Article shall be guilty of Class A Offense.

(Ord. No. 488, 8-3-93, § 1)

**ARTICLE XXI.**

**DIVISION A. CHILD CARE CENTERS**

**Sec. 11-700. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

## THE VILLAGE CITY CODE

- (1) *Child care center* shall mean any day child care, nursery, nursery school, foster home, or preschool or any place, home or institution located in any residential or commercial district which receives eight (8) or more children under the age of eighteen (18) years, and operates for six or more hours of the twenty-four (24) hour day, and not of common parentage, for foster care apart from their natural parents, legal guardians or custodians. This does not include facilities for which the primary purpose is medical treatment, vacation Bible schools whose duration is not greater than two weeks or Mother's Day Out programs conducted by churches or other religious institutions in which care for children is conducted within the institutional building.
- (2) *Council* shall mean the governing or legislative authority of the City of The Village.
- (3) *Day camp* shall mean any camp with a primary emphasis on outdoor education and recreation which exercises custodial care over children five (5) to eighteen (18) years of age, except for older handicapped participants and which operates only during periods specifically designated as vacation from the school in which the child is enrolled and which operates for more than twelve (12) hours per day or a day camp which is accredited by the American Camping Association or other national standard setting agency or church camp accreditation programs. This does not include short-term camps, i.e., whose duration is not greater than two (2) weeks.
- (4) *Day care center* shall mean childcare center as defined in this section.
- (5) *Director* shall mean the Medical Director/Chief Executive Officer of the City-County Health Department of Oklahoma County or his designated representative.
- (6) *Electrical appliance* shall mean any device, which utilizes electricity to produce light, heat or power
- (7) *Basement* shall mean that portion of a building or structure having one-half or more of its clear height below the ground level.
- (8) *Entrapping equipment*: A component or group of components on play equipment that forms angles or openings that could trap a child's head by being: 1) too small to allow the child to withdraw his head easily and; 2) placed so that the child would be unable to support his weight by means other than his head or neck.
- (9) *Health officer*. Anywhere in this article where the word or words "health officer" are used it shall be construed to mean the director of the City-County Health Department of Oklahoma County or his duly designated representative.



## THE VILLAGE CITY CODE

- (10) *Exit* shall mean a means of egress, which is specifically designed for that purpose giving access from one floor to another or to the ground level outside the building.
- (11) *Fall Zone*: An area extending four (4) feet from climbing structures, five (5) feet from the bottom of a slide, seven (7) feet plus the length of the chain from a swing's point of suspension, and seven (7) feet from a merry-go-round and other revolving device.
- (12) *Fire chief* shall mean the Chief of City of The Village Fire Department or his designated representative.
- (13) *Gas appliance* shall mean any device, which utilizes gas fuel to produce light, heat or power.
- (14) *Licensee* shall mean any person licensed to operate a nursery or day camp as defined in this chapter.
- (15) *Nonprofit Corporation* shall mean any corporation organized under the laws of this State as a nonprofit corporation, and any corporation organized in another state or nation and authorized to function in this State as a nonprofit corporation.
- (16) *Nonprofit organization* shall mean any nonprofit partnership, company, corporation, or other business entity, or any nonprofit group or association of two (2) or more persons united for a common purpose.
- (17) *Nursery* shall mean childcare center as defined in this section.
- (18) *Operator* shall mean an owner or designated person in charge of the child care facility or day camp or, if no one person is in charge, any employee or individual providing care at the child care or day camp location.
- (19) *Part-time child care program* shall mean any nonprofit corporation or nonprofit organization which receives eight (8) or more children under the age of eighteen (18) years, and not of common parentage, for foster care apart from their natural parents, legal guardians or custodians, when received for periods not exceeding six (6) hours in a twenty-four hour calendar day, which operates no more than twenty (20) hours per week.

(Code 1976, 12-6-3; Code 1987, 11-211; Ord. No. 451, §1, 12-18-90; Ord. No. 463, §§ 1-3, 12-3-91; Ord. No. 484, §1, 1-5-93; Ord. No. 507, §2, 9-20-94)

### **Sec. 11-701. Scope.**

## THE VILLAGE CITY CODE

The provisions of this division shall apply to any type of establishment outside of the child's own home, but shall not apply to the custody of any child or children of school age, as set forth in Title 70 of Oklahoma State Statutes as amended or superseded, in a public or private school organized, operated, or approved under the laws of this State or to those whose custody is fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial person, or to part time child care programs, or to churches or religious institutions caring for children while their parents or legal guardians are attending church services or engaged in church activities, or to Mother's Day Out programs conducted by churches or other religious institutions in which care for children is conducted within the institutional building.

### **Sec. 11-702. Compliance.**

No person shall operate or maintain a childcare center or day camp subject to the terms of this division unless such childcare center or day camp conforms to the requirements, specifications, and provisions of all ordinances. No other business other than those for which day care licenses are issued shall be carried on in the childcare center during the time childcare is provided by a licensee.

### **Sec. 11-703. Enforcement.**

Except as otherwise provided in this division, the Director shall enforce the provisions of this article. The Director shall perform all acts and duties necessary to secure strict enforcement of this article, and for such purpose the Director shall provide for reasonable inspections. In addition, the Director shall have the power to enter every building, room, basement, and cellar or any other such space occupied, or used, for the purposes that fall within this division as a childcare center or day camp. The Director shall propose to The Village City Council for adoption in the form of an ordinance such minimum standards for childcare and day camps as he may deem necessary or advisable to protect the health, safety, and general welfare of the public. The Director shall have the power to enforce all local and state requirements and regulations.

### **Sec. 11-704. Inspections.**

The Director shall inspect all childcare or day camps licensed under this division as often as he shall deem necessary for the adequate supervision thereof or advisable to protect the health, safety, and general welfare of the public, and he shall have the right to enter all such places any reasonable time for the purpose of making such investigation. Acceptance of a license shall constitute expressed consent to such inspections.

### **Sec. 11-705. Penalty.**

## THE VILLAGE CITY CODE

Any person who shall violate any of the provisions of this article shall be guilty of a Class A offense for each such violation. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. The application of such penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation exists shall constitute a separate violation and is subject to all penalties herein.

### **Sec. 11-706. License Required.**

- (a) No person shall open, operate or maintain a childcare center or day camp in the City of The Village without having first obtained a license to do so from the City Clerk. The license fee for childcare or day care centers shall be set by resolution of the City Council.
- (b) It is the responsibility of the childcare center or day camp to maintain a current city license. The license of the childcare center or day camp shall be prominently displayed on the premises. The total number of children in care shall not exceed the licensed capacity.
- (c) Day care centers already licensed, which run a day camp program must follow the minimum standards for childcare centers. If a day care and a day camp share the same facility, the combined number of children attending must not exceed at any time the number for which the nursery is licensed.
- (d) Prior to issuance of any child care or day camp license, the applicant shall present evidence that the proposed child care or day camp, as defined by this section, meets all applicable state and/or City-County Health Department requirements, all applicable zoning requirements of the city, and any other applicable regulations established by state law or by city ordinance or code.

(Ord. No. 516, §1, 6-6-95)

- (e) It is the responsibility of the childcare center or day camp to maintain a current city license and it shall be posted at all times.
- (f) Child care centers or day camps may be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that does not adversely affect other properties and uses in the area, does not change the character of the residence, and in which the child care activity is secondary to the primary use of the dwelling as a residence.

### **Sec. 11-707. Application and investigation.**

## THE VILLAGE CITY CODE

- (a) Written application to City-County Health Department of Oklahoma County: An application for a license shall be made in writing to the Director of the City-County Health Department, on forms prescribed by the Director. Applications must be filed thirty (30) days before the proposed change of ownership of an existing center and sixty (60) days before the proposed opening of a new center or day camp. Upon change of ownership of an existing day care center or day camp such notice of change must be submitted by proof of deed or other document reflecting ownership to City-County Health Department of Oklahoma County within ten (10) working days of such change.
- (b) Investigation by Director: The application shall be referred to the Director, who shall cause strict inquiry and investigation to be made regarding the fitness, character and reputation of the owner and other operators, the suitability of the accommodations including adequate facilities, cleanliness, ventilation, heating, lighting, location, and all other matters pertinent to the health, safety, and general welfare of the public.
- (c) Changes in designated operator or person in charge: Any change in information regarding the designated operator or person in charge needs to be communicated in writing within ten (10) working days of change to the Institutional Health Division of City-County Health Department of Oklahoma County
- (d) Authority of Director to approve or disapprove: The Director shall have full authority to recommend approval or non-approval over the issuance of a license based on the findings of his investigation and subject to procedures set forth. Recommendations will be made to the City Clerk of the City of The Village.

### **Sec. 11-708. Fee.**

Prior to the issuance of a childcare center license, the applicant for same shall pay to the city clerk a fee established by resolution of the city council. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten (\$10.00) dollars.

(1994 Code, 11-708; Ord. No. 517, §10, 6-20-95)

### **Sec. 11-709. Records and reports.**

Every licensee shall keep and maintain such records and make such reports to the Director as he may reasonably require upon such forms as he may prescribe. All inspection reports shall be kept on file at the childcare center or day camp. If inspection reports are posted, only the most recent shall be posted on the licensed

premises. Children's daily attendance records must be kept readily available for a minimum of 120 days.

**Sec. 11-710. Revocation, denial or non-renewal.**

- (a) If the Director, based upon his findings or by his inspections, observes violations of any ordinance, standards or regulations sufficient to warrant revocation or denial of a childcare or day camp license, written notice of recommended revocation/non-renewal or denial and the grounds therefore shall be delivered to the City Clerk.

**Sec. 11-711. Physical facilities.**

- (a) Indoor space. There shall be minimum indoor space of thirty-five (35) square feet of floor area per child exclusive of hallways, bathrooms, kitchen and space occupied by furniture not for the children's use. The area of each room shall determine the number of children to occupy that room. Structures currently licensed under a thirty (30) square feet per child requirement shall not be affected by the requirement of the provisions of this subsection unless the facility is constructed, substantially altered, added to, converted, sold, or changed in lessee after December 3, 1991.

- (b) Outdoor play space:

- (a) Except as otherwise provided below, childcare centers must provide a minimum outdoor play space of seventy-five (75) square feet per child for the total licensed capacity. This applies to centers starting or expanding after December 3, 1991:
  - 1. When nurseries are licensed for twenty-four (24) or more children, they must provide outdoor play space of seventy-five (75) square feet per child for at least one-third of licensed capacity of the center or a minimum of one thousand eight hundred (1,800) square feet, whichever is greater.
  - 2. Nurseries licensed for twenty-four (24) or more children, providing outdoor play space of less than seventy-five (75) square feet per child must:
  - 3. Plan a time schedule shown when each group of children will be outdoors. Weather permitting; every child must have an opportunity for outdoor play every day.

## THE VILLAGE CITY CODE

4. Post a copy of the current schedule in the day care center so that parents and staff are aware of the outdoor play periods.

### 2. The outdoor play space shall:

- (a) Be safely accessible from indoors.
- (b) Be free from hazards.
- (c) Have more than one type of texture. (For example: grass, sand, or dirt areas, hard surface)
- (d) Have some shade provided at all times.
- (e) Be fenced. The fence shall be made with an opaque, ornamental material not less than forty-eight (48) inches in height; provided however, that no fence shall be situated in the front yard of any residential lot or past the existing front building line of any commercial lot. The fence shall:
  1. Begin at ground level;
  2. Be eight (8) feet away from the use zone of any equipment;
  3. Have the points pointing down if chain link.
  4. Be maintained in a stable, secure upright condition so that children are kept in and animals kept out.
- (f) Have organic loose, inorganic loose or impact absorbing materials maintained throughout the fall zone of all climbing, swinging, or sliding apparatus which are located on hard surfaces such as concrete, blacktop or hard-packed soil. (Grass is considered to be a hard surface);
  1. Organic loose material such as pine bark nuggets, pine bark mulch, shredded hardwood bark, and cocoa shell mulch shall be maintained at least ten (10) inches in depth.
  2. Inorganic loose materials such as sand, pea gravel, and shredded tires shall be maintained at a depth of at least ten (10) inches. Loose materials must be maintained by leveling or raking for hazardous items and litter and replacement of scattered materials. (Pea gravel should be 00 that has been sifted to 3/8 inch.)
- (g) Be free from weeds, tall grass and untrimmed shrubbery to prevent vermin and insect infestation. Height of grass or weeds should not exceed six

## THE VILLAGE CITY CODE

inches.

- (h) Be free from standing water. (The surface of the outdoor play space shall be drained well enough so that standing water does not prohibit the use of the play area on a daily basis.)
- (i) The equipment should be free of entrapment areas. (The center must ensure that no equipment has openings or angles that could entrap any part of a child's body or a child's head or clothing.)
- (j) Shall not have any climbing equipment or slides over seven (7) feet high.
- (k) Have no visual barriers on the playground. Teachers must be able to see all children at all times.
- (l) Have more than one type of apparatus (i.e.: climbing, swinging, and sliding).

### 3. Outdoor Equipment Design and Placement:

- a. The placement of equipment must be planned to avoid the danger of collision and accidents.
- b. No equipment shall be placed in the fall zone of another piece of equipment. (Equipment shall be placed eight (8) feet apart to provide a safe fall zone.)
- c. Outdoor play equipment must be securely anchored unless portable by design.
- d. All swing seats must be constructed of durable, lightweight, relatively pliable material, such as rubber, plastic or nylon webbing.
  - 1. There should be a minimum of eighteen (18) inches between swings.
- e. The center must ensure that no pinch, crush, or shear points are on equipment (such as axle assemblies on rotating devices).
- f. Children must not have access to toxic substances either indoor or outdoor.
- g. Outdoor play equipment shall be maintained in good repair and a safe and sanitary condition.

## THE VILLAGE CITY CODE

- (c) Toilets. Bathroom facilities shall be suitable, adequate, located in the same building where the children's care is provided and easily available to the children. There shall be a ratio of one toilet and one sink to fifteen (15) children. Urinals are acceptable but may not be counted as meeting the ratio of toilets. Potty chairs may supplement toilets for emergency purposes. These must be emptied and sanitized immediately after each use. Bathrooms must contain operable flushing toilets and sinks in good repair. Any room where diapered children are kept must have a diaper-changing table or surface. Hot and cold running water must be either from a sink adjacent to the changing table or surface or a bathroom that opens directly into the room. Children must be in view at all times. All centers opening after December 3, 1991 must provide an operable sink with hot and cold running water and a changing table/surface in all rooms that care for children in diapers.
- (d) Lavatories. Hand washing facilities shall be provided at a ratio of not less than one lavatory to each required toilet. Lavatories shall have hot and cold or tempered running water. Hot water temperature shall be maintained between 100 degrees Fahrenheit and 120 degrees Fahrenheit. If the temperature exceeds one hundred twenty (120) degrees Fahrenheit, a tempered valve must be used; when a tempered valve is used, the temperature should not be set above one hundred five (105) degrees Fahrenheit. There shall be soap and disposable paper towels dispensed from a paper towel dispenser, not cloth towels, and waste containers within easy access of children. A separate hand wash sink shall be provided in the food preparation area and adequately supplied with soap and sanitary towels or hand drying device. Those centers which were originally designed as a family residence and having the licensed capacity of fifteen (15) or less children shall be deemed in compliance if hand washing facilities are located on the same floor or in a bathroom on the same floor.
- (e) Individual supplies, water. Clean, individual washcloths, disposable towels and drinking cups shall be provided. The water supply must meet standards established by the State Department of Health.
- (f) Rest and beds. Arrangements for rest shall be provided. There shall be an individual cot or bed with individual bedding for each child who remains more than five (5) consecutive hours in the childcare center. Cots shall be covered and be maintained and stored in a sanitary condition at all times. Cots and/or beds shall be arranged in an alternating head-foot position and spaced at least two (2) feet apart. Cribs and cots shall be labeled by name or number so each child receives the same cot. Cots shall be kept in good repair and be replaced or recovered as needed. Extra sheets and blankets shall be available and maintained in good repair.



## THE VILLAGE CITY CODE

- (g) Heating facilities. Heating facilities shall present no hazard to the health and safety of the children. Appropriate guards shall be placed around radiators and floor furnaces. Unguarded open-faced heaters and fires in fireplaces are not permitted. Any gas-heating appliance shall have a closed combustion chamber and shall be vented. The childcare center shall also comply with the City of The Village fire ordinances and regulations.
- (h) Adequate quarters required. All quarters occupied by children shall be adequately heated, lighted, and ventilated.
- (i) Heating standards. The heating plant shall be adequate to maintain temperature of seventy-two (72) degrees Fahrenheit twenty-four (24) inches from the floor in severe weather in all rooms used for children. An adequate thermometer shall be provided for measuring room temperatures. Air-conditioned facilities shall maintain a maximum temperature of eighty (80) degrees Fahrenheit. Rooms shall be relatively free from moisture condensation.
- (j) Sickroom. There shall be a room or space available in which children who become ill in the childcare center may be cared for until a parent or guardian arrives. This space may be used by others when not in use by sick children.
- (k) Telephone. There shall be a telephone located within each licensed childcare center. Pay telephones are not acceptable. A list of emergency numbers shall be posted by the telephone. These are the Fire Department, Police Department, all emergency services, and the name and address of a physician, hospital and/or clinic, poison control, and name, address and phone number of the childcare center.
- (l) Dangerous substances. Medicines, cleaning solvents, poisons, firearms, sharp pointed scissors and other potentially dangerous substances and instruments shall be kept in areas inaccessible to the children. Poisonous or toxic material shall not be stored with or above food, food equipment, utensils or single service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at dishwashing stations, or laundry facilities. Do not store medicines above or next to food. In the refrigerator store on the lowest shelf or in a container that would prevent possible contamination of food.
- (m) Kitchen. The kitchen shall be a separate area for the preparation of food and the cleaning and sanitizing of dishes and utensils and arranged in such a way to discourage easy access to children. Children shall not be allowed there while food is being prepared except as part of a planned, supervised learning experience. The kitchen shall be maintained reasonably free of moisture condensation and shall be easily cleaned and provided with hot and cold running water. Standards and practices pertaining to food preparation, handling and service shall comply with

## THE VILLAGE CITY CODE

regulations established by the Oklahoma State Department of Health and any applicable local codes except for family day care homes. The owner, director or primary person assigned to do the cooking is required to obtain and maintain a current Food Service Operators Certificate. One of the following methods of treatment of the eating and drinking utensils shall be utilized:

- (1) A three-compartment sink permanently installed and connected to a common drain. Utensils are washed in the first compartment, rinsed in plain water in the second, and immersed in the sanitizing medium in the third compartment and air-dried. Do not wipe the utensils after sanitization.
  - (2) A commercial type dishwasher equipped with a built-in heating element capable of heating water in rinse cycle to one hundred eighty (180) degrees Fahrenheit without turning up the thermostat in the regular hot water tank past one hundred thirty-five (135) degrees Fahrenheit; provided that this section is applicable to existing facilities having operable domestic or commercial dishwashers which adequately sanitize by heat or chemical. Adequacy of the sanitizing cycle will be determined by the generally accepted test methods or thermometers must be provided to ensure compliance with the food service code.
- (n) Use of paper or plastic throwaway eating and drinking utensils. No washing or reuse of single service bowls, plates, spoons, forks, or cups is permitted. All single service items must be disposed of immediately after use. All cooking utensils, serving spoons, etc. must still be washed and sanitized in accordance with Section 11-311 (m) Kitchen, numbers (1) or (2).
- (o) Drinking water. Drinking water shall be provided through sanitary drinking fountains or individual cups. Individual cups must be single service disposable cups or reusable cups sanitized after each use. The use of a common drinking cup is prohibited.
- (p) Paper cups and towels. Sanitary dispensing and approved disposal units shall be provided for cups (paper) and towels.
- (q) Plumbing. No plumbing fixture or other device, which provides a connection between a drinking water supply and a drainage, soil waste or sewer pipe so as to make possible the backflow of sewage or wastewater into water supply system, shall be installed or be permitted to exist. Water that has been used for cooking or for any other purpose shall not be returned to the system. All piping and fixtures shall be kept clean and in good repair. All plumbing shall comply with city plumbing ordinances and codes.

## THE VILLAGE CITY CODE

- (r) Ventilation. Kitchen, bathrooms, and service rooms shall be so located and ventilated by window or mechanical means through a vent leading directly to the outside as to prevent offensive odors from entering other rooms in the building. In any facility not equipped with central heat and central air conditioning of sufficient rated capacity to provide comfort in all areas, then the rooms in which children eat, sleep or play shall have outside windows which are easily opened and closed (without resorting to props) to provide proper cross ventilation. If windows or doors are to be opened, they must be screened.
- (s) Water supply. The water supply shall be obtained from a source, which is properly located, constructed, and operated to protect it from contamination and pollution. Water shall meet current standards set up by the State Department of Health as to bacteriological, chemical and physical tests for purity.
- (t) Sewage. Sewage shall be discharged into The City sewage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewage system, which complies, with the requirements of the State Department of Health.
- (u) Garbage and refuse. All garbage and refuse shall be collected, stored, and disposed of in a manner that will not create a nuisance, provide a breeding place for flies or a harbor for rats. All containers for garbage and refuse shall be watertight, have tight-fitting covers and be fly and rodent proof. Garbage containers shall be kept clean.
- (v) Equipment. The equipment of nursery shall be of such size and type that is appropriate to the child's physical needs. An adequate number of tables, chairs, and high chairs shall be provided for children at mealtime and for table-play activity. High chairs must be covered with a waterproof, impermeable, washable material and maintained in good repair. There shall be equipment to keep each child's clothing separate from that of other children. Indoor and outdoor play equipment shall be:
  - 1. Maintained in a safe and sanitary condition;
  - 2. Provided in quantities proportionate to the maximum number of children for which the center is licensed.
  - 3. Provided for the children's use on a regular basis.
- (w) Safety and sanitation. The Child Care Center shall:
  - (1) Maintain a structurally sound interior and exterior in good repair. Maintain walls and ceilings free from holes, peeling paper and paint;

## THE VILLAGE CITY CODE

- (2) Maintain floors free of grossly broken and/or missing tile, torn carpet or holes;
- (3) Maintain windows and doors free of broken glass and/or other hazards;
- (4) Maintain window and door screens to minimize entry of insects;
- (5) Maintain screens on windows and doors when open for ventilation purposes;
- (6) Provide self closing apparatus on all screen doors and storm doors;
- (7) Be clean and sanitary at all times and free of offensive odors:
  - a. Clean-up spills and soil immediately;
  - b. Sweep and/or mop floors daily;
  - c. Vacuum carpets and do spot cleaning as needed;
  - d. Wet scrub carpet when visibly soiled;
  - e. Spot clean and/or scrub walls, ceilings and floor when visibly soiled.
- (8) Take effective measures to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other vermin. The premises shall be maintained in a condition that prevents the harborage or feeding of vermin. Openings to the outside shall be effectively protected against the entrance of rodents.

Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.
- (9) Be free of hazards.
- (10) Prohibit smoking within the center.
- (11) Maintain lighting in all areas used by children at not less than twenty (20) foot candles at a height of thirty (30) inches except at naptime when light levels

## THE VILLAGE CITY CODE

must allow for children to be observed. Children shall be continuously observed during naptime.

### **Sec. 11-712. Care of children.**

- (a) Cribs play pens. Each infant and toddler as defined in Section 11-318, Subsections (d) (1) and (d) (2) of this code shall be provided with a separate crib, cot and/or playpen. The mattresses and playpen pads shall be a minimum of two inches (2") thick and covered with a waterproof, impermeable, washable material and maintained in good condition. Such covering shall be childproof and must be safe and easily sanitized.
- (b) Space requirements. Cots, cribs and/or playpens must be at least two (2) feet apart on all sides.
- (c) Crib sheets. Crib sheets shall be changed daily and whenever soiled.
- (d) Individual supplies. There shall be provisions made for an adequate supply of individual diapers, clothing, powder, oil, etc.
- (e) Formula and food.
  - (1) The day care center is responsible for feeding children a diet appropriate to their individual needs.
  - (2) Infants under 6 months of age shall be fed the infant formula and diet prescribed by the child's physician or authorized by the child's parent. Parents may be requested to provide infant formula and baby foods.
  - (3) Infants above the age of 6 months shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables and meats in sufficient amounts to meet their daily food needs, unless otherwise recommended by the child's doctor.
  - (4) When an infant or toddler has a special dietary need resulting from an allergy or family religious restrictions, parents can be requested to supplement the center's food service.
  - (5) When infants or toddlers show evidence of wanting to feed themselves, they shall be allowed to do so.
  - (6) Infants up to the age of 6 months shall be held while being bottle-fed. Infants of more than 6 months shall be held while bottle-fed until they are able to hold their own bottle securely. Bottles shall not be propped

## THE VILLAGE CITY CODE

by any means at any time.

- (7) Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, high chairs with a safety strap or in low chairs at low tables.
- (8) Staff members shall wash their hands thoroughly with soap and water before feeding an infant.
- (9) Bottles and baby food provided by parents must be labeled with the child's name.
- (f.) Diapers. There shall be closed containers for dirty diapers and clothing. Shelves shall be maintained at adult height for storage of equipment and supplies. Soiled or wet diapers shall be placed in a moisture proof bag or stored in a tightly closed container, which is cleaned daily. Staff members shall wash their hands thoroughly with soap and water after each diaper change.
- (g.) Hygiene. Any person preparing food in a day care center may not work in a class where diapers are changed. Attendants shall wash hands before and after handling the infant and after each diaper change. Diapers shall be changed promptly and buttocks shall be thoroughly cleaned and dried. The child's buttocks must be washed with a cloth that is not used for any other purpose and these cloths placed in a closed container. Only freshly laundered or disposable diapers shall be put on the child. A changing table with a clean and moisture proof surface shall be used when diapers are changed. The surface must be sanitized after each diaper change with a sanitizing solution. Only diaper changing items may be allowed on changing surface. No other items (i.e. food, toys, etc.) are to be present on the changing surface at any time.
- (h.) Play. Infants and toddlers shall have opportunity throughout the day for play outside the crib or play pen for creeping and crawling, also opportunity for large muscle exercise.
- (i.) Treatment. Each child shall be considered as an individual and provided patient, understanding, consistent and loving guidance.
- (j.) Discipline. Constructive methods of guidance and discipline shall be utilized. Loud, profane or abusive language shall not be used. Corporal punishment shall not be used. Corporal punishment is infliction of physical pain. Shaming, frightening, and humiliating methods shall not be used. Punishment shall not be associated with rest, toilet training, or loss of food.

THE VILLAGE CITY CODE

Any person convicted of assault and battery, beating, physical violence, or otherwise abusing children shall be restricted from the premises of a childcare center.

**Sec. 11-713. Health Program.**

- (a.) Immunizations. Childcare center operators shall require parents or guardians to submit to the day care center a statement from a duly licensed physician indicating the extent of their child's immunizations prior to or upon entry to the childcare center. The required immunizations for children in day care are set out by Oklahoma's Day Care Immunization Law as it now exists or may hereafter be amended; which law is incorporated herein by reference. The recommended schedule for children beginning immunizations is as follows:

AGE	VACCINES
2 Months	TP, Oral Polio and HIB
4 Months	TP, Oral Polio and HIB
6 Months	DTP and HIB
15 Months	Measles, Mumps & Rubella
15 to 18 Months	DTP and Oral Polio
18 Months to 4 Years	HIB
4 to 6 Years	TP, Oral Polio and MMR

If immunizations have not been completed, they must be and evidence so presented. However, any minor child, through his parent or guardian, may submit to the child care center operator who shall forward to the Director a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child, or a written statement by the parent or guardian objecting to such immunizations. In such case, said child shall be exempt from the immunization requirement.

- (b) Sick children. Each child must be carefully observed by staff members for symptoms of illness or abuse. Ill children are not to be accepted for care in a childcare center unless the parents present a statement from their attending physician that the child is not suffering from an infectious, contagious, or communicable disease. Any child showing symptoms of illness should be separated from the group and parents or the child's physician shall be notified. A child showing evidence of abuse shall be reported to the appropriate legal authority. Operators must notify Oklahoma City-County Health Department of Oklahoma County when one case of hepatitis, meningitis, Shigella, Giardiasis, Salmonella, measles, rubeola, whooping cough, tuberculosis, or any Haemophilus influenzae invasive disease is identified in any person associated with the center

## THE VILLAGE CITY CODE

and when clustering or grouping of any other illness or disease occurs.

- (c) Emergency treatment. A plan for emergency treatment for severe injury or acute illness shall be written and prominently displayed in the childcare center. This written notice shall state the name of the physician and/or clinic, including address and telephone number, the childcare director will contact.
- (d) Medication, requirements. No medication shall be administered by the operator or his employees except under the following conditions:
  - (1) The parent or guardian of the child requesting that prescription medication be administered as directed by the prescription label on the container must make such a request in writing. Where such prescription medication is to be given, the parent or guardian must present a statement from the attending physician to the effect that the child is not suffering from an infectious, contagious, or communicable disease. Such written requests from the parent or guardian and a statement from the attending physician must be kept on file for a period of not less than six (6) months following the date of the incident.
  - (2) The statement from the attending physician relative to the child's ability to transmit disease to others shall identify the child by name, include a statement relative to communicability of the condition, and be dated.
  - (3) The operator and his employees are not to administer medications such as aspirin, proprietary or patent medicine, or other home remedies to children cared for in the childcare center unless requested to do so by the parent or guardian. For the protection of the operator of the childcare center, it is required that such requests be in writing with the signature of the parent or guardian.
  - (4) All medication provided must be clearly labeled with the child's full name, date and directions for the proper amount (dose) and frequency for administration. All medications shall be stored in its original container or fully labeled with the Rx label and shall be kept in a safe place and out of reach of children. In order to avoid duplication, the responsibility of giving and properly documenting each child's medication shall be assigned to one person on duty. The staff person administering medications should initial each dose and retain this record for future reference.
- (e) First-aid kit. A first-aid kit shall be available at all times. The minimum required contents are as follows:



## THE VILLAGE CITY CODE

- (1) Antibacterial skin cleaner. (example: Hydrogen peroxide)
- (2) Band-Aids, non-medicated.
- (3) Sterile non-stick gauze pads, three (3) inches by three (3) inches, individually packaged.
- (4) Two sizes of gauze bandages, one-inch, two-inch or three-inch rolls.
- (5) Cotton balls, for cleansing purposes.
- (6) Adhesive tape.
- (7) Blunt scissors.
- (8) Bottle of liquid soap.
  - a. Recommends:
    - (1) Digital thermometer (non-mercury type) with individual disposable covers.
    - (2) Syrup of Ipecac to be used only after recommendation of Poison Control Center or physician.
- (f) Staff education. It is recommended that an ongoing educational program be provided for new staff members concerning early signs and symptoms of illness and first-aid treatment.

### **Sec. 11-714. Food and nutrition.**

- (a) Meals. Children remaining in the nursery for longer than a four-hour period shall be served a balanced meal, which shall provide at least one-third of the child's total daily nutritive requirement as established, by the National Research Council, Food and Nutrition Board of the National Academy of Science.
  - (1) The childcare center is responsible for providing the food for all children in care appropriate to their individual needs. Exception: When infants are in care or a child has a special dietary need, parents can be requested to supplement the center's food service.
  - (2) Seconds shall be available for children.

## THE VILLAGE CITY CODE

- (b) Menus. Menus shall be posted one week in advance so that parents can be made aware of food being provided their children. A duplicate menu shall be posted in the kitchen for the cook's use. Such menus shall be closely followed although reasonable substitutions are permissible, however, substitutions shall be noted.
- (c) Snacks. Snacks shall be provided both mid-morning and mid-afternoon when the interval between regular meals is four (4) hours or longer. Many children require small quantities of food between meals in order to prevent fatigue.

### **Sec. 11-715. Transportation.**

- (a.) License and inspection. Where transportation is furnished by the childcare center, the driver of the vehicle in which children are transported shall possess the appropriate license to operate a motor vehicle in the State of Oklahoma. Assurance shall be made that the vehicle used is inspected in accordance with the State law. The vehicle used for transportation shall be covered by passenger medical and liability insurance, and comply with all current Oklahoma laws relating to child passenger restraint systems and seat belts.
- (b) Safe conduct. There must be provided safe conduct to and from all cars and safe off-street loading space so that the children are protected from backing cars, from being between cars, and from all traffic hazards.
- (c) Individual seating. Children in any vehicle shall be provided an individual seating place.
- (d) Unattended children. Vehicles containing children shall never be left unattended.
- (e) Door locking. Each vehicle operated by a center for transportation of children shall have doors locked. The driver shall be responsible for keeping the doors locked whenever the vehicle is moving.
- (f) Staff ratio. The staff ratio in the vehicle shall be the same as in the childcare center.
- (g) Driver, how counted. When children up to, but not including age four (4), are transported in any vehicle, the driver shall not be counted as a staff member.
- (h) Open vehicles prohibited. Open vehicles, pickup beds, etc., shall not be considered as proper transportation.
- (i) Children shall not be transported in vehicles with missing or dangerous window glass.

## THE VILLAGE CITY CODE

- (j) The driver shall be provided with a clipboard or notebook, which lists the name, address and telephone number of the day care center as well as names of children being transported with an alternate telephone number of designated adults who could contact the parents.

### **Sec. 11-716. Construction and fire safety.**

- (a) Standards. New construction, additions to or any major alterations to an existing structure, the selling or leasing of a structure existing or the conversion of a building existing as of December 3, 1991, shall conform to this code and the following standards:
  - (1) Current Building Codes of the City of The Village.
  - (2) Current State and City of The Village Fire Codes.
  - (3) The use of a mobile home for a childcare center is prohibited.
- (b) Fire protection. Childcare facilities shall accomplish a standard of fire safety, which will meet the approval of the authority having jurisdiction.
- (c) Heating. The following heating requirements shall be met:
  - (1) All gas heating and cooking equipment shall be connected to gas service line with rigid pipe. (Exception: Cooking ranges may be connected to service line with listed flexible tubing not to exceed six (6) feet in length. Gas fed hot water heaters may be connected with listed tubing not to exceed eighteen (18) inches in length.
  - (2) With the exception of kitchen cooking ranges, all gas fed appliances shall be equipped with pilot lights and an automatic control valve to cut off the gas supply in case of fault.
  - (3) A quarter turn shut-off valve, located between the union and the source of supply, shall be provided for each gas fed appliance.
  - (4) Each gas fed appliance shall be vented vertically to the exterior to a point twenty-four (24) inches above the roofline or any other structure within a fifteen-foot radius. Such vent shall be a Class "B" vent with proper clearance and shall be provided a rain cap.
  - (5) Every central gas-heating unit and gas fed hot water heater shall be enclosed in rooms or closets having a fire resistance rating of one hour

## THE VILLAGE CITY CODE

with exterior air provided for combustion. These enclosures shall not be used as habitable space.

- (6) Use of open-face heaters is prohibited. Use of any unvented space heater is prohibited.
  - (7) A pressure relief valve shall be installed on all new and existing hot water tanks.
  - (8) Vents and burner adjustments shall be checked annually by a competent plumber or local gas supplier. A record of the annual check shall be kept by the operator of the childcare center.
- (d) Electrical. The following electrical requirements shall be met:
- (1) Use of extension cords or temporary wiring is prohibited.
  - (2) Appliance cords are not to be spliced, knotted, stapled, run over nails or piping, run through concealed space, or run from one room to another.
  - (3) An electric outlet shall be provided for each appliance.
  - (4) Electric outlet covers, where within reach of children, must have safety covers. Fuse box, switch and outlet covers shall be intact.
  - (5) Major electrical appliances shall be bonded and properly grounded.
  - (6) Circuits shall be properly fused.
  - (7) All electrical outlets in new construction shall be located four (4) feet above the floor.
- (e) Exterior. The burning of trash on the premises is not permitted.

### **Sec. 11-717. Administration.**

- (a) Floor plan. A floor plan of the building shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.
- (b) Fire drills. A minimum of twelve (12) fire drills shall be held in each one-year period. A minimum of three (3) fire drills shall be held in each quarter year period. All employees and children shall participate in each drill; infants and toddlers may

## THE VILLAGE CITY CODE

be exempted during periods when climate conditions may endanger their health. The operator shall maintain an accurate record of required drills.

- (c) Minimum staff. An adult staff member shall be present, both indoors and outdoors, at all times with each group of children. Children shall never be left unattended.
- (d) Attendance records. Current attendance records must be kept daily for each child. The daily attendance records must be kept a minimum of 120 days and be available at the childcare center for inspection as required by the Director.

### **Sec. 11-718. Personnel.**

- (a) Fire safety. Each staff member shall be familiar with the location and use of portable fire extinguishers. (It is suggested each staff member could actually be trained in the use of fire extinguishers by being allowed to extinguish practice fires supervised by the servicing agency of the Fire Department at the time of annual extinguisher service.)
- (b) Evacuation. Each staff member shall be familiar with evacuation procedures and routes.
- (c) Person in charge. Should the owner, operator and/or manager of a Center need to be away, a staff member shall be appointed charge person in their absence to take responsibility for operation of the center.
- (d) Number of staff required. There must be an overall total number of staff members to correspond with the chronological age of the children present. Recognizing that all children do not develop at the same rate, the following guide for staff ratio need not necessarily be the guide for exact grouping of children; however, when two or more different age groups are combined, you must follow the staff ratio for the youngest age group.
  - (1) Infants in cribs, (0 through 9 months of age) at least one staff member to four (4) children.
  - (2) Toddlers (10 months up to but not including age two (2) years), at least one staff member to six (6) children.
  - (3) Two (2) years up to but not including age three (3), at least one staff member to eight (8) children.
  - (4) Three (3) years up to but not including age four (4), at least one staff member to twelve (12) children.

## THE VILLAGE CITY CODE

- (5) Four (4) years up to but not including age six (6), at least one staff member to fifteen (15) children.
- (6) Six (6) years and over, at least one staff member to twenty (20) children.
- (7) When the total number of children present in the center is 11 or less and the children of all ages are mixed together, the following requirement for grouping and staff ratio will be at least one staff member to eight (8) children with no more than two of these eight (8) being under two (2) years of age, or that require special care.
- (8) During naptime, staff ratio may be reduced to provide an opportunity for in-service training in the facility.

To ensure proper supervision of children, a staff person must remain with each group and all children must be resting quietly. Appropriate staff ratio must be present in the center at all times.

- (9) Swimming: The following guide for grouping and staff ratio shall be used to determine compliance with requirements while swimming:
  - (a) Under 2 years - 1 staff/1 child
  - (b) 2 Years Old - 1 staff/4 children
  - (c) 3 Years Old - 1 staff/6 children
  - (d) 4-5 Years Old - 1 staff/7 children
  - (e) 6 Years Old and Over - 1 staff/10 children

When two or more ages are grouped together, staff ratio for the youngest child shall apply.

- (10) Children shall never be left unattended. An adult staff member shall be present indoors and outdoors at all times with each group of children.

### **DIVISION B. MINIMUM STANDARDS FOR DAY CAMPS**

**Secs. 11-719--11-749 Reserved.**

**Sec. 11-750. Scope and compliance.**

- (a) The provisions of this division shall apply to all day camps located within the corporation limits of the City. All applicants for a license under this division shall comply with the provisions of this division and no license shall be issued, continued or reissued unless such compliance is shown.

## THE VILLAGE CITY CODE

- (b) Day camps shall be subject to on-site, unannounced inspections by the Director of the City-County Health Department of Oklahoma County or his designate.

### **Sec. 11-751. Site standards.**

The site for a day camp shall meet the following requirements:

- (1) Arrangements shall be made annually with fire and law enforcement officials for the protection of the camp. A current approved fire report will be available if requested by the City-County Health Department Oklahoma County where there are permanent structures used. Current local fire codes must be complied with.
- (2) Shelter from inclement weather must be available for all persons in camp.
- (3) Shade must be provided.
- (4) The following camp site conditions must be observed:
  - a. Risks from hazards such as cliffs, pits, poisonous plants and animals, dead trees, abandoned buildings and low wires and cables must be eliminated or controlled.
  - b. Grounds must be free of broken glass, nails and other dangerous objects.
  - c. Site must provide privacy and protection from intrusion.
  - d. The address and phone number of the day camp and the following emergency numbers must be displayed at all phones: police, fire, 911 emergency service, poison control and hospital.

### **Sec. 11-752. Administrative standards.**

A day camp shall develop administrative procedures, which include the following:

- 1. On-site records for each camper and staff member which include:
  - a. Full name: age (for all persons under the age of eighteen (18) and the date of birth; home address and telephone number; school grade (where applicable; name, address, signature and work and home telephone number of adult responsible for each person under the age of eighteen (18)).

## THE VILLAGE CITY CODE

- b. On-Site records for each person under the age of eighteen (18), which show the telephone number(s) of persons in addition to parent or guardian to contact in case of emergency during the individual's stay at camp.
  - c. Name and telephone number of each person's physician or health care facility.
2. Written procedures for:
- a. Release of campers who are minors to persons other than legal parent or guardian.
  - b. Verification of absentees. Daily attendance records must be available for City-County Health Department of Oklahoma County inspectors upon request.
  - c. Use and release of all personal information.
3. The camp shall have the following insurance coverage, or a written release from parent/staff:
- a. Workers compensation for eligible staff.
  - b. Accident coverage for any staff member not covered under workers compensation (carried by the camp or the camp has written evidence that the staff member has such insurance) or written release signed by the staff member.

### **Sec. 11-753. Safety standards.**

A day camp shall have written policies and procedures for the protection of campers and staff. Such procedures shall include the following requirements:

- (1) All firearms, ammunition, and other weapons to be stored in locked cabinets, which are under the direct supervision of the day camp director and his designee.
- (2) Gasoline, kerosene, explosives and flammable materials must be:
  - a. Stored in covered, safe containers that are plainly labeled as to contents.
  - b. Handled only by persons trained or experienced in their safe use.



## THE VILLAGE CITY CODE

- (3) Hand and power tools must be:
  - a. Equipped with the necessary safety devices, used according to manufacturer's instructions and maintained in good repair.
  - b. Used only by those trained and experienced in the safe operation of such tools.
- (4.) All staff must be provided with written disaster procedures, which they have reviewed prior to exercising responsibility over camp children or participants.
- (5.) There must be written search and rescue procedures for persons lost, missing or runaway which staff have reviewed and rehearsed prior to exercising responsibility over camp children or participants.
- (6.) In case of personal emergency, transportation for medical services must be available at all times provided by either the camp or by community emergency services with which prior arrangements have been made in writing.

### **Sec. 11-754. Transportation standards.**

All motorized vehicles used in camp operation shall meet the following standards:

- (1) All vehicles must have a current state license and inspection sticker.
- (2) Each vehicle used for transporting campers and staff must be equipped with the following:
  - a. Stocked first aid kit, which meets the requirements for such as specified in Child Care Section of this division.
  - b. A flashlight.
  - c. Emergency equipment (inflated spare tire, jack, lug wrench of appropriate size for vehicle) or citizen band radio or vehicle phone to summon emergency assistance.
  - d. All drivers or operators of motor vehicles must have a valid Oklahoma driver's license and meet current state law requirements concerning the transportation of children.

**Sec. 11-755. Personnel standards.**

- (a) Day camps shall operate in accordance with the following minimum personnel standards. The on-site camp director shall be at least twenty-one (21) years of age.
  - (1) The minimum ratio of staff to campers for all periods of day camp operation shall be:

CAMPER'S AGE	STAFF	DAY CAMPERS
5 and 6 Years	1	10
7-18 Years	1	12

- (b) Staff must be at least eighteen (18) years of age. Volunteer staff will be counted as part of the staff only if they are at least eighteen (18) years of age. Staff must be in attendance at all times with each group of children.
- (c) The camp director shall provide at least six (6) hours of staff training at the day camp site.

**Sec. 11-756. Health care standards.**

- (a) A day camp shall have a written health care plan in effect which is reviewed annually and specifies general procedures and responsibilities of all staff for the following areas: first aid, emergency medical care, including emergency transportation; care by physician or hospital; daily medical care; routine health care for campers or staff; supervision of camp health and sanitation practices; assessment of food services, if provided; provision of medical supplies and equipment.
- (b) The health care plan must be reviewed annually by a medical doctor licensed to practice in the State of Oklahoma who will certify that he has read the plan and finds it to be adequate to the needs of the camp.
- (c) In order to direct, oversee and implement health care, there must be a Camp Health Supervisor available who is a licensed medical doctor or registered nurse and is on site or available by phone when campers are present.
- (d) In order to provide first aid to children or participants there must be staff with the following qualifications as well as proof of certification on duty at all times when campers are present:

## THE VILLAGE CITY CODE

- (1) Licensed medical doctor, registered nurse, emergency medical technician, paramedic or person certified in American Red Cross standard first aid or the equivalent.
  - (2) A person certified in CPR from the American Red Cross, American Heart Association or the equivalent.
- (e) All staff who are responsible for providing health care must be:
- (1) Trained to provide care according to specific written procedures; and
  - (2) Trained to use supplies and equipment with which they are furnished.

### **Sec. 11-757. Routine health care and medical treatment.**

- (a) The day camp shall maintain health histories for all campers and staff. Such histories shall meet the recommendations of the City-County Health Department of Oklahoma County and meet the following requirements:
- (1) A health record for each camper must be submitted to the camp director upon admittance. Such record shall include:
    - a. A health history. Such history must be signed by parent or guardian if camper is a minor.
    - b. A record of past medical treatment, allergies, and age appropriate immunizations.
    - c. Description of any health conditions requiring special consideration.
    - d. Signed permission of the parent or guardian for the day camp to seek necessary emergency treatment.

In the event a parent or guardian wishes to refuse medical treatment due to religious or other beliefs, a signed statement to that effect must be provided.

- (2) A health record for each staff member must be submitted to the camp director before the start of the day camp session. In addition, staff employed in excess of two (2) weeks must have:
  - a. Proof of an annual tuberculosis skin test.
  - b. Positive skin test must be followed with a chest x-ray. Results of the x-ray must be kept on file at the camp and accessible to City-County

## THE VILLAGE CITY CODE

Health Department of Oklahoma County. No further PPD (skin test) is required once proof of positive is on file. The chest x-ray result on file is acceptable as long as the staff has no symptoms.

(b) The following medical records maintained for use during camp must be retained:

(1) A daily medical log kept in a bound book which has page numbers and lined pages and in which the following information is recorded in ink with no lines skipped:

- a. Date, time and name of person injured or ill.
- b. General description of injury or illness.
- c. Description of any treatment administered.
- d. Initials of person evaluating and treating.

(2) An accident report for all accidents resulting in injury requiring professional medical treatment.

(c) There must be written procedures for providing routine health care, first aid and emergency medical care away from the health care facility, which include:

- (1) Policies for recording information and appending such information as soon as possible to the daily medical log.
- (2) Completion of an accident report form for injuries requiring professional medical treatment.

(d) All drugs must be:

- (1) Stored under lock or in the controlled possession of the person responsible for administering them.
- (2) Dispensed only under the specific direction of a Licensed Physician.
- (3) Dispensed only upon receipt of signed permission slip by parent or legal guardian of child or participant which allows camp personnel to administer medications.
- (4) Stored in original container (over the counter) or fully labeled with the pharmacy Rx label.
- (5) Labeled with the child's name, date and directions for proper doses and time to be administered. In order to avoid duplication, the responsibility

## THE VILLAGE CITY CODE

of giving and properly documenting each child's medication shall be assigned to one person on duty. The staff person administering medication should initial each dose and retain this record.

- (e) The day camp shall have an infirmary or health care shelter available to handle first aid and emergency cases. The infirmary shall provide the following minimal facilities:
  - (1) Protection from the elements.
  - (2) First aid and dispensary area.
  - (3) Available toilets.
  - (4) Available water for drinking and cleaning.
  - (5) An area, which provides quiet and privacy.
  - (6) An isolation area.
- (f) The day camp must provide continual supervision of campers in the infirmary or health care shelter.
- (g) The day camp director shall immediately notify the City-County Health Department of Oklahoma County whenever a case of hepatitis, meningitis, Shigella, Giardiasis, Salmonella, measles, rubeola, rubella, whooping cough, tuberculosis, or any Hemophilus influenza invasive disease is identified in any person associated with the camp and when clustering or grouping of any other illness or disease occurs.

### **Sec. 11-758. Sanitation standards.**

A day camp shall maintain the following standards:

- (1) The water for all drinking and food preparation purposes must either be from an approved public water supply or approved in writing by the City-County Health Department of Oklahoma County no more than thirty (30) days prior to camp operation.
- (2) All sewage must be disposed of in a public sewage system or in a manner approved by the Oklahoma State Department of Health.
- (3) The campsite must be free from evidence of a sewage disposal problem.

## THE VILLAGE CITY CODE

- (4) A systematic maintenance routine must be in effect that provides clean, safe and sanitary conditions throughout camp.
- (5) Garbage and rubbish disposal areas must be clean, safe and sanitary.
- (6) The minimum standard for toilets shall be:
  - a. One (1) toilet for every twenty (20) females.
  - b. One (1) toilet for every twenty (20) males, or one (1) toilet plus one urinal for every thirty (30) males.
- (7) Toilet facilities must be:
  - a. In good repair, ventilated, and screened or enclosed.
  - b. Clean and sanitary.
  - c. If latrines are used, they must meet the requirements above and must be provided with tight-fitting toilet lids and self-closing doors.
- (8) Hand washing facilities must be provided adjacent to the toilets. At least one washbasin or equivalent and soap must be provided for every twenty (20) persons. Hot water temperatures shall not exceed one hundred twenty (120) degrees Fahrenheit at hand wash sinks.
- (9) All garbage and rubbish containing food waste, which is temporarily stored in the kitchen, and dining areas must be kept in leak-proof, non-absorbent containers, which are covered, with tight-fitting lids when not in continuous use.
- (10) Permanent disposal of garbage must be scheduled to prevent build-up beyond the capacity of closed containers.

### **Sec. 11-759. Food storage and preparation.**

A day camp, which serves food to the day campers, shall maintain the following standards for food storage and preparation:

- (1) All food preparation and storage areas must be:
  - (a) Maintained free of dirt and accumulated grease.
  - (b) Well lighted and ventilated.
  - (c) Protected from rodents and vermin.
  - (d) Designed and equipped to keep food off the floor.

## THE VILLAGE CITY CODE

- (2) Perishable foods must be kept at a temperature of forty-five (45) degrees or less for cold storage and at a temperature of one hundred forty (140) degrees or higher for hot storage. Thermometers must be kept in refrigeration facilities.
- (3) The director shall cause to be maintained a record of daily menus and number of persons served and records and inventories of food supplies purchased.
- (4) Those food service staff who smoke must:
  - a. Use designated smoking area away from food, food storage, and preparation areas.
  - b. Wash hands after smoking.
- (5) Food service utensils must be cleaned and disinfected after each use in accordance with the following process:

When washing by hand:

- a. Scrape free of food particles.
- b. Washed in hot (one hundred (100) plus degrees) soapy water.
- c. Rinsed in clear, hot water (one hundred (100) plus degrees).
- d. Rinsed again, either in clear water at one hundred eighty (180) degrees Fahrenheit, for thirty (30) seconds; or in a suitable chemical sanitizing agent used as specified on the label or according to the recommendations of the health officials.
- e. Air-dried.

When using a mechanical dishwasher:

- a. Scrape free of food particles.
- b. Detergent wash with not less than one hundred twenty (120) degrees Fahrenheit wash water.
- c. Rinsed, either in clear water at one hundred eighty (180) degrees Fahrenheit for thirty (30) seconds, or in suitable chemical sanitizing agent used as specified on the label or according to the recommendations of health officials.

## THE VILLAGE CITY CODE

- d. Air-dried.
- (6) Food service utensils must be protected from dust and contamination between uses.

(Code 1976, 12-6-3; Code 1987, 11-211; Ord. No. 451, Section 1, 12-18-90; Ord. No. 463, §§1-3, 12-3-91; Ord. No. 507, §2, 9-20-94)

Cross-reference: 24-1 definitions, Child Care Centers.

State law reference: State Day Care Licensing Act, 10 O.S. 401 et seq.

### ARTICLE XXII. COIN-OPERATED DEVICES.

#### §§ 11-759 -- 11-799 Reserved.

**State law reference(s)** --State licensing and taxation of coin-operated music and amusement devices. 68 O.S. § 1501 et seq.

#### DIVISION 1. GENERALLY

##### Sec. 11-800. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Music device* means any and all mechanical devices which render, cause to sound, or release music where the same may be heard by one or more public patrons, and each separate loudspeaker, phonograph, jukebox, or outlet from which such music emits shall each be construed to be a separate "music device" as herein defined; except in the case where the music emits from more than one speaker transmitting from the same music-producing mechanism, in which case the several outlets or speakers in each place of business shall be collectively considered one such music device.

*Coin-operated music device* means any such music device, which is operated, motivated, released or played by or upon the payment or insertion of a coin, token or similar object, whether there are one or more boxes or devices in the premises for the reception of such coin, tokens or similar objects.

*Coin-operated amusement device* means any and all non gambling mechanical or electronic machines which, upon the payment or insertion of a coin, token or similar object, provide music, amusement or entertainment, including, but not limited to, such games as pool, phonographs, video television, shooting galleries, pinball, foosball,



## THE VILLAGE CITY CODE

bowling, shuffleboard, or any other amusement device with or without a replay feature which can be legally shipped interstate according to federal law.

*Coin-operated vending device* means any and all machines or devices, which, upon the payment or insertion of a coin, token or similar object, dispense tangible personal property, including but not limited to cigarettes, candies, gum, cold drinks, hot drinks, sandwiches and chips. It shall not mean vending machines or devices used exclusively for the purpose of selling services, such as telephone booths, gas and electric meters or other distribution of needful services.

*Coin-operated bulk vending device* means a machine or device, which, upon the payment or insertion of a coin, token or similar object, dispenses to the purchaser items, which include, but are not limited to, ballpoint pens, combs, cigarette lighters, prophylactics, filled capsules, peanuts, gumballs, mints, perfume or novelties.

*Coin-operated devices* mean coin-operated music devices, coin-operated amusement devices, coin-operated vending devices and coin-operated bulk vending devices.

(Ord. No. 547, § 1, 6-15-99)

### **Sec. 11-801. Penalty for article violations.**

- a) Any person who shall violate any provision of this article, for which a separate penalty is not provided, shall, upon conviction thereof, severally and for each and every such violation be deemed guilty of an offense punishable by a fine in an amount not to exceed \$200.00 and costs. Each day of violation shall be a separate offense.
- b) The Director of Building & Code Enforcement and/or his or her designees shall have the authority to issue citations for violation of this article.

(Ord. No. 547, § 1, 6-15-99). **State law reference(s)**--Penalty for ordinance violations, 11 O.S. § 14-111.

### **Sec. 11-802. Maintenance.**

Every person operating any device licensed under this article shall be responsible for assuring that said device is in proper mechanical working condition at all times.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-803. Sanitation requirements of food vending devices.**

Coin-operated devices, which vend articles of food or materials for human consumption, shall be maintained in a sanitary manner and shall comply with all the sanitation ordinances of the City. Such devices shall protect the contents thereof from contamination at all times.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-804. Furnishing record of machines to City.**

A list, to be kept by the licensee, showing the tag number and location of all devices licensed under this division, shall be made available upon request to the Director of Building & Code Enforcement or his designee.

**Sec. 11-805. Inspection.**

The Director of Building & Code Enforcement or his designee may make inspections as often as necessary to determine whether the devices licensed hereunder are being operated in compliance with the provisions of this article.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-806. Sealing of devices violating article.**

All devices operating in violation of any provision of this article may be sealed by the Director of Building & Code Enforcement or his duly authorized representatives in a manner that will prevent further operation and such devices shall remain sealed until released by the Director of Building & Code Enforcement or his duly authorized representatives after the owner or operator of such devices shall have come into compliance.

(Ord. No. 547, § 1, 6-15-99)

**§§ 11-807--11-849. Reserved.**

**DIVISION 2. LICENSE**

**Sec. 11-850. License required.**

No person shall keep, operate, maintain, control or be in charge of any coin-operated music, amusement or vending device without having first obtained a license issued by the Supervisor of Licenses.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-851. Restrictions on issuance.**

No license shall be issued hereunder for any coin-operated device designed and intended to be used for the purpose of gambling, showing obscene pictorial matter, making loud and unusual noise, vending any merchandise of inferior or unsanitary nature, or the vending of any merchandise prohibited by law.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-852. Fee in lieu of sales tax.**

A person required to obtain a license pursuant to the provisions of this division shall pay to the City an annual fee in the amount of thirty-seven (\$37.50) dollars. The fee herein levied is the exclusive fee and is in lieu of municipal sales taxes. Provided, further, in no event shall the fee levied exceed 75 percent of the fee imposed by state law.

(Ord. No. 547, § 1, 6-15-99)

**State law reference(s)**--Limitations on fees, 68 O.S. § 1511.

**Sec. 11-853. Term.**

A license issued pursuant to the provisions of this division shall be for a period of one year and shall expire on June 30 of each year, unless sooner suspended or revoked. Proration of license fees shall not be permitted.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-854. Display of licensee's name, address, etc.; display of tag.**

- a) Every device licensed under this division shall have affixed thereto or inscribed thereon, in a conspicuous place, the name, address and telephone number of the licensee.
- b) Every device licensed under this division shall have the license tag issued by the City of The Village affixed thereto. The license tag shall be placed on the device in a conspicuous place.

(Ord. No. 547, § 1, 6-15-99)

**Sec. 11-855. Revocation.**

THE VILLAGE CITY CODE

- c) The City Manager is hereby granted authority to revoke any license issued under this division if he finds that any ordinance or law of this state relating to coin-operated devices has been violated. Prior to revocation of such license, the City Manager shall give to the licensee five (5) days written notice of a hearing to determine whether the license held by the licensee shall be revoked. The notice shall advise the licensee of the time and place of the proceeding and of the nature of the violation.
- d) No person shall operate such a device during any period in which the license pertaining to the operation of the device is revoked.
- e) The provisions of this section shall in no way limit or interfere with the enforcement of penalties for violations of ordinances as provided elsewhere in this Code but shall be in addition to such penalties.

(Ord. No. 547, § 1, 6-15-99)

**§§ 11-856--11-899. Reserved.**