

ORDINANCE NO. 24- _____

AN ORDINANCE PERTAINING TO BUSINESSES BY AMENDING SECTIONS 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210, AND 7-12-1-1217, DIVISION 7-12-1, ARTICLE 7-12, CHAPTER 7, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE TO CLARIFY THE DEFINITION OF STORE FRONT, CLARIFYING THAT ALL PERSONS WHO WANT TO GO DOOR-TO-DOOR WITHIN LAWTON SHALL HAVE A PERMIT, SETTING THE FEE AS A PER PERSON INSTEAD OF PER BUSINESS, SETTING FORTH THE HEARING PROCESS IF A DOOR-TO-DOOR PERMIT IS REVOKED, REQUIRING A BACKGROUND CHECK FOR ALL INDIVIDUALS GOING DOOR-TO-DOOR EXCEPT MINORS, CLARIFYING THE TIMES THAT THE DOOR-TO-DOOR VENDORS ARE PERMITTED TO OPERATE, AND SETTING AN EXCEPTION FOR THE PLACEMENT OF HANDBILLS OR LEAFLETS ON AUTOMOBILES IN PUBLIC PARKING LOTS NOT TO BE CONSIDERED A DOOR-TO-DOOR OR ITINERANT VENDOR ACTIVITY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 7-12-1-1201 is hereby amended to read as follows:

7-12-1-1201 Definitions.

- A. As used in this article, the following terms shall have the meanings ascribed to them in this section:
1. "Door-to-door vendor" means a person owning, managing or representing a local business or other organization that goes door-to-door to individual residences on behalf of said local business or organization selling or promoting goods or services. Activities of a door-to-door vendor include but are not limited to the following:
 - a. Soliciting orders for goods or services supplied from the stocks carried with or delivered later or for services provided by or through the vendor;
 - b. Promoting or attempting to obtain business through personal contact or distribution of handbills or leaflets to the public directly or by placing them on a doorknob, windshield or other property of another;
 - c. Persons on behalf of a ~~religious~~, political or charitable organization going door-to-door selling or promoting any goods or services, or soliciting donations through personal contact or distribution of handbills or leaflets.
 2. "Individual residence" means any private dwelling and the private area or yard associated with such dwelling to include multi-unit complexes or structures.
 3. "Itinerant merchant" means a person representing a business or organization that does not have a storefront within the corporate city limits of Lawton or who, from time to time or place to place, engages in temporary sales activities from locations not controlled by them through ownership or a long term lease.

4. "Itinerant vendor" means a person not owning, managing or representing a local business that goes door-to-door to individual residences selling or promoting goods or services; hawker; peddler. Activities of an itinerant vendor include but are not limited to the following:
 - a. Soliciting orders for goods or services supplied from the stocks carried with or delivered later by or through the peddler or for services provided by or through the peddler;
 - b. Promoting or attempting to obtain business through personal contact or distribution of handbills or leaflets to the public directly or by placing them on a doorknob, windshield or other property of another.
5. "Local business/organization" means a business or organization having a storefront located within the corporate city limits of Lawton.
6. "Storefront" means a business office, store or other permanent building regularly open to the public where individuals may inquire about said business or organization during posted hours. This includes internet based businesses and home occupation businesses that provide proof of residency in the city limits of Lawton. (Proof of residency is a utility bill within thirty (30) days of application).

Section 2. Section 7-12-1-1202 is hereby amended to read as follows:

7-12-1-1202 Permit required.

- A. No person shall go door-to-door within the corporate city limits of Lawton without first obtaining a door-to-door vendor permit.
- B. An owner or manager of a local business who wishes to have door-to-door vendors representing their business must first obtain a door-to-door vendor permit prior to allowing any door-to-door activities. The owner or manager shall act as the permit applicant and will be responsible for all individuals operating under the business's door-to-door vendor permit.
- ~~B. C.~~ A chairman or leader of a ~~religious~~, political, or charitable organization who wishes to have door-to-door vendors selling or promoting any goods or services, or soliciting donations through personal contact or the distribution of handbills or leaflets on behalf of their organization must first obtain a door-to-door vendor permit prior to allowing any door-to-door activities. The chairman or leader shall act as the permit applicant and will be responsible for all individuals operating under the organization's door-to-door vendor permit.
- ~~C. All door-to-door activities of itinerant vendors and itinerant merchants are prohibited within the City of Lawton.~~
- D. Persons wanting to go door-to-door that do not have a local storefront shall obtain a peddler's permit with the City of Lawton.

Section 3. Section 7-12-1-1203 is hereby amended to read as follows:

7-12-1-1203 Fee.

- A. The fee for permits herein required shall be as set in the fee schedule.

B. The fee shall be assessed for each individual engaged in door-to-door sales activity.

Section 4. Section 7-12-1-1205 is hereby amended to read as follows:

7-12-1-1205 ~~Reserved~~ Revocation of permit.

Any door-to-door vendor permit that is revoked shall be subject to the hearing as set out in Section 7-1-1-112 of Lawton City Code.

Section 5. Section 7-12-1-1209 is hereby amended to read as follows:

7-12-1-1209 Identification badge.

- A. Individuals operating under a door-to-door vendor permit that wish to sell or promote any goods or services or solicit donations through the distribution of handbills or leaflets only shall not be required to obtain a city-issued identification badge provided these individuals do not sell or promote any goods or services or solicit donations through personal contact and wear an identifiable shirt, uniform or badge provided by the business or organization which they are representing identifying them as belonging to such business or organization.
- B. Individuals wishing to sell or promote any goods or services or solicit donations under the door-to-door vendor permit of a local business or organization must first obtain a city-issued identification badge prior to conducting such door-to-door activities. To obtain a city-issued identification badge the individual must provide the following:
 - 1. Statement signed by the permit applicant giving permission for said individual to operate under the door-to-door vendor permit of the local business or organization;
 - 2. Two (2) recent passport style photos of themselves;
 - 3. Identification badge fee as provided in the fee schedule.
 - 4. A background check shall be conducted on the individual going door-to-door. The application shall be provided by the City of Lawton and the fee shall be as provided in the fee schedule; or provide one that has been completed by Oklahoma State Bureau of Investigation within the last thirty (30) days.

Section 6. Section 7-12-1-1210 is hereby amended to read as follows:

7-12-1-1210 Hours of operation.

Door to door vendors may operate only between the hours of 9:00 A.M. and 7:00 P.M., or sunset, whichever is earlier, unless prior arrangements have been made with the occupants of the residence.

Section 7. Section 7-12-1-1217 is hereby amended to read as follows:

7-12-1-1217 Exceptions.

- A. Advertisements mailed to potential customers via the postal service or delivered as part of a regularly delivered newspaper or periodical shall not be considered activities of a door-to-door vendor or itinerant vendor.

- B. Delivery of items ordered or services requested by an individual resident (i.e. where relationships between the requestor and the seller are pre-established) shall not be considered activities of a door-to-door vendor or itinerant vendor.
- C. Persons going door-to-door on behalf of a local religious, political or charitable organizations informing the public of their organization through personal contact or the distribution of handbills or leaflets shall not be required to operate under a door-to-door vendor permit provided that such individuals are not selling or promoting any goods or services or soliciting donations by any means.
- D. The placement of handbills or leaflets on automobiles in public parking lots shall not be considered an activity of a door-to-door vendor or itinerant vendor.
- E. Individuals, under the age of eighteen (18) or still enrolled in high school, that go door-to-door to sell goods shall not be considered a door-to-door vendor or itinerant vendor.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 9. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

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BRIEF GIST

This ordinance clarifies the definition of store front, that all persons who want to go door-to-door within Lawton shall have a permit, requires the fee to be per person not per business, sets forth the hearing process if a door-to-door vendor permit is revoked, requires a background check for all individuals who go door-to-door and sets an exception for the placement of handbills or leaflets left on automobiles in public parking lots not to be considered a door-to-door or itinerant vendor activity.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)