

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 7, BUSINESS REGULATIONS AND LICENSES, OF THE CITY OF BROKEN ARROW CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 7.3, DOOR-TO-DOOR PEDDLER SOLICITATION; RESTRICTIONS, REGISTRATION, PENALTIES, TO ADD THE NO-KNOCK LIST, LICENSE REVOCATION, AND LICENSE REINSTATEMENT FEE; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 7, Section 7.3 of the Broken Arrow Municipal Code is hereby amended to read as follows:

Sec. 7.3. – Door-to-door peddler solicitation; restrictions, registration, penalties.

- (a) Definitions. For the purpose of this section:
- (1) ~~"Peddler" is defined as means~~ any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in business from house to house, place to place, street to street, soliciting sales or taking orders for the sale of goods, wares or merchandise (including, but not limited to, magazines, books, periodicals, realty, tangible or intangible personal property of any nature, including insurance), or services of any kind. Provided that, this definition shall not include any person or entity exempted under subsection (g). 501(e)(3) community-oriented charitable service organization which conducts sales as a part of an annual fundraiser.
 - (2) ~~"Canvasser" means any person, organization, or entity, whether owner, agent, consignee, employee, or contractor, whether resident of the city or not, who engages in political engagement activities from house to house, place to place, street to street, conducting surveys, personal interviews, polling, or other political activity including, but not limited to, distributing physical materials, pamphlets, flyers, postcards, books, periodicals realty, and tangible or intangible personal property of any nature. Provided that, this definition shall not include any person or entity exempted under subsection (g).~~
 - (3) ~~"No-Knock List" means a list of properties within the city whose residents have voluntarily elected to proactively inform licensed peddlers of their desire to refuse face-to-face commercial solicitation interactions on the property they own or reside.~~

- (b) Responsibility for acquiring license. The owner of the business shall be responsible for acquiring the license. Provided that if the owner fails to acquire such a license, the agents actually conducting the business within the city limits shall be responsible for acquiring the license. In addition, the city will issue a photo I.D. for each salesman. The license and photo I.D., once acquired, must be readily available, and must be shown to any member of the public or to any agent or employee of the city charged with the responsibility for enforcing the provisions of this section, upon any demand for such or display of the license.
- (c) Application. The city shall have application forms setting forth the information necessary for the issuance of a peddler's license, and to allow the city to properly investigate each applicant. Such application forms shall include:
- (1) Proof that the peddler/merchant has a valid sales tax number from the Oklahoma Tax Commission, together with an account for the payment of all applicable sales taxes and use taxes due as the result of the peddler's activities. Peddlers/merchants not required to have a valid sales tax number from the Oklahoma Tax Commission due to the nature of services marketed or provided must identify such on the application form;
 - (2) The name or names of all person or persons having the right of management or supervision of the applicant's business during the time it is proposed to be carried on within the city limits, together with the actual address and the local address such person will use while engaged in such business-;
 - (3) The capacity of the person filing the application, whether as proprietor, agent or otherwise, and the name and address of the person, firm or corporation for whose account the business will be carried on. If such is a corporation, the applicant will further set forth the date of incorporation, the state of incorporation, and the date such corporation was domiciled within the State of Oklahoma-;
 - (4) The applicant shall further describe the nature, character and quality of the goods, wares, ~~or~~ merchandise, or services to be marketed, sold, or offered for sale and the proposed method of sale, together with a brief statement of the nature and character of the proposed advertising-;
 - (5) Time period for which applicant wishes to do business-;
 - (6) License number and description of vehicle to be used (if applicable)-;
 - (7) Photo of person or persons to be selling-; and
 - (8) Where such persons are acting on behalf of others, the registration statement shall contain evidence of their authority to act for their principal, including

the name and address of the persons to be contacted in the event complaints concerning their conduct are received from the citizenry.

- (d) Trespassing. A license issued under this section does not exempt or except the possessor thereof from subsection 16-62(a) of this Code.
- (e) Amount of fee. Each peddler shall pay a license fee as set forth in the Manual of Fees adopted by the city council for each company. Permits are valid up to 60 days and can be renewed by obtaining a new license and paying the fee up to a maximum of 180 days during a calendar year.
- (f) Suspension, revocation, expiration. This license may be suspended or revoked in accordance with article II of this chapter, ~~or:~~
 - (1) upon the conviction of the licensee, or seller of the goods or services, of a felony; ~~or~~
 - (2) conviction of the licensee, or seller of the goods or services, of a misdemeanor involving fraud or dishonesty, including, but not limited to, fraud, larceny, burglary, robbery or embezzlement; ~~or~~
 - (3) the licensee, or seller of the goods or services, fails to comply with the No-Knock List identified in subsection (h).

The license shall expire by its own express term not later than 60 days after its issuance unless an earlier date is set forth on the license.

- (g) Exemptions. The following are exempt from the provisions in this section:
 - (1) Minors who are performing fund raising for recognized youth sports organizations, ~~or scouts;~~
 - (2) Political groups, campaigns, or canvassers;
 - (3) ~~and~~ ~~r~~Religious institutions, which are headquartered or have established branches within the Broken Arrow city limits;~~;~~
 - (4) The mere delivery of goods to the buyer after the placement of an order at the merchant's permanent place of business;
 - (5) Any 501(c)(3) community-oriented charitable service organizations which conducts sales as a part of an annual fund raiser.
- (h) No-Knock List. The Community Development Department shall create and maintain a No-Knock List.

- (1) Any resident within the city who desires to refuse in-person, face-to-face commercial peddling or solicitation at their property or residence may request to have their addresses placed on the No-Knock List.
- (2) The Community Development Department must maintain a current and updated No-Knock List. The No-Knock List shall be updated regularly and made available to licensees upon receiving a license and upon request.
- (3) Peddlers must obtain a copy of the No-Knock List at the time they acquire a peddler's license. Failure to obtain a copy of the No-Knock List at the time of licensure may result in revocation of a peddler's license.
- (4) Peddlers are expressly prohibited from conducting face-to-face commercial peddling or solicitation at addresses on the No-Knock List. Contacting property owners or residents in disregard of the No-Knock List may result in revocation of a peddler's license.
- (5) This provision shall not apply to exemptions listed in subsection (g).

(i) Penalty.

- (1) Any violation of this section may be punishable by a fine of not more than \$500.00.
- (2) License revocation due to failure to comply with the No-Knock List may subject a peddler to a license reinstatement fee as set forth in the Manual of Fees adopted by the City Council.

SECTION II. Repealed.

Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Effective Date.

This ordinance shall take effect and be in full force from and after its passage and publication as required by law.

PASSED AND APPROVED and the emergency clause ruled upon separately this ____ day of _____, 2026.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

CITY ATTORNEY